

Eligible Training Provider List (ETPL) Policy & Guidance



Effective Date: 12/30/2020

Duration: Indefinite

ELIGIBLE TRAINING PROVIDER LIST (TEGL 41-14)

PURPOSE

This policy provides information and direction required under the Workforce Innovation and Opportunity Act (WIOA) for training providers on the Tennessee's statewide Eligible Training Provider List (ETPL). This policy also builds upon and enhances the Tennessee Department of Labor and Workforce Development's (TDLWD) Combined Strategic Plan.

In order to maximize customer choice and assure that all significant population groups are served, a comprehensive Eligible Training Provider (ETP) process must assure that significant numbers of competent Eligible Training Providers (ETPs), offering a wide variety of training programs and occupational choices, are available to participants. Eligible participants who need training use the Eligible Training Provider List to make an informed choice. In this way, the ETPL helps to provide consumer choice, while also supporting increased performance accountability. Only those programs that are approved/listed on the State's ETPL and certified by the Northeast Tennessee Local Workforce Development Area (NETLWDA) are eligible for referral and enrollment of a Workforce Innovation and Opportunity Act (WIOA) NETLWDA participant.

POLICY

Eligible Training Providers (20 CFR 680.410)

Eligible Training Providers are entities that are qualified to receive WIOA Title I–B funds, according to criteria and procedures established by the Governor (WIOA Section 122(b)(1)).

To be eligible to receive monies, ETPs must be one (1) of the following:

- A postsecondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate;
- An entity that carries out programs under the National Apprenticeship Act;
- A training program that is directly associated with the Tennessee Department of Human Services Division of Rehabilitation Services;
- A training provider that has demonstrated effectiveness in training populations that face established barriers to employment (WIOA Section 3(24)); or
- Other groups as determined by the Governor (WIOA Section 134(c)(3)(E)).

Training Service Program

Training services program may be delivered in person, online, hybrid, or blended format and must lead to at least one (1) of the following:

- An industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship (RA), a license recognized by the State involved or the Federal Government, an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;
- Employment; or
- Measurable skill gains toward a credential or secondary school diploma.

Individual Training Account

The Career Service Provider (CSP) must create an Individual Training Account (ITA) to secure

funds for participants who select any of the approved programs on the ETPL. ITAs are used to train participants in in-demand occupations across the State as well as those designated by the Northeast Tennessee Local Workforce Development Board (NETLWDB). While participants can select training from the ETPL, TDLWD, and NETLWDB policies determine the type and funding amounts for each program. The NETLWDB may choose not to fund specific training programs based on, but not limited to, the following reasons:

- Lack of occupational demand; or
- High tuition costs compared to similar programs; or
- Lack of a living wage upon program completion.

Licensing

In-state and out-of-state post-secondary institutions must be authorized by a state governing body—such as the Tennessee Higher Education Commission (THEC), the Tennessee Board of Regents (TBRs), the Tennessee Independent Colleges and Universities Association (TICUA), and the Southern Association of Colleges and Schools (SACs)—to operate in the State of Tennessee. This does not apply to RAs.

Initial Eligibility

Training providers who wish to be placed on the statewide ETPL must be initiated by completing the online New Provider Application. The Initial eligibility procedures apply to all training providers except for RAs. ETPs must provide the following for initial eligibility:

- Description of each program of training services to be offered;
- Information concerning whether the provider is in a partnership with a business
- Evidence that programs result in the awarding of an industry-recognized credential, national or State certificate, or degree, including all appropriate industry competencies, licensing, and certification requirements;
- Cost information, including tuition and fees;
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible;
- Access to training services throughout the State (including rural areas and through technology use).
- Information related to the indicators of performance (TEGL 8-19), which include for all students Workforce Innovation & Opportunity Act (WIOA) performance indicators: employment 2nd & 4th quarter after exit, median earnings 2nd quarter after exit, and credential attainment.

Continued Eligibility

Approved training providers receive initial eligibility for one fiscal year for a particular program. After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility every two years. Each year Tennessee requests a waiver from USDOL to report performance information on only individuals that are enrolled in WIOA Title I programs. However, if this waiver is not renewed each Program Year beginning July 1, all approved training providers on the ETPL will be required to provide performance data on all training participants as required (WIOA section 116(d)(4)). The reporting information should contain the nine elements on "All Individuals" in the ETA-9171 report. These elements are as follows:

- Total number of individuals served;
- Total number of individuals exited (includes students who completed, withdrew or transferred out of the program);
- Total number who completed the program;
- Total number of exiters employed in the 2nd quarter after exit;
- Total number of exiters employed in the 4th quarter after exit;

- Median earnings of exiters in the 2nd quarter after exit;
- Total number of exiters who attained a credential during participation or within one year after exit;
- Average earnings in the 2nd quarter after exit; and
- Average earnings in the 4th quarter after exit.

Besides the requirements above the State has established four (4) performance standard measures to evaluate the Subsequent Eligibility determination for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1-June 30), and they are as follows:

- WIOA student completion rate for each Program must be greater than or equal to 40%.
- All student completion rates for each Program must be greater than or equal to 70%.
- WIOA student placement rate for each Program must be greater than or equal to 40%.
- All student placement rates for each Program must be greater than or equal to 70%.

The NETLWDB may evaluate the Subsequent Eligibility determination for programs with less than ten (10) WIOA students at the end of each program year (July 1-June 30) with the above-established performance standard measures by USDOL and the State. If the NETLWDB decides to exercise this evaluation, the information will be provided directly to the NETLWDB in a format of their choosing. This program evaluation would be requested of the ETP if a pattern of failure is noticed of WIOA participants enrolled in a training program.

Registered Apprenticeships (20 CFR 680.470)

All approved Registered Apprenticeships (RA) are automatically eligible to be included on the statewide ETPL. RAs are not subject to the same application, performance information requirements, or period of initial eligibility procedures since they have already gone through a detailed application and vetting process through the USDOL Office of Apprenticeship. The information required for an RA program to be added to the ETPL is:

- Occupation(s) included within the registered apprenticeship program;
- Name and address of the Registered Apprenticeship Program Sponsor;
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
- Method and length of instruction, and
- The number of active apprentices.

Training Provider Responsibilities

Training providers must comply with the following:

- ETPs must answer all questions on the application located on TDLWD's website;
- Submit additional documents as needed to the NETLWDB and the TDLWD as required;
- Provide periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the NETLWDA;
- Collect information about all students attending a training program as required for reporting of performance measures;
- Submit the Annual Training Performance Report (Annual Report) to the TDLWD and NETLWDB
- Notify the NETLWDB of any changes or updates to a training program; and
- Notify the NETLWDB of any other changes such as a change in the point of contact, a transition of the school's location, or impending sale or closure.

Tennessee Department of Workforce Development Responsibilities

The TDLWD is the designated state agency for WIOA administration and is responsible for:

- Ensuring that the information contained on the ETPL is accurate and current;

- Determining training providers' applications and programs approved by the Local Workforce Development Area (LWDA) are reviewed, and those approved are placed on the ETPL promptly;
- Establishing a process for adding programs to the ETPL and verifying their "registered" status;
- Maintaining the list of eligible training providers and programs approved by LWDB;
- Providing an updated list to all LWDBs and the public through the State's website (WIOA Section 122(d)(1));
- Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible;
- Submitting all reports to the appropriate Federal Agency as required;
- Distributing the ETPL, accompanied by credential, cost and performance information for each ETPL training program throughout Tennessee; and
- Allowing training providers to appeal a denial or termination of eligibility, including an opportunity for a hearing at the state level, after a training provider receives an unsatisfactory decision.

Local Workforce Development Board (LWDB) Responsibilities

The LWDB is responsible for ensuring that all AJC staff members in the LWDA have access to the ETPL and are knowledgeable about its use; the LWDB will also provide local access to the ETPL for customers within the AJCs. Additionally, the LWDB must require training providers to supply information regarding their partnerships with businesses. The evidence may include whether the training program was designed as a result of the collaboration with the company and must also include assurance from employers that will hire the students upon successful completion of the training program. Additionally, The LWDB is responsible for:

- Reviewing training programs for initial eligibility;
- Ensuring that all participants are enrolled in approved training programs, as identified on the ETPL;
- Collecting performance and cost information and any other required information related to programs from training providers;
- Monitoring training providers for compliance and performance;
- Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meet minimum performance standards; and
- Allowing training providers to appeal a denial or termination of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal to TDLWD if the provider is unsatisfied with the LWDB decision.

Performance Data Requirements for Annual Reporting (Excluding Registered Apprenticeships)

- ETPs must submit accurate and timely information (TEGL 8-19) for participants receiving training under WIOA Title I–B.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting (WIOA Section 116(d)(4).
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The reports are due to the TDLWD on July 15 of every year.

Monitoring

The TDLWD will monitor the NETLWDA for ETPL compliance at a minimum of every two (2) years. The NETLWDA must monitor a minimum of fifteen percent (15%) of the training providers' programs each year between July 1 and June 30. The NETLWDA will randomly select WIOA

participant files and validate that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate. Additionally, the NETLWDB must establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator upon request

Reciprocal Agreement (WIOA Section 122(g))

While the ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I-B candidate to training, the NETLWDB can send a participant to training located in a different state if the training provider has a Reciprocal Agreement with Tennessee. These agreements allow Tennessee participants to use ETPs if that training provider appears on the other State's ETPL and follows the Out of State Provider section in the Guidance section of this policy. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Tennessee's ETPL.

Third-Party Training Services

ETPL approved training providers who wish to partner with third-party training services must ensure the training service provider has a physical presence in the United States. The third-party provider must be authorized for postsecondary training by the appropriate state authorization agency and comply with all WIOA and ETPL procedures. Each program must be evaluated individually to determine if successful completion of the program results in a recognized credential. The ETPL training provider is responsible for collecting initial and continued applications for performance data requirements of the ETPL annual reporting. Further, the certificate received by participants upon successful completion must be issued by the ETPL training provider. It must include the name of the training provider listed on the ETPL, not the name of the third party training provider.

Loss of Eligibility (20 CFR 680.480)

To maintain eligibility as a training provider, an entity must provide accurate information and adhere to federal and State performance metrics as provided in additional guidance.

Failure to Meet Performance Requirements

Failure to meet performance requirements can result in punitive action to include written warnings, suspension, or removal of a provider or program from the ETPL.

Appeals (20 CFR 683.630(b))

An ETP can appeal the punitive action of the NETLWDA by following the established process as annotated in the ETPL guidance.

Contact

Questions concerning the above may be addressed to Kathy Pierce, the Executive Director of the Northeast Tennessee Local Workforce Development Board.

Duration

This policy will remain in effect until amended, modified, or set aside by the Northeast Tennessee Local Workforce Development Board.

APPROVED



James Osborne
NETLWDB Chair

GUIDANCE

Eligible Training Provider Access

A. How to Apply to Become an Eligible Training Provider

The following are the steps for ETPL placement in the State of Tennessee:

- ETPs must submit initial eligibility criteria including: training services to be offered, information addressing alignment of the training services with in-demand industry sectors and occupations to the extent possible, performance and cost information, and annually meet performance levels on specified performance measures as required (except Registered Apprenticeships).
- Minimum performance levels are established by the State. The NETLWDB may require higher levels on specified performance measures or may require additional measures and corresponding levels.
- The State receives the information on approved ETPs by the NETLWDB. The State then compiles a single ETPL and disseminates it with performance and cost information to the NETLWDB.
- Participants utilizing an Individual Training Account (ITA) must have the opportunity to select any of the approved ETPs and programs on the ETPL (WIOA Section 122(d)).
 - a. While participants can select from the complete ETPL, State and NETLWDB policies determine the funding amounts for each program. Thus, the NETLWDB may choose not to fund certain categories of training programs based on, but not limited to, the following reasons:
 1. Lack of occupational demand for the NETLWDA
 2. High tuition cost in comparison to comparable programs
 3. Lack of a livable wage upon program completion
 4. Past performance history

B. Training Provider Eligibility (TEGL 41-14)

To be eligible to receive funds, the training provider must meet at least one of the following requirements:

- A postsecondary educational institution that is eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.) and provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate.
- An entity that carries out programs under the National Apprenticeship Act of August 16, 1937; 50 Stat. 664, Chapter 663; 29 U.S.C. 50 et. seq.
- A public or private provider of a program of training services directly associated with the Division of Rehabilitation Services, Tennessee Department of Human Services.

- Local Workforce Development Boards (LWDBs) if they meet the conditions of WIOA Section 107(g)(1)
- Another public or private provider with demonstrated effectiveness providing training to a populations that faces multiple barriers to employment (WIOA Section 3(24)). These populations include:
 - a. Displaced homemakers
 - b. Low-income individuals
 - c. Indians, Alaskan natives, and native Hawaiians, as such terms are defined in WIOA Section 166(b)
 - d. Individuals with disabilities, including youth who are individuals with disabilities
 - e. Older individuals
 - f. Ex-offenders
 - g. Homeless individuals (WIOA Section (3)(24)(G)) (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 1404e-2(6) as amended in 2013)); or homeless children and youths (WIOA Section (3)(24)(G)) (as H.R. 803-10 defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2) and Section 721).
 - h. Youth who are in or have aged out of the foster care system
 - i. Individuals who are English language learners, including individuals who have low levels of literacy and individuals facing substantial cultural barriers
 - j. eligible migrant farmworkers (WIOA Section 167(i)), and services to other low-income individuals
 - k. Individuals within two (2) years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. seq.) (WIOA Section (3)(24)(K))
 - l. Single parents (including single pregnant women)
 - m. Long-term unemployed individuals
 - n. Other groups the Governor determines to have barriers to employment (WIOA Section 134(c)(3)(E))

C. ETPL Exceptions

The following training activities are exempt from utilizing the ETPL process.

- On-the-Job training and Customized Training (as defined by WIOA)
 - a. Skill enhancement and workplace literacy are considered to be short-term prevocational and, therefore, are not defined as training services for the purposes of this policy.
 - b. Short-term prevocational services are not tied to a specific occupation and include course-like services such as Literacy and Adult Basic Education, Workplace Literacy, introductory computer classes, as well as development of learning skills, communication skills, interviewing skills, punctuality training, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.
 - c. Community-based organizations and other private organizations providing training.

Initial Eligibility and Application Procedures

A. Initial Eligibility

The initial Eligibility process for inclusion on the ETPL is designed to ensure that WIOA participants are using Individual Training Accounts for in-demand training occupations.

B. ETPL Application Procedure for All Prospective Eligible Training Providers (Except Registered Apprenticeship Programs)

The training provider must submit the proper paperwork for initial eligibility by completing an online New Provider Application on the JOBS4TN website (www.JOBS4TN.gov). The online application is first submitted to the NETLWDB for verification of completeness.

- The NETLWDB must verify that the training provider complies with all Tennessee regulations about training authorization.
- The NETLWDB is required to verify all the data elements necessary for the ETP are complete before the applications are submitted for consideration.
 - If the ETP is not compliant or the application is incomplete, the NETLWDB must notify the training provider within fifteen (15) days of receiving the application. If the ETP is compliant and its application is complete, the NETLWDB must review the application within five (5) days of receiving the necessary information.
- New training providers must be approved before the NETLWDB can send new WIOA participants to the training. The NETLWDB will ensure that the ETP meets their local eligibility criteria and then will vote to decide if the ETP and the associated programs will be added to the ETPL.
- ETPs must supply any supplemental information requested by the NETLWDB to assist in the initial eligibility decision.
- Applications must be presented in the time and manner determined by the NETLWDB (i.e. some instances the NETLWDB may require a formal presentation before voting on the training provider and the associated programs). New training provider program applications may be submitted via Jobs4TN.
- After the NETLWDB votes on the ETP's application, a written notification must be submitted to the State within thirty (30) days of their decision.

C. Out-of-State Providers (Except Registered Apprenticeship Programs)

- ETPs that are headquartered outside of Tennessee, and do not have in-state training facilities, may apply to the Local Workforce Development Board (LWDB) where services will be provided. Applications must include all information required by this policy.
 - Use of an out-of-state provider as part of a reciprocal agreement does not assure the ETP placement on the Tennessee ETPL.
 - If the ETP wants to appear on the Tennessee ETPL, it must complete the process for becoming an approved Tennessee ETP. If the NETLWDB utilizes a training provider that does not appear on the Tennessee ETPL, it is the responsibility of the NETLWDB to track and report the necessary performance information needed for subsequent eligibility determinations. To fulfill this obligation, the NETLWDB must ensure that verification of enrollment, completion, and subsequent placement for ETPs are recorded in the State performance tracking system (JOBS4TN).

D. Out-of-Area Providers (Except Registered Apprenticeship Programs)

- If an ETP has a physical presence in the State, its ETPL application must be submitted to the LWDB covering the area where that training provider is headquartered or has its main campus.
- Any LWDB can approve a satellite site for a training program so long as that training provider and program have been first approved by the LWDB in which the provider is headquartered.
- LWDBs can approve training providers for the State ETPL when the training provider does not have a permanent training structure anywhere in Tennessee; in such a case, such providers are treated as out-of-state training providers.

Dissemination of the Eligible Training Provider List

A. Statewide Dissemination and Customer Access

- The State will ensure that the ETPL is accurate and current. The State must ensure that the updated list is available to all LWDBs (WIOA Section 122(d)(1)) and the general public through the State website (JOBS4TN).
- The LWDB is responsible for ensuring that all American Job Center (AJC) staff members in the respective NETLWDA have access to the ETPL and are knowledgeable about utilizing the ETPL; the LWDB is also to ensure local access to the ETPL for customers within the AJCs (WIOA Section 122(d)(1)).
- The LWDB is responsible for ensuring that all Title 1 staff in the respective NETLWDA do not allow WIOA participants to enroll in programs that do not appear on the ETPL.

Registered Apprenticeship Programs (TEGL 41-14)

- All active and existing Registered Apprenticeships (RA) are automatically eligible to be included on the statewide ETPL.
- In collaboration with the State Director of Apprenticeship, the State will continue to contact all current program sponsors to elicit their interest in being part of the ETPL.
- The State will work in collaboration with the LWDB to develop a simplified process for new Registered Apprenticeship programs to become part of the ETPL. Minimal information is required for Registered Apprenticeship programs for ETPL placement. The information required is outlined below:
 - a. Occupation(s) included within the registered apprenticeship program;
 - b. Name and address of the Registered Apprenticeship program sponsor;
 - c. Name and address of the provider of related instruction, including location of instruction if different from program sponsor's address;
 - d. Method and length of instruction; and
 - e. Number of active apprentices.

Program sponsors that do not provide the related technical instruction component of a Registered Apprenticeship program may be required to provide additional information about their education provider, including the cost of instruction. This is the only time that cost information will be required for Registered Apprenticeship programs.

- Registered Apprenticeship programs are exempt from performance and reporting-related requirements. This will enable these work-based learning programs to be placed on the ETPL with minimum burden.
- Registered Apprenticeship program on the ETPL will be available to every LWDA in the State.
- Under this policy, an apprenticeship program must be registered with the U.S. Department of Labor's (USDOL) Office of Apprenticeship.
- Registered Apprenticeships will remain on the ETPL as long as the program is in good standing with the USDOL's Office of Apprenticeship or until the sponsor notifies the State that it no longer wants to be included on the ETPL.
- The State may remove a Registered Apprenticeship program after investigation if the intermediaries determine that the Registered Apprenticeship sponsor has intentionally supplied inaccurate information or has substantially violated any WIOA requirements.
- Registered Apprenticeship program sponsors will have the opportunity of an appeal hearing, as described in the Appeals section of this policy.

Programs

A. Program of Training

A program of training services should consist of one (1) of the following:

- One (1) or more courses, classes, or a structured regimen that provides job-driven training services and leads to a recognized post-secondary credential that, upon successful completion, leads to a certificate of completion, license recognized by the

state or Federal Government;

- a postsecondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward a recognized postsecondary or secondary school diploma or its equivalent credential or employment
- A training regimen that leads to competitive integrated employment for individuals with disabilities that provides them with additional occupational skills or competencies generally recognized by employers; or
- Identical programs offered in different locations by the same eligible training provider as one program, which will not require separate applications unless the regulatory agency uses location as a factor in defining a unique program.

B. Adding New Programs (Except Registered Apprenticeship Programs):

- The ETP must submit the program using the online web application for addition to the ETPL.
- The application materials are received electronically by the NETLWDA and reviewed.
 - All new programs must have prior authorization by the appropriate State authorizing agency before they can be added to the ETPL.
- After verification of completeness, the application materials are forwarded to the LWDB for review and a subsequent vote.
- After the LWDB has rendered a vote about the application materials, the decision must be communicated in writing to the State.

C. Adding New Registered Apprenticeship Programs

Registered Apprenticeship sponsors adding new programs to the ETPL must indicate their interest in being included on the list and must use the online web application to submit their programs.

D. Making Changes to Program Information

- Revision(s) to already approved and existing program curriculums must first be approved by the appropriate State authorizing agency.
- The ETP must submit the proper forms using the online web application to make changes on the ETPL.
- Changes submitted by the ETP are subject to review by the LWDA and the State.
- Changes in program cost or length that are beyond twenty-five percent (25%) must be resubmitted to the LWDB for approval as a new program. It is the responsibility of the ETP to ensure that information displayed on the ETPL is accurate.
 - ETPs with inaccurate information on the ETPL as discovered in conjunction with a Data Validation review or a Data Accuracy Report, will be required to make corrections as soon as possible or face removal from the ETPL.

E. Removing Programs from the ETPL

- Any time after approval by the LWDB, the ETP, including RA programs, can request to have their program removed from the ETPL.
- If a program is removed from the ETPL, except for Registered Apprenticeship programs, the ETP is still required to submit yearly performance reports until the last WIOA training participant completes or withdraws from the program.
- Failure to submit the remaining yearly performance reports will subject the ETP to the penalties detailed in Section IX of this policy.
- If, at any point, after initial approval for training is temporarily not offered or is permanently deleted from the ETP's selection of offered programs, the program must be removed from the ETPL within thirty (30) days of the institutional decision.

F. Provision of Training through a Third-Party

The approval of an authorized and accredited higher education institution to provide training through a third-party is allowable. However, the approved higher education training provider must:

- Be determined as approved or exempted for postsecondary operations in the state by the Tennessee Higher Education Commission;
- Be accredited by one of the seven accrediting agencies in the United States or the Council on Occupational Education. The seven regional accrediting agencies in the United States are as follow:
 - Accrediting Commission for Community and Junior Colleges Western Association of Schools and Colleges
 - Higher Learning Commission
 - Middle States Commission on Higher Education
 - New England Commission of Higher Education
 - Northwest Commission on Colleges and Universities
 - Southern Association of Colleges and Schools Commission on Colleges
 - Western Association of Schools and Colleges, Senior College and University Commission;
- Comply with all WIOA and ETPL procedures; and
- Be evaluated individually for successful program results

Based on the above requirements, postsecondary institutions that partner with third-party training providers are eligible for review and approval by local workforce boards within the state. To assist in the review and approval process, all local workforce boards are required to verify and document the following:

- Training service has a physical presence in the United States
- Ensure the programs lead to a recognized credential (refer to the U.S. Department of Labor’s Training & Employment Guidance Letter 10-16)
- Postsecondary institution will collect, and report all required student-level data; and
- Training service’s eligibility and authorization status in origination state

Performance Data (Except Registered Apprenticeship Programs)

G. Provider Requirements for Annual Reporting

- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting (WIOA Section 122(d)(1)).
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The reports are due to the State on July 15 of every year. Performance information must also be entered in the online web application.

WIOA State Performance Measures

The WIOA Participant Program Completion Rate measure is outlined below in Table 1. The performance measures will be reviewed annually (for the prior July 1 – June 30 period) for all providers and programs.

Table 1: WIOA Eligible Training Provider State Performance Measures

Performance Measure	Description
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All Students Credential Attainment Rate	Total number of students who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation or one (1) year after exit divided by the total number of students exiting the program (both completers and non-completers) within the 12-month reporting period
All Students* Employment Rate During 2 nd Quarter After Exit	Total number of students exiting (both completers and non-completers) from the applicable program that was working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the Exit or completion date), divided by the total number of students exiting the program.
All Students* Employment During 4 th Quarter After Exit	Total number of students exiting (both completers and non-completers) from the applicable program that was working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.
All Students* Median Earnings in Employment During 2 nd Quarter After Exit	Median earnings expressed as an hourly rate for all students exiting the applicable program and working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date).
WIOA Participant Credential Attainment Rate	Total number of WIOA participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after Exit divided by the total number of WIOA participants exiting the program (both completers and non-completers) within the 12-month reporting period.
WIOA Participant Employment Rate During 2 nd Quarter After Exit	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of WIOA participants exiting the program.
WIOA Participant Employment Rate During 4 th Quarter After Exit	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that was working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the Exit or completion date), divided by the total number of WIOA participants exiting the program.
WIOA Participant Median Earnings in Employment During 2 nd Quarter After Exit	Median earnings expressed as an hourly rate for WIOA participants exiting the applicable program and working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or the completion date).

*Applies to all students within a WIOA-eligible program

Subsequent Eligibility Determination

A. Subsequent Eligibility

- All programs approved for initial eligibility must be reviewed annually by the submitting LWDB to determine continued eligibility to remain on the ETPL. This determination is called "Subsequent Eligibility."

- Subsequent eligibility determinations are made on an annual basis using the performance data supplied by the ETP.
- Any program that fails to meet the minimum performance standards, as established by the State, will be removed from the ETPL for a minimum period of one (1) program year. Those minimum performance standards are:
 - WIOA student completion rate for each Program must be greater than or equal to 40%
 - All student completion rate for each Program must be greater than or equal to 40%
 - WIOA student placement rate for each Program must be greater than or equal to 70%
 - All student placement rate for each Program must be greater than or equal to 70%
- If the LWDB determines that the program has not served a large enough number of students to accurately reflect the program's performance, the LWDB may elect to approve the program's subsequent eligibility for a sufficient period of time, up to one additional year, to allow for additional performance information to be gathered
- The State compiles and disseminates an annual Subsequent Eligibility Report. The report is posted online through the ETPL website.
- ETPs can review and correct their performance information before subsequent eligibility decisions and public dissemination of the report.
- The State adheres to the following guidelines when displaying performance data for each provider:
 - All programs with a minimum of one (1) WIOA participant during the reporting year will appear in the report.
 - For confidentiality purposes, only those programs with a minimum of ten (10) WIOA students enrolled during the reporting year have their performance data published on the website.

B. Failure to Meet Subsequent Eligibility

- The State must remove a program if, as a result of the subsequent eligibility determination process, the program is found not to have met the minimum levels of performance set by the State (WIOA Section 122(b)(1)(A)).
- If the State removes a program from the ETPL for subsequent eligibility reasons, the State must, within ten (10) days of its decision, inform the LWDB in writing and include the reason(s) for the removal.
- Before removal by the State, the LWDB must have the opportunity to submit supplemental performance data in efforts to keep the program on the ETPL (WIOA Sections (122(b)(2) through (b)(4)(D) and 20 CFR 680.490).
- The specific economic, geographic, and demographic factors in the local areas in which training providers seeking Eligibility are located; and
- The characteristics of those served by the eligible training providers seeking Eligibility, including the demonstrated difficulties in serving such populations, where applicable.

The performance population size, including the effects of smaller cohorts and / or number of students on the program's performance.

- Any program removed from the ETPL for subsequent eligibility reasons must remain off the ETPL for a minimum of one (1) full program year.
- For the program to be added back to the ETPL, the ETP must re-apply through the LWDB
- While a program is removed from the ETPL for subsequent eligibility reasons, the ETP cannot receive new training participants utilizing ITA funds for the removed programs.

Consequences for Noncompliance of ETPL Requirements

A. Removal of a Provider or Program on the ETPL

- The State may remove a program if the ETP fails to submit all the data required for subsequent eligibility determination within the required time frames (WIOA Section

122(b)(2)).

- The State may remove a program if an ETP fails to notify the State of any program changes, including but not limited to costs, location of training, or change in state authorization status.
- The State may remove a program that does not meet the minimum criteria for the initial listing specified in this procedure. For example, a program can be removed if its eligibility depended on accreditation, and the accreditation was lost (WIOA Section 122(b)(1)(E)).
- The State may remove a program if it is determined that the applicant intentionally supplied inaccurate information.
- The State may remove a program if the ETP is found to have violated any WIOA requirements.
- The State may remove a program or ETP if it loses its accreditation after an appeal process.
- The State may remove a program or ETP, at the request of the LWDB, for any of the following reasons:
 - Unethical/illegal billing practices
 - Violations of Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; or the Act Discrimination Act 1975.
 - Lack of qualified training personnel or building infrastructure.
- The State must investigate before removing an ETP at the request of the LWDB.
- The State may remove a program or ETP at the request of the institution if:
 - An eligible training provider requests removal from the ETPL for a particular program or the institution as a whole.
 - An ETP whose self-requested removal is of the ETPL for some time greater than one (1) year, that training provider must re• apply for placement on the ETPL to the LWDB.
 - A training provider can be reactivated on the ETPL within one (1) year assuming that it was in good standing when it was removed, and no changes occurred in their program demographics during the removal period.

B. Suspension from the ETPL

- ETP may be suspended from the ETPL for any of the following actions:
 - Failure to submit yearly performance reports or the exemption claim sheet by the deadlines.
 - Failure to keep current the eligible training provider and program demographic information displayed on the ETPL.
 - Failure to respond to a State request for a data validation visit.
 - Poor performance during a data validation visit.
 - Failure to submit corrections needed following yearly report validation by the specified deadline.
 - Failure to comply with State requests for information.
- During any State or Federal criminal investigation launched against the institution or key personnel at the institution, the ETP may be removed from the ETPL until a final resolution is reached. Depending on the final resolution, the provider may be permanently removed from the ETPL.

Financial Reimbursement

An ETP whose eligibility is terminated as a result of the reasons specified above in Section VIII and IX of the current policy for a program shall be liable for repayment of all funds received during any period of noncompliance.

Appeals

A. Provider Application Denial

If the NETLWDB denies an ETP's initial application for listing on the ETPL, the NETLWDB must, within thirty (30) days from the date of determination, inform the ETP in writing of the reason(s) for the denial and detailed information on the appeal process.

B. Reasons for Denial of Application for Initial Eligibility

- The NETLWDB or the State may deny eligibility if the application from an ETP is not complete or submitted within required time frame.
- The NETLWDB or the State may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy (WIOA Section 122(c)(1)).
- The NETLWDB may deny eligibility if the training programs offered by the ETP do not lead to gainful employment in an in-demand occupation as determined by a labor market analysis.
- The NETLWDB may deny eligibility if the training program demographics (i.e. cost and length) are substantially higher (beyond fifty percent (50%)) than previously approved programs offering the same credential (within the past two (2) program years).
- The NETLWDB or the State may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information (WIOA Section 122(f)(1)(B)).
- The NETLWDB or the State may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements (WIOA Section 122(f)(1)(B)).

C. Appeals to the Local Workforce Development Board (WIOA Section 122(C)(1))

This procedure applies to appeals by ETPs to the NETLWDB based on the denial of an ETP's application for the initial listing on the ETPL. The ETP may appeal a denial of eligibility by the NETLWDB, as follows: (The appeal process meets the requirements of 20 CFR 683.630(b).)

- The training provider wishing to appeal a decision by the NETLWDB must submit an appeal to the NETLWDB within thirty (30) days of the issuance of the denial notice. The appeal must be in writing and include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.
- The NETLWDB appeal process grants the training provider the opportunity to address the reasons for their denial directly and submit it either in writing or through an appeal hearing.
- The NETLWDB Executive Committee will appoint one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the ETP in addressing the initial reasons for denial. An impartial appeal officer may be any staff member not involved in the initial denial
- The NETLWDB will notify the ETP of the final decision made by the NETLWDB on an appeal consider and provide a final decision on the appeal request within thirty (30) days of receipt of the appeal.
- The NETLWDB appeal notification to the ETP will reference the process for filing a next-level appeal to the State if the ETP does not agree with the outcome of the NETLWDB decision.

D. Appeals to the State (WIOA Section 122(c)(1))

This procedure applies only to ETPs who have completed the first level appeal process and want to contest the NETLWDB's decision. A training provider wanting to appeal to the State must submit an appeal request to the State within thirty (30) days from the NETLWDB's notification to the Training Provider of its final decision on an appeal. The

request for an appeal to the State must be in writing and include a statement of their desire to appeal, specifications of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.

- The State will promptly notify the NETLWDB when it receives a request for appeal. The State will also notify the NETLWDB when it makes the final decision on an appeal.
- The State appeal process includes the opportunity for the appealing ETP to have a hearing. The hearing officer must be impartial. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days before the scheduled hearing. Both parties must have the opportunity to present oral and written arguments under oath, to call and question witnesses, to present oral and written arguments, request documents relevant to the issue(s), and to be represented by a competent authority if desired.
- The State appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the ETP and the NETLWDB. The committee may either uphold or reverse the NETLWDB decision.
- The State appeals committee must conduct the appeal and render a decision within sixty (60) days from receiving the training provider's initial state-appeal request.