



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
WORKFORCE SERVICES DIVISION
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

WORKFORCE SERVICES POLICY #5.0

Subject: ELIGIBLE TRAINING PROVIDER LIST

Topic: This policy provides information and direction for the Eligible Training Provider Process, eligibility, application procedures, appeal process, dissemination of the list, and reporting requirements. This policy also builds upon and enhances the Tennessee Department of Labor and Workforce Development's 5-Year Integrated Strategic Plan.

Scope: Tennessee Department of Labor and Workforce Development (State Administrative Entity), State Workforce Development Board (State Board), Local Workforce Investment Boards (LWIB), Local Workforce Investment Areas (LWIA), other Workforce System Sub-Recipients (Sub-Recipients).

References: Title I of the WIA of 1998, as amended (29 U.S.C. 2801 et seq.); WIA Regulations, 20 CFR Part 652 et al, 29 CFR Part 95-97; Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230; Tennessee Workforce Development Act of 1999, Tenn. Code Ann. Title 4, Chapter 3, Part 14, §4-3-1401 et. seq.

Action: In order to maximize customer choice and assure that all significant population groups are served, an eligible training provider process must assure that significant numbers of competent Providers, offering a wide variety of training programs and occupational choices, are available to customers. After receiving core and intensive services and in consultation with case managers, eligible participants who need training use the Eligible Training Provider List (ETPL) to make an informed choice. In this way, the ETPL helps to provide customer choice, while also supporting increased performance accountability. Only those programs that are approved/listed on the State's ETPL are eligible for referral and enrollment of a WIA customer.

1. Eligible Training Provider Process

A. Becoming a WIA Provider. The following are the steps for ETPL placement in the State of Tennessee:

- (1) The State must develop the procedures and a system for disseminating the Eligible Training Provider List [WIA Section 122(b)(2) and 122(c)(1)] and the LWIB must make these procedures available to Training Providers.
- (2) Providers must submit initial eligibility criteria; performance and cost information; and annually meet performance levels on specified performance measures as required. Minimum performance levels are established by the State. The LWIB may require higher levels on the specified performance measures or may require additional measures and corresponding levels. [WIA Section 122(c)(5) and (d)(1)].
- (3) The State receives the information approved by LWIBs on Training Providers and compiles a single state list (the ETPL), and disseminates the ETPL with performance and cost information to the Workforce System. [WIA Section 122(e)(4)(A)].
- (4) Participants utilizing an Individual Training Account (ITA) must have the opportunity to select any of the approved eligible Providers and programs on the ETPL.
 - (a) While participants can select from the complete ETPL, LWIB policy determines the funding amounts for each programs; \$0.00 is an acceptable funding amount. Thus, the LWIBs may choose to not fund certain categories of training programs based on, but not limited to, the following reasons:
 - i. Lack of occupational demand for the LWIA
 - ii. High tuition cost in comparison to comparable programs
 - iii. Lack of livable wage upon program completion
- (5) Types of training to which these procedures apply [WIA Section 134(d)(4)(D); 20 CFR 663.300]
 - (a) Occupational skills training;
 - (b) Programs that combine workplace training with related instruction;
 - (c) Skills upgrading and retraining;
 - (d) Entrepreneurial training;
 - (e) Adult education and literacy activities provided in combination with any other training service outlined above;
 - (f) Apprenticeship programs

B. Training Provider Eligibility. To be eligible to receive funds, the Training Provider must be one of the following:

- (1) 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, or certificate;
- (2) An entity that carries out programs under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.)
- (3) Another public or private Provider of a program of training services for the general public or specialized training for participant populations that face multiple barriers to employment. These populations included the following categories:
 - (a) Low income individuals;

- (b) Individuals with substantial language or cultural barriers;
- (c) Offenders;
- (d) Homeless individuals; and
- (e) Other hard-to-serve populations as defined by the Governor. (Sections 117(f)(1) and 122(a)(2)(C) of the Act and Section 663.430 of 20 CFR Part 652 et al.)

C. Program of Training. A program of training services is:

- (1) One or more courses or classes that, upon successful completion, leads to a certificate, an associate degree, or baccalaureate degree, or a competency or skill recognized by employers; or
- (2) A training regimen that provides individuals with additional occupational skills or competencies generally recognized by employers;
- (3) Identical programs offered in different locations by the same Training Provider must be considered as one program, and will not require separate applications unless the regulatory agency uses location as a factor in defining a unique program.

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

- (1) On-the-Job Training and Customized Training (as defined by the Act)
- (2) Intensive services:
 - (a) Skill enhancement and workplace literacy are considered to be short-term prevocational, and therefore, intensive services 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, personal maintenance skills and professional conduct to prepare individuals for unsubsidized employment or training.
- (3) Community-based organizations and other private organizations providing training under 663.430

2. Initial Eligibility and Application Procedures

A. Initial Eligibility

- (1) All Training Providers are required to complete the online application in order to be included on the statewide Eligible Training Provider List (ETPL). The online application is reviewed and forwarded by the State to the LWIBs to make the final determination about placement onto the ETPL.
- (2) The submission of performance information is required if, at any time, the applicant has delivered the program/course to any student, regardless of funding source, on or before the date of application submission.

- (3) The LWIB can approve certain categories of Providers without the submission of performance information for initial eligibility determination. These Providers are:
 - (a) Postsecondary educational institutions eligible to receive federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and that provides a program that leads to an associate degree, baccalaureate degree or certificate.
 - (b) An entity that carries out programs under the National Apprenticeship Act, 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.)
- (4) The LWIB can deny certain categories of Providers for failure to submit performance information for initial eligibility determination. These Providers are:
 - (a) Postsecondary educational institutions that provide training service programs that do not lead to an associate degree, baccalaureate degree or certificate.
 - (b) Entities that provide apprenticeship programs that are not registered under the National Apprenticeship Act.
 - (c) All other public or private Providers of training service programs

B. ETPL Application Procedure

- (1) Applications for initial eligibility must be initiated by the Training Provider by completing an online New Provider Application [WIA Section 122(b)(1)(D) and 122(c)(5)(A)].
- (2) The online application is first submitted to the state for verification of completeness.
- (3) The state must verify that the Provider is in compliance with all Tennessee regulations pertaining to training authorization prior to forwarding the application to the LWIB.
- (4) Additionally the state is required to verify that all of the required data elements for the ETPL Training Provider Application are complete.
 - (a) If the Provider is not compliant or the application is incomplete, the state must notify the Provider within 15 days of receiving the application.
 - (b) If the Provider is compliant and their application is complete, the state must forward the Provider application on to the LWIB within 5 days of receiving the necessary verifications.
 - (c) LWIBs cannot send WIA participants to new Training Providers until formal compliance notification is received from the state.
- (5) After applications have been verified by the state they are forwarded to the LWIB in the geographic area where the training will be provided.
- (6) LWIB will ensure that the Training Provider meets their local eligibility criteria and vote to decide if the Training Provider and the associated programs will be added to the ETPL.
- (7) Providers must supply any additional supplemental information requested by the LWIB to assist in the initial eligibility decision.
- (8) Applications must be presented in the time and manner determined by the LWIB, i.e. some LWIBs may require a formal presentation before voting on

the Provider and the associated programs [20CFR Section 663.515 and 663.535]. New training provider program application(s) may be submitted on any day of the year.

- (9) After the LWIB votes on the Training Provider application, written notification must be submitted to the state within 30 days of the decision to add or deny the Provider placement onto the ETPL.

C. Out-of-State Providers

- (1) Training Providers that are headquartered outside of Tennessee who do not have in-state training facilities may apply to any LWIB where they wish to provide services. [WIA Section 122(e)(5)]. Applications must include all information required by these policies and procedures.
- (2) Reciprocal Agreements [WIA Section 122(e)(5)]. LWIBs can send a Tennessee WIA participant to a Provider located in a different state given the Provider appears on the ETPL of their home state.
- (3) Reciprocal Agreements are subject to the following guidelines:
 - (a) Use of an out-of-state Provider as part of a reciprocal agreement does not assure the Provider placement onto the Tennessee ETPL.
 - (b) If the Provider wishes to appear on the Tennessee ETPL they must complete the process for becoming a Training Provider.
 - (c) If the LWIB utilizes a Training Provider that does not appear on the Tennessee ETPL, it is the responsibility of the LWIB to track and report the necessary performance information needed for subsequent eligibility determinations. To fulfill this obligation the LWIB must ensure that verification of enrollment, completion, and subsequent placement for training participants is recorded in the state performance tracking system (currently eCMATS).

D. Out-of-Area Providers

- (1) If a Provider has a physical presence in the state where their program training occurs, their ETPL application must be submitted to the LWIB covering the area where they are geographically located. [WIA Section 122(b)(1)].
- (2) LWIBs cannot approve Providers for the state ETPL when the permanent training structure is geographically located within another LWIA in the state.
 - (a) The LWIB can approve a satellite site for the Provider to offer training in their respective LWIA.
 - (b) The decision of the LWIB to add a satellite site for a Provider in their LWIA does not grant ETPL approval for the main campus location of the Provider within a different LWIA; assuming the main campus has not been previously approved for the ETPL.
- (3) LWIBs can approve Providers for the state ETPL when the Provider does not have a permanent training structure anywhere in the State of Tennessee, in which case they are treated as an out-of-state Provider.

3. Appeal of LWIB Denial

A. Provider Application Denial

- (1) If a LWIB denies a Provider's initial application for listing on the ETPL, the LWIB must, within 30 days from the date of determination, inform the Provider in writing, including the detailed reason(s) for the denial and complete information on the appeal process.

B. Reasons for Denial of Application for Initial Eligibility

- (1) LWIB or the state may deny eligibility if the application from a Provider is not complete or not submitted within required timeframes.
- (2) LWIB or the state may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy. [WIA Section 122(e)(2)].
- (3) The LWIB may deny eligibility if the training programs offered by the Provider do not lead to gainful employment in demand occupations as determined by labor market analysis.
- (4) The LWIB may deny eligibility if the training program demographics (i.e. costs and length) are substantially higher (beyond 50%) than previously approved programs offering the same credential (within the past two program years).
- (5) LWIB or the state may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information. [WIA Section 122(f)(1)].
- (6) LWIB or the state may deny eligibility to a Provider who has been found to have substantially violated any WIA requirements. [WIA Section 122(f)(2)].

C. Appeals to LWIB [WIA Section 122(g)]

- (1) This procedure applies to appeals by Training Providers to LWIBs based on the denial of a Provider's application for initial listing on the ETPL. LWIBs must have a written appeal process that includes the following provisions:
 - (a) A Provider wishing to appeal a decision by a LWIB must submit an appeal to the LWIB within 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.
 - (b) The LWIB appeal process must grant the Provider the opportunity to directly address the reasons for denial either in writing or through an appeal hearing.
 - (c) The LWIB must have 1-3 impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the Provider in addressing the initial reasons for denial. An impartial appeal officer can be any staff member not involved in the initial decision.
 - (d) The LWIB will notify the Provider of its final decision on an appeal within 30 days of receipt of the appeal.

- (e) The LWIB appeal notification to the Provider must reference the process for filing a state appeal in the event that the Provider is not satisfied with the outcome of the local appeal.

D. Appeals to the state [WIA Section 122(g)]

This procedure applies only to Providers who have exhausted the appeal process of a LWIB and are dissatisfied with LWIB's final decision.

- (1) A Provider wishing to appeal to the state must submit an appeal request to the state within 30 days from the LWIB's notification to the Provider of their final decision on an appeal. The request for an appeal to the state 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.
- (2) The state will promptly notify the appropriate LWIB when it receives a request for appeal. The state will also notify the appropriate LWIB when it makes the final decision on an appeal.
- (3) The state appeal process includes the opportunity for appealing Providers to have a hearing. The hearing officer must be an impartial person. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least 10 calendar days before the scheduled hearing. Both parties must have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
- (4) The five member state appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the Provider and the LWIB. The committee can either uphold or reverse the LWIB decision.
- (5) The state appeals committee must render a decision within 60 days from receiving the Provider's initial state appeal request.

4. Dissemination of the ETPL

A. Statewide Dissemination and Customer Access

- (1) The state will ensure that the ETPL is accurate and current. The state must ensure that the updated list is available to all LWIBs [WIA Section 122(e)(4)(A)], the Tennessee Career Centers; and to the general public through the state website wherever internet service is available.
- (2) The LWIB is responsible for ensuring that all Tennessee Career Center staff in the respective LWIA have access to the ETPL; are knowledgeable about utilizing the ETPL; and ensuring local access to the ETPL for customers within the American Job Centers. [WIA Section 122(e)(4)(A)].
- (3) The LWIB is responsible for ensuring that all American Job Center staff in the respective LWIA do not allow WIA participants to enroll in programs that do not appear on the ETPL. [WIA Section 122(e)(4)(A)].

5. Program Changes

A. Adding New Programs (Previously Approved Providers)

- (1) The Provider must submit the proper forms using the online web application to submit new programs for addition to the ETPL.
- (2) The application materials are received electronically by the state and reviewed for completeness.
 - (a) All new programs must have prior authorization by the appropriate state authorizing agency (Tennessee Higher Education Commission, Tennessee Board of Regents, etc.) before they can be added to the ETPL.
- (3) After verification of completeness, the application materials are forwarded to the proper LWIB for their vote on whether to add the program to the ETPL.
- (4) After the LWIB has rendered a vote about the application material, their decision is communicated to the state in writing.
- (5) All approvals from the LWIB are added to the ETPL by the state within 3 business days.

B. Making Changes to Program Information

- (1) Revision(s) to already approved and existing program curriculums must first be approved by the appropriate state authorizing agency (Tennessee Higher Education Commission, Tennessee Board of Regents, etc.).
- (2) The Provider must submit the proper forms using the online web application to make changes on the ETPL. All online submissions are routed to the state. The state does not receive or recognize change information submitted by authorizing agencies.
- (3) Changes submitted by the Provider are subject to review by the LWIB and the State.
 - (a) Changes in program cost or length that are beyond 25% must be resubmitted to the LWIB for approval as a new program.
 - (b) Changes in program cost or length that are not beyond 25% are submitted to the state for revision to the ETPL.
- (4) It is the responsibility of the Provider to ensure that information displayed on the ETPL is accurate.

- (a) Providers with inaccurate information on the ETPL as discovered in conjunction with a Data Validation visit or a Data Accuracy Report are subject to removal from the ETPL for a set suspension period or until all information is corrected (whichever occurs later).

C. Removing Programs from the ETPL

- (1) At any time after the initial program approval by the LWIB, the Provider can request to have a program removed from the ETPL.
- (2) If a program is removed from the ETPL, the Provider is still required to submit quarterly performance reports until the last WIA training participant completes or withdraws from the program.
 - (a) Failure to submit the remaining quarterly performance reports will subject the Provider to the penalties detailed in Section 9 of this policy.
- (3) If at any point after initial LWIB approval a training program is temporarily not offered or is permanently deleted from the Provider's selection of programs, it must be removed from the ETPL within 30 days of the institutional decision.

6. Performance Data

A. Provider Quarterly Report Requirements

- (1) Training Providers must provide the information necessary to determine program performance and to meet other requirements of the WIA. The Provider must agree to make available verifiable data to validate any information submitted [WIA Section 122(d)(1)(A)].
- (2) Providers on the ETPL are required to submit quarterly performance reports to the state. The report must contain individual level data for all participants in programs offered by the Provider that have serviced at least one student with the assistance of WIA funding.
- (3) The reports are due to the state on the specified due dates:
 - (a) Quarterly report due dates: January 15th, April 15th, July 15th, & October 15th of every year.
 - (b) In the event that the due date falls on a state holiday or a weekend, reports are due by the conclusion of the next business day.
- (4) The report must contain the following fields for all participants specified in Section 6(A)(2) of the current policy:

- (a) Quarterly report mandatory fields: Social security number, race, gender, student type (WIA or NON), program of study, entry date, completion date, or withdrawal date.
- (5) All reports must be submitted to the state using the secure online web application through the TDLWD website.

B. Quarterly Reporting Exemptions

- (1) Training Providers governed by the Tennessee Board of Regents (TBR) or the University of Tennessee System do not report information for non-WIA participants. This information is obtained annually directly from TBR and the UT System. [WIA Section 122(d)(3)(A)].
- (2) Providers do not submit quarterly reports to the state until receiving at least one training participant utilizing ITA funds.
 - (a) Until the Provider receives one WIA participant, they are required to submit the Exemption Claim Sheet each quarter. The claim sheet must be submitted by the quarterly report due dates.
 - (b) Once the Provider receives one WIA participant, they are required to submit a report every quarter for the life of the program or until the Provider requests removal of the program from the ETPL.
- (3) If the Provider has not received a WIA participant in any of the programs offered at the institution for eight consecutive quarters, the Provider can apply to be classified as dormant. Classification as dormant is not program specific; it applies to the institution as a whole.
 - (a) Providers seeking classification as dormant must submit the necessary form to the state for approval.
 - (b) Until approval is granted by the state, the Provider must still submit all quarterly reports.
 - (c) The LWIBs must confirm the lack of WIA participants for eight consecutive quarters before the state can approve the Provider's request.
 - (d) Dormancy status allows the Provider to remain visible on the ETPL without having to submit quarterly performance reports.
 - (e) Once the Provider receives a new WIA participant in any of institutions programs, dormancy status is rescinded and the Provider is required to resume the submission of quarterly performance reports.

- (f) Providers coming off of dormancy status will be required to submit performance data for the current complete program year for the purpose of subsequent eligibility determination.

7. Subsequent Eligibility Determination

A. Subsequent Eligibility

- (1) All programs approved for initial eligibility by one of the LWIBs must be reviewed annually by the state to determine their continued eligibility to remain on the ETPL. This determination is called “subsequent eligibility.” [WIA Section 122(c)(1) and 20 CFR 663.530].
- (2) Subsequent eligibility determinations are made on an annual basis using the performance data supplied quarterly by the Provider.
- (3) Only those programs with a minimum of 10 WIA students enrolled during the reporting year are considered for subsequent eligibility decisions.
- (4) WIA Section 122(d)(1) specifies the following performance measures that must be considered in determining the subsequent eligibility of programs to remain on the ETPL:
 - (a) Completion rates for all individuals in the listed program;
 - (b) Percentage of all participants who obtain unsubsidized employment;
 - (c) Wages at placement in employment of all individuals participating in the listed program;
 - (d) Percentage of WIA participants who obtained unsubsidized employment;
 - (e) Retention rates six months after the first day of their employment, of WIA participants who completed the listed program in unsubsidized employment;
 - (f) Wages received by WIA participants, who completed the listed program, six months after the first day of employment; and
 - (g) Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the WIA participants who graduated from the listed program.
 - (h) Costs to participate in the program.

- (5) 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 program year.
- (6) The state compiles and disseminates an Annual Subsequent Eligibility Report. The report is posted for public viewing online through the ETPL website.
- (7) Providers receive the opportunity to review and correct their performance information prior to subsequent eligibility decisions and public dissemination of the report.
- (8) The state adheres to the following guidelines when displaying performance data for each Provider:
 - (a) All programs with a minimum of one WIA participant during the reporting year will appear in the report.
 - (b) For confidentiality purposes, only those programs with a minimum of 10 WIA students enrolled during the reporting year have all of their performance data displayed for public viewing.

B. Failure to Meet Subsequent Eligibility

- (1) 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.[WIA Section 122(c)(6)(A)].
 - (a) If the State removes a program from the ETPL for subsequent eligibility reasons, the State must, within 10 days of its decision, inform the LWIBs in writing and include the reason(s) for the removal.
- (2) Prior to removal by the state, the LWIB must have the opportunity to submit supplemental performance data in efforts to keep the program on the ETPL. The types of supplemental data submitted may include information on [WIA Section 122 (c)(4)]:
 - (a) The specific economic, geographic, and demographic factors in the local areas in which Providers seeking eligibility are located; and
 - (b) The characteristics of the populations served by Providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable.
- (3) Any program removed from the ETPL for subsequent eligibility reasons must remain off of the ETPL for a minimum of one complete program year.

- (4) In order for the program to be added back to the ETPL, the Provider must re-apply through the LWIB. Performance data is required as part of the application process for the time period when the program was removed from the ETPL.
- (5) While a program is removed from the ETPL for subsequent eligibility reasons, the Provider cannot receive new training participants utilizing ITA funds for the removed programs.

8. Accuracy of Information

A. Data Validation

- (1) To ensure the accuracy and validity of the information supplied by Providers, the State conducts data validation visits at least once every four years for all Providers or as warranted by WIA enrollment numbers.
 - (a) During data validation visits, the state audits Provider files to verify previously submitted student, program, and provider information.
- (2) Training Providers must meet the enrollment threshold before a data validation visit can occur. The enrollment threshold is as follows:
 - (a) A Provider must have a minimum of 15 WIA participants enrolled in their combined program offerings over a two year period.
- (3) Providers will receive at least a 21-calendar-day advanced notice of the state's upcoming visit.
- (4) The Provider must make available all files pertaining to WIA participants covering the three most recent program years.
- (5) Each student file must contain documents to validate the following elements:
 - (a) Proof of Enrollment
 - (b) Program of Enrollment
 - (c) Program of Completion
 - (d) Enrollment Date
 - (e) Completion Date
 - (f) Withdrawal Date (if applicable)
 - (g) Credential Received
 - (h) WIA Participant Status
- (6) Providers must also make available internal documents or sources to validate the following program elements:
 - (a) Program Name
 - (b) Program Length

- (c) Program Cost
- (d) Program Credential Offered

- (7) Providers may be removed from the ETPL for a period of 10-90 days if the score they receive for data validation is not satisfactory.
- (8) If the state discovers evidence of intentionally misleading performance information, the Provider will be removed from the ETPL for a period of no less than 2 years.
- (9) The state will notify the certifying LWIB of the audit findings within 10 days of visiting of a Provider within their respective LWIA.

9. ETPL Penalties

A. Removal of a Provider or Program on the ETPL

- (1) The state may remove a program if the Provider fails to submit all the data required for subsequent eligibility determination within the required timeframes. [WIA Section 122(d)(1)].
- (2) The state may remove a program if a Provider fails to notify the State of any program changes including but not limited to costs, location of training, or change in State authorization status.
- (3) The state may remove a program at any point at which it is determined that the program does not meet the minimum criteria for initial listing specified in this procedure. For example, a program can be removed if its eligibility depended on accreditation, and the accreditation was lost. [WIA Section 122(c)(6)].
- (4) The state may remove a program if it is determined that the applicant intentionally supplied inaccurate information. [WIA Section 122(f)(1)].
- (5) The state may remove a program if the Provider is found to have substantially violated any WIA requirements. [WIA Section 122(f)(2)].
- (6) The state may remove a program or provider at the request of the LWIB for any of the following reasons:
 - (a) Unethical/Illegal billing practices.
 - (b) 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 Age Discrimination Act of 1975.
 - (c) Lack of qualified training personnel or building infrastructure.

- (7) The state must conduct an investigation prior to removing a Provider at the request of the LWIB.
- (8) The state may remove a program or provider at the request of the institution.
 - (a) If a Provider requests removal from the ETPL for a particular program or for the institution as a whole, they can be reactivated on the ETPL within one year assuming that they were in good standing when they were removed and no changes occurred in their program demographics during the removal period.
 - (b) If a Provider who self-requested removal is off the ETPL for a period of time greater than one year, they must re-apply for placement on the ETPL through the LWIB.

B. Suspensions from the ETPL

- (1) Providers may be suspended from the ETPL for any of the following actions:
 - (a) Failure to submit quarterly performance reports or the Exemption Claim Sheet by the deadlines
 - (b) Failure to keep current the provider and program demographic information displayed on the ETPL
 - (c) Failure to respond to a state request for a data validation visit
 - (d) Poor performance during a data validation visit
 - (e) Failure to submit corrections needed following quarterly report validation by the specified deadline
 - (f) Failure to comply with state request for information
- (2) During any state or federal criminal investigation launched against the institution or key personnel at the institution, the Provider 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.

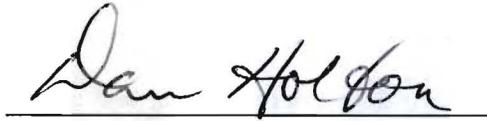
C. Financial Reimbursement

- (1) A Provider whose eligibility is terminated as a result of the reasons specified in Sections 9(A)(2-6, 8) of the current policy for a program shall be liable for repayment of all funds received during any period of noncompliance. [WIA Section 122(f)(3)]

Contact: For questions regarding this policy, please contact Susie Bourque, Director of Policy and Special Projects, at 615-741-1031 or Susie.Bourque@tn.gov .

Effective Date: July 1, 2014

Duration: Indefinite

A handwritten signature in black ink that reads "Dan Holton". The signature is written in a cursive style and is positioned above a solid horizontal line.

Dan Holton
Assistant Administrator