



ELIGIBLE TRAINING PROVIDER SYSTEM TRAINING PROVIDER APPLICANT - ASSURANCES AGREEMENT

Nondiscrimination and Equal Opportunity Provisions

Each Training Provider seeking eligibility approval for the Workforce Innovation and Opportunity Act (WIOA) must guarantee that the required nondiscrimination and equal opportunity language listed below will be included in all grants, cooperative agreements, plans, contracts, and other similar documents as noted in 29 CFR Part 38. The Training Provider agrees they will comply fully with all nondiscrimination and equal opportunity provisions of the following laws:

- a) WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
- b) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- c) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- d) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- e) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
- f) Title II Subpart A of the American with Disabilities Act of 1990, as amended, which state in part, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity; and
- g) Genetic Information Nondiscrimination Act of 2008, which prohibits discrimination on the basis of genetic information with respect to health insurance and employment.
- h) The Training Provider also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the Training Provider’s operation of the WIOA Title I-financially assisted program or activity, and to all agreements the provider makes to carry out the WIOA Title I- financially assisted program or activity. The Training Provider understands that the United States has the right to seek judicial enforcement of this assurance.

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General Provisions

- A. If a new school that's never been on Missouri's eligible training provider list does not meet the performance requirements as required for initial eligibility that school and/or its program(s) will be determined ineligible. This program(s) will remain ineligible until performance levels are met or it is determined through the appeal process to include the program on the state list.
- B. If it is determined that an eligible provider is intentionally supplying inaccurate information the provider's eligibility for the program shall be terminated for 2 years §680.480 (b).
- C. If an eligible provider substantially violates any requirements under the Workforce Innovation and Opportunity Act (as determined by the local board(s) and state agency), the eligibility of the provider may be terminated for the program involved, or other action as determined appropriate may be taken.
- D. A provider whose eligibility is terminated under paragraphs B or C for a program shall be liable for repayment of all funds received for the program during any period of noncompliance.
- E. Should a provider lose its eligibility for a program(s) as described in B or C, the provider will continue to be reimbursed for all students enrolled prior to the loss of eligibility and all conditions of the application will continue to be applied until those enrollments have completed training for the instruction for which they are currently enrolled.
- F. To appeal a denial of eligibility or to appeal a termination of eligibility, the appeal process outlined in the Eligibility Training Provider System (ETPS) Appeals Process will be followed. The appeal process can be found on page 18.
- G. The status as an approved eligible training provider is not a guarantee of student referrals nor, the award of training funds. Local WDB must also approve providers in ETPS based on justification that the training provided is for in-demand industry sectors and occupations within each region. Providers wishing to explore occupations in-demand in the Missouri economy may view labor market data found at www.missourieconomy.org.
- H. The Training Provider agrees to accept Individual Training Accounts (ITA) and provide training services for eligible WIOA participants enrolling in approved programs where admission and program performance requirements have been met.
- I. The Training Provider shall permit on-site visits by the Local WDBs, Missouri

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Department of Economic Development, Missouri
Department of Elementary and Secondary Education, Missouri Department of Higher Education, Missouri Division of Workforce Development, U.S. Department of Labor, and any other state, federal or local agency as legally authorized to monitor activities for funds that have been provided.

- J. The Training Provider may, at its option, cancel this agreement without penalty upon 30 days written notice.
- K. By signing the document, the institution is attesting that the performance data information provided in the application is true and accurate to the best of its knowledge and that the required data for all students in each program approved is collected OR understand the program may be determined ineligible.

By signing the document, the institution shall provide the following Certification regarding Debarment and Suspension in accordance with 2 CFR Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), and certifies that to the best of its knowledge and belief that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- Have not within a three-year period preceding this Assurances Agreement been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in this certification; and,
- Have not within a three-year period preceding this Annual Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an

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**ELIGIBLE TRAINING PROVIDER SYSTEM
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explanation to the ETPS Coordinator via email at trainingprovideradmin@ded.mo.gov.

It shall be noted that the Training Provider's authorized signatory acknowledges that the document has been read and fully understands the language and are bound by the specified terms and attachments of the application, and that they are responsible for complying with all of the requirements contained in the document.

Authorized Signature

Title

Date

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