

# Workforce Investment Act Eligible Training Provider List Policy and Procedures

April 2014

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**Workforce Investment Act  
Eligible Training Provider List  
Policy and Procedures**

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## **POLICY AND PROCEDURES**

### **I. PURPOSE**

This policy and procedures govern the operation of the statewide Eligible Training Provider List (ETPL) in California. They address the activities of the Governor, Local Workforce Investment Boards (local board) and their America's Job Center of California<sup>SM</sup> (AJCC) locations, and those training providers who wish to offer services to individuals whose training is funded by the Workforce Investment Act (WIA). Since the implementation of the WIA in California, we have requested federal waivers to the statutory requirements of establishing subsequent eligibility criteria for providers listed on the ETPL. This directive supersedes those waiver requests, incorporates the state requirements of the Bureau of Private Postsecondary Act of 2009 and establishes the Governor's minimum performance standards for initial and subsequent eligibility for training providers who list training programs on the ETPL.

## II. BACKGROUND

### A. WIA Requirements

1. The Governor must establish procedures for use by local boards in determining the initial and subsequent eligibility of public and/or private training providers to be included in the statewide ETPL.
2. The WIA emphasizes informed customer choice, performance accountability, and continuous improvement.
3. The State is required to develop and operate the ETPL in partnership with local boards. The ETPL is designed to gather and display useful information on training providers, their services, and the quality of their programs.
4. The local boards receive applications from training providers for listing; determine if the applicant meets State and local criteria for listing; and forward to the State information on those providers who meet these criteria.
5. The State will accept and verify certain information forwarded by local boards on training providers, compile them into a comprehensive state list (the ETPL), and disseminate the ETPL with cost information to the AJCC system. The ETPL is available online at [www.caljobs.ca.gov](http://www.caljobs.ca.gov) under Education Services.



6. An AJCC may issue an Individual Training Account (ITA) to an adult or dislocated worker (eligible participant) to fund training services after it has determined that core and intensive services are insufficient for that customer's needs. The training provider must be selected from those listed on the ETPL (exceptions are listed in Section III). The eligible individual can then compare the offerings on the ETPL, and, with the assistance of AJCC staff, select the most appropriate training program.

**B. State Approach – Guiding principles for the development of the ETPL Policy and Procedures**

In cooperation with stakeholders, the State has adopted the following guiding principles for implementation of the ETPL:

1. Simplicity: Avoid imposing burdens that would inhibit the participation of quality training providers.
2. Customer Focus: The policies and procedures must support eligible individuals who seek career and occupational training information and career advisors who assist customers eligible for training services.
3. Quality: The intent is to create a comprehensive list of quality training programs that meet the minimum performance standard and provide industry-valued skills in priority industry sectors. Information must be accurate, transparent, accessible, and user-friendly.
4. Respect for Local Autonomy: The policy should remain supportive of the autonomy that the WIA has otherwise granted to the local boards.

### III. GENERAL PROVISIONS

#### A. Definition of a Program of Training Services

A “program of training services” is defined in 20 CFR Section 663.508 as:

*“One or more courses or classes that upon successful completion, leads to:*

- a) A certificate, an associate degree, or baccalaureate degree or*
- b) The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.”*

In addition, each program is considered unique by its goals and curriculum, or by the requirements of the regulatory agency.

#### B. Types of Training to Which These Procedures Apply

In order for a provider of training services to receive WIA funds, its program(s) must be listed on the ETPL. These programs may provide training services, such as:

1. Occupational skills training, including training for non-traditional employment;
2. Programs that combine workplace training with related instruction, which may include cooperative education programs;
3. Training programs operated by the private sector;
4. Skill upgrading and retraining;
5. Entrepreneurial training; and
6. Job readiness skills, adult education and literacy activities provided in combination with any other training service outlined above.

#### C. Special Circumstances

There are some training programs that are exempt from direct application to the ETPL or are subject to special ETPL policy provisions. On-the-Job Training and Customized Training (as defined by the WIA) are exempt from the ETPL. Institutions of higher education, such as community colleges, do not need to be on the State’s ETPL to provide training through direct contract with a local board. The [Directive WSD13-13](#) “Contracts with Higher Education or Eligible Training Providers” explains the complete policy guidance on contracting with institutions of higher learning.

#### **IV. APPLICATION POLICY AND PROCEDURES:**

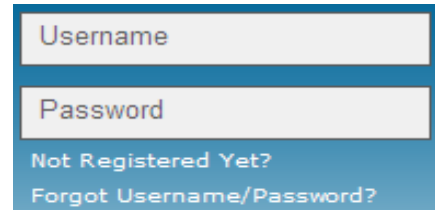
##### **A. Local Boards**

1. Each local board shall use the CalJOBS<sup>SM</sup> ETPL Module for accepting applications from providers to be listed on the ETPL. Local boards may authorize a single local board to act on their behalf in making determinations for initial and/or subsequent eligibility of providers.
2. Local boards may establish local policies requiring performance above the state minimum standards for providers to be included on the ETPL.
3. Local board policies must ensure that the data supplied by providers for ETPL eligibility is complete, accurate, and current. This includes: Approval to Operate or Verification of Exemption by the Bureau of Private Postsecondary Education (BPPE), accreditation by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges, or the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and that providers meet the state's minimum performance standards (see Section V.B. for a description of these standards). The local board shall obtain a copy of the provider's BPPE Annual Report to document their achievement of the performance criteria or validate this information through the BPPE website. Those private postsecondary education providers not subject to BPPE oversight (e.g. WASC Junior or Senior Colleges) must provide evidence of their reported outcomes, post them on their website or otherwise make them easily available for public access.
4. Local boards must have agreements with approved training providers that include provisions requiring providers to maintain sufficient records and to make these records available for monitoring or audit by either the local board or the State.
5. Instances in which the training provider claims an exemption to BPPE ([See Section 94874 of the BPPE Act](#)), the provider must apply and receive a "Verification of Exemption" before being listed on the ETPL. Since it has been determined that any expenditure of public funds, state or federal, that directly benefits a student to be student financial assistance, we expect that instances of Exemption will be very rare. However, local boards will be required to obtain these documents from providers and maintain them locally.
6. Local boards should work with their local and regional employers and education providers to ensure that training programs provide credentials, certificates and/or skills that are valued by employers within priority industry sectors identified in the State or local strategic plan. Training must result in the awarding of an industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements.

7. Local boards should provide ITAs for training programs that support a career pathway for the client in growing, high-demand, and/or priority industry sectors identified in the local plans. In instances, where it can be demonstrated that there is a demand for workers in the field of employment being sought by the client, and that training will result in increased earnings and career pathway opportunities, ITAs can be issued to those training programs.

**B. Providers**

1. All new and current ETPL providers will be required to be registered in CalJOBS<sup>SM</sup> and submit their request to a local board for approval to list programs on the ETPL. See Section 2 of the [Provider Services Guide](#).



The image shows a login interface with a blue header. Below the header are two input fields: 'Username' and 'Password'. Below the password field are two links: 'Not Registered Yet?' and 'Forgot Username/Password?'.

2. Once approved by the local board, the provider shall enter all the program information, completing all the required fields, which includes the performance data. The Virtual OneStop (VOS) Provider Services Guide provides instructions, definitions and screen shots of each page of the provider's application. Training providers that offer identical programs in multiple local areas should apply to the local board in the area where their headquarters is located. The Provider Services Guide provides instructions on how to list multiple training locations.
3. All providers are required to enter performance data for each program to be listed on the ETPL and provide evidence to the local board that they have met the minimum performance criteria required. Programs that do not include performance data will not be approved for listing on the ETPL. Providers should be prepared to provide a copy of their BPPE Annual Report to the local board or document achievement of their performance criteria through the BPPE website. Those private postsecondary education providers not subject to BPPE oversight (e.g. WASC exemption or other BPPE exempt category) must provide evidence of their reported outcomes, post them on their websites, or otherwise make them easily available for public access.
4. Providers Headquartered Outside of California

Providers headquartered outside of California who do not have in-state training facilities may apply to a local board to list their programs on the ETPL. Applications must include all information required by this policy. Applicants must provide documentation as a registered postsecondary education provider in the state in which they reside and must meet California's performance criteria for eligibility.

5. Community College Programs

The State Board and the Employment Development Department (EDD) collaborate with the Chancellor of the California Community College Office (CCCCO) to develop specific criteria to identify programs eligible for the



ETPL. These programs are added to the ETPL through a state-level solution. Local boards should review the list of CCCCO programs and determine if additional actions by their local community college campus is needed to list other specific programs not included in the data transfer.

6. California State University (CSU) and/or University of California (UC) Programs

CSU or UC campuses that intend to offer programs on the ETPL must apply to their local boards by following steps 1-3 above.

7. Division of Apprenticeship Standards Programs

The State Board and the EDD collaborate with the Division of Apprenticeship Standards to list those registered apprenticeships that have achieved a performance standard of 70 percent completion rate. These programs are added to the ETPL through a state-level solution and reviewed annually (December of each year) for retention or removal.

## **V. INITIAL ELIGIBILITY POLICY AND PROCEDURES**

- A. Initial eligibility procedures for the ETPL apply to all training providers. Initial eligibility is based on the following:
1. Meeting State minimum performance criteria, as described in this document; and
  2. Training must be for occupations in priority industry sectors based on the State plan or local area plans. Training must result in completion of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and /or certification requirements. Training programs and/or providers must have industry-appropriate accreditation status.
- B. Additionally, providers must also meet one of the following criteria in order to have their programs listed on the ETPL:
1. Bureau of Private Postsecondary Education Approval to Operate, or Verification of Exemption by BPPE;
  2. Accreditation by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges, or the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges;
  3. Postsecondary institutions eligible under Title IV of the Higher Education Act (HEA) and offering programs leading toward an associate degree, baccalaureate degree, or certificate.
  4. Programs that are jointly registered under the National Apprenticeship Act (NAA) with the Department of Labor (DOL) and the California Division of Apprenticeship Standards (CDAS).
  5. Approval by the California Department of Education.
  6. Approval by the Chancellor's Office of the California Community Colleges (CCCCO).
- C. Performance Criteria for Private Postsecondary Education Provider Initial Eligibility:
1. All private postsecondary education providers must meet the minimum performance criteria established herein. Priority industry sector information must be verified with the State Board and/or local board.
  2. Programs must meet an Entered Employment (placement) Rate of 70%<sup>1</sup>.

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<sup>1</sup> Definition of Entered Employment (Placement) Rate for Private Postsecondary Education Providers

3. Programs must result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements. Training programs must have industry appropriate accreditation status.

**D. Performance Criteria for Registered Apprenticeship Program Initial Eligibility:**

1. All state registered apprenticeship programs must meet the minimum performance criteria established herein. Priority industry sector information must be verified with the State Board and/or local board.
2. Programs must meet an Apprenticeship Completion Rate of 70%.<sup>2</sup>

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“California Code of Regulations - Title 5. California Code of Regulations Division 7.5” [74112\(b-e\)](#).

**(a) Placement Rates.**

(1) Any placement data required by sections [94910\(b\)](#) and [94925.5\(a\)](#) of the Code shall be reported for the number of students who began the program as defined in subdivision (b) for each reported calendar year.

(2) Placement is measured six months from the graduation date of each student. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b), graduates available for employment, graduates employed in the field and placement rate(s).

(3) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in subsection [74112\(b\)\(3\)](#) divided by the number of graduates available for employment as defined in section [94928\(d\)](#) of the Code.

(4) Graduates employed in the field shall be reported for those graduates employed in the field in a single position that averages under 32 hours per week and those employed in the field in a single position that averages at least 32 hours per week.

<sup>2</sup> Definition of Completion Rate for Apprenticeships: State-registered apprenticeship programs that have had at least two (2) graduating classes, which have had an annual apprentice completion rate of at least 70% of the average completion rate for two (2) consecutive years for the applicable trade or occupation as verified by the CDAS.

E. Performance Criteria for Community College, CSU and UC Program Initial Eligibility:

1. All California Community College, CSU and UC programs must meet the minimum performance criteria established herein. Priority industry sector information must be verified with the State Board and/or local board.
2. Programs must result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.

F. Performance Criteria for Adult Education Programs Initial Eligibility:

1. All Adult Education programs must meet the minimum performance criteria established herein. Priority industry sector information must be verified with the State Board and/or local board.
2. Programs must result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements. Training programs must have industry appropriate accreditation status.

G. New Programs

A new provider and/or program may be approved for initial eligibility for listing on the ETPL by a local board. To be considered a new program, is to have never been offered to the general public prior to this application. New program does not mean new to WIA or the ETPL. The programs must meet all other eligibility criteria, and shall be subject to performance criteria as outlined in the subsequent eligibility section of this document. The initial period of performance shall be from 12 to 24 months.

## **VI. APPLICATION, PUBLISHING AND MAINTENANCE OF THE ETPL**

- A. Each local board must submit nominations for listing on the ETPL to the EDD through the CalJOBS<sup>SM</sup> ETPL module.
- B. The EDD will accept nominations for the ETPL from local boards on any working day of the year.
- C. The EDD will accept any changes to data displayed for providers and programs already listed on the ETPL and will update the ETPL as necessary on any working day of the year.
- D. Each training provider is responsible for providing updated information, through the CalJOBS<sup>SM</sup> ETPL Module, on its programs listed through the local board. The local board shall review those changes and forward to the EDD any changes to the administrative, provider, or program data elements.
- E. The EDD will aggregate the local lists into a comprehensive list to produce the ETPL and will make the list accessible to local boards and the general public through the website at [www.caljobs.ca.gov](http://www.caljobs.ca.gov) under "Education Services". The EDD will update the ETPL within the 30-day limit allowed in WIA to incorporate initial listings, de-listings, and changes in administrative, provider, or program data elements for programs already on the ETPL.
- F. The local boards are responsible for ensuring that all the AJCCs in their areas have access to the most recent version of the ETPL and make it available to their customers.
- G. The local boards must ensure the AJCCs in their areas provide customers all of the "public" data elements on the ETPL system.
- H. Provider programs accepted to the ETPL are available for selection by all eligible participants from any local area. The selected program must either be linked to employment opportunities in the local or regional area or in another area to which the individual is willing to relocate. All local area policies concerning ITA expenditure limits apply.
- I. Local boards shall provide participants eligible for an ITA access to the ETPL. Local boards may include additional performance, occupational, and/or industry data to augment ETPL listings. An annual report will be prepared by EDD and State Board staff and submitted to the State Board on the implementation and outcomes of the ETPL policy.

## VII. SUBSEQUENT ELIGIBILITY POLICY AND PROCEDURES

### A. Programs Subject to Subsequent Eligibility Determination

All programs on the ETPL will be evaluated annually to determine eligibility to be retained on the ETPL beyond the period of initial eligibility. This determination is called “subsequent eligibility”. Providers must meet the minimum performance criteria established herein. Performance shall be verified annually by December 1 utilizing BPPE, CalJOBS<sup>SM</sup>, Division of Apprenticeship Standards, California Community College, Adult Education, local board, and/or other appropriate data sources. Priority industry sector information must be verified with the local board and/or State Board priority sectors.

### B. Performance Criteria for Subsequent Eligibility:

#### 1. Private Postsecondary Education Providers

a) Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:

- Entered employment (placement) rate of 70 percent in a training-related occupation<sup>1</sup>.

#### 2. Division of Apprenticeship Standards Registered Apprenticeship Programs

a) Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:

- Programs must meet an Apprenticeship Completion Rate of 70%<sup>2</sup>.

#### 3. California Community College, CSU and UC Programs

a) Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:

- Certificate or credential attainment of 70 percent for all program participants; and
- Entered employment in training-related occupation of 70 percent for WIA participants only<sup>3</sup>.

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<sup>3</sup> Entered Employment (Placement) Rates Definition (WIA)

Of those who are not employed at the date of participation - The number of adult participants who are employed in the first quarter after the exit quarter divided by the number of adult participants who exited during the quarter.

4. Adult Education Programs

- a) Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL.
- Completion, certificate, or credential<sup>4</sup> attainment of 70 percent for all program participants; and
  - Entered employment in training-related occupation<sup>5</sup> of 70 percent for WIA participants only.

5. Considerations for Subsequent Eligibility of Public Funded Education Providers (Adult Education, Community Colleges, CSU and UC Campuses).

- a) When the number of WIA participants is less than ten WIA participants during any program year, subsequent eligibility will be based on a two-year program cycle.

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<sup>4</sup> Credential Attainment Definition (BPPE)

"Diploma" means a recognized educational credential, other than a degree, awarded by an institution that signifies satisfactory completion of the requirements of a postsecondary educational program below the associate's level. A diploma is also known as a certificate.

<sup>4</sup> Educational program" means a planned sequence composed of a single course or module, or set of related courses or modules, that provides the education, training, skills, and experience leading to the award of a recognized educational credential such as a degree or diploma.

Training Related Occupation Definition (BPPE)

<sup>5</sup> "Graduates employed in the field" means graduates who are gainfully employed in a single position for which the institution represents the program prepares its graduates within six months after a student completes the applicable educational program. For occupations for which the state requires passing an examination, the period of employment shall begin within six months of the announcement of the examination results for the first examination available after a student completes an applicable educational program.

## **VIII. DENIAL, DELISTING AND APPEALS POLICY AND PROCEDURES**

### **A. Denial of Listing and Delisting of Programs/Providers**

#### **1. Reasons for Initial Denial**

- a. If the application from a provider is not complete or not submitted within required timeframes.
- b. If the applicant fails to meet the minimum criteria for initial listing specified in this procedure (refer to Section V. A. and B.).
- c. If the applicant intentionally supplied inaccurate information.
- d. If the provider has substantially violated any WIA requirement(s).

#### **2. Reasons for Delisting**

- a. The private postsecondary provider approved by BPPE has not complied with the BPPE Annual Performance Reporting requirement. [Title 5 California Code of Regulations Division 7.5](#)
- b. A WIA participant has not enrolled in the training program during the previous three (3) Program Years (July 1 through June 30). The nominating local boards' determination to retain a provider eligible for delisting under this criteria will be given priority over this provision.
- c. The school has lost its accreditation from WASC.
- d. The provider has not achieved the minimum performance criteria for subsequent eligibility for the program(s) listed on the ETPL.

### **B. Notice to Provider of Denial or Delisting from the ETPL**

1. If a local board denies a provider's application for listing on the ETPL, the local board must, within 30 days of receipt of the application, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.
2. If EDD denies a provider's program listing on the ETPL, EDD must within 30 days of receipt of the nomination from a local board, inform the local board that nominated the program of the denial and the reason(s) for the denial. The local board must inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.



C. Penalties.

1. If the EDD, in consultation with the nominating local board, determines that a provider intentionally supplied inaccurate information, the EDD or the local board working with EDD shall terminate the eligibility of the provider; remove them from the ETPL; and deny their eligibility to receive any funds under WIA Section 133(b) for at least two (2) years.
2. If it is determined that an eligible provider substantially violates any WIA requirement(s), the EDD or the local board working with the EDD shall terminate the eligibility of the provider to receive any funds for a period of time under WIA Section 122(f) for at least two (2) years, for or take other such action as deemed appropriate.

D. Appeals to Local Boards

1. Each local board must have a written appeal process that includes the following required provisions:
  - a. A provider wishing to appeal a decision by a local board must submit an appeal to the local board 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 in question; the reason(s) for the appeal (i.e. grounds); and the signature of the appropriate provider official.
  - b. The first step in any local board appeal process must be an informal meeting between the local board staff and the provider looking to appeal. The purpose of this meeting is to forestall the appeal process if there is an easy solution to the dispute.
  - c. Local board procedures must include an opportunity for providers who appeal to have a hearing. The hearing officer shall be an impartial person. The hearing officer shall 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 shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to request documents relevant to the proceedings; and to have legal representation.
  - d. A local board must notify providers of its final decision within 60 days of receipt of the appeal. This period includes a hearing if requested by the provider.

E. Appeals to EDD

1. A provider may appeal to the EDD if it has exhausted the appeal process of a local board and is dissatisfied with the local board's final decision.
2. A provider wishing to appeal to the EDD must submit a written appeal within 30 days from either the issuance of a denial notice or the provider's notification of a local board's final decision on an appeal. The request for appeal must include a statement of the desire to appeal; specification of the program in question; the reason(s) for the appeal (i.e. grounds); and the signature of the appropriate provider official. A provider appeal should be addressed to:

ETPL APPEAL  
Workforce Services Division, MIC 50  
P.O. Box 826880  
Sacramento, CA 94280-0001

3. The EDD will promptly notify the appropriate local board when EDD receives a request for appeal and when a final decision has been rendered.
4. The EDD will administratively review an appeal, make a preliminary decision, and notify the provider. The EDD can either uphold or reverse the appealed decision, or EDD can refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB). The EDD will also refer an appeal to the CUIAB if the provider requests a hearing in writing within 15 days of the issuance of the EDD's preliminary decision. The CUIAB will schedule a hearing with an administrative law judge whose decision will be issued within 60 days of the appeal being referred to the CUIAB or within 30 days of the closing of the record.
5. The administrative law judge shall 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 shall 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 proceedings; and to have legal representation. The decision of the CUIAB administrative law judge is the final administrative decision.