

**Summary of Comments
Draft Directive “Eligible Training Provider List”**

1. **Q. When is a training provider required to register with BPPE?**
 - A. Several comments were received seeking clarification on this portion of the policy. The BPPE Act of 2009 requires private postsecondary schools whose student(s) receive a source of public funds (e.g. WIA, Pell, CalWORKs or other state financial assistance), to be granted either an “Approval to Operate” or a “Verification of Exemption” from the BPPE.

2. **Q. What agency(s) are responsible for developing the report to the State Board on the implementation outcomes of the ETPL policy?**
 - A. The Annual Report on the implementation and outcomes of the ETPL policies will be prepared by Employment Development Department and State Board staff.

3. **Q. Previous direction allowed for training providers who were listed on another states ETPL were eligible for listing on California’s ETPL. This language has been changed. Does this mean that any training provider can be listed whether or not they have been approved by their home state?**
 - A. A provider whose headquarters is located outside of California is eligible to be listed on the ETPL, whether or not they are listed on their home state’s ETPL. However, the local board is required to obtain supporting documentation from the training provider that they are properly registered with their home state and satisfactorily meet California’s minimum performance requirements.

4. **Q. Will the State establish limits for the duration of training programs?**
 - A. All local boards are required to develop local policies regarding the administration of Individual Training Accounts. The duration of a participant’s training is a local decision, based on the needs of the participant and the availability of funding. (See WIA Regulations Section 663.420)

5. **Q. Please clarify the relationship between priority industry sectors and ETPL Training Programs. Can a local board approve other training programs and issue ITAs for occupations outside of these priority sectors?**
 - A. It is recommended that local boards, prior to authorizing a training provider to register programs for inclusion on the ETPL, consult its regional economic analysis completed as part of their local planning effort so there is cohesion between the training being provided and the needs of the local/regional employers and clients being served. There may be instances in which the priority sectors do not encompass all the potential career opportunities in a local area, and therefore this policy does not require that local boards “only” approve training in the sectors identified in the local or state plan. The overall goal of training services is to allow the participant to successfully enter into a career path that leads to self-sufficiency and remain attached to the labor market. Local boards should exercise this discretion to approve training programs that offer their clients

the best opportunity to achieve their employment goals, and therefore should list programs with full consideration of the employment opportunities in the local\regional economy and the needs of the clients. Boards should develop analysis and justification for all programs to be listed on the ETPL, as part of the local plan process or other means. Local boards are referred to Section I.V (7) of the Policies and Procedures Handbook that we believe addresses this issue.

6. Q. Does the State allow local boards to implement stricter guidelines for local training providers to be listed on the ETPL?

- A.** This policy sets forth the Governor's minimum performance standard for training funded by the WIA. The performance standards in this policy were developed in consultation with representatives from local areas and reflect that agreement. The individual local boards retain the discretion to establish higher performance standards of their training providers.

7. Q. What is the process for a community college program or Adult Education Program to be eligible for the ETPL and how is the performance criterion is to be applied?

- A.** As the State and local areas transition from the current Job Training Automation system to CalJOBSSM, a decision was made requiring "all" training providers to apply to list their programs on the new system; no programs would be automatically migrated from JTA to the new system. We have collaborated with the EDD and the Chancellor of California Community College Office (CCCCO), to identify community college programs in demand sectors that meet certain state criteria (length of training, type of credential\certificate, etc.) and will list these programs on the ETPL through a state level solution. However, the local boards may find that not all of the programs electronically transferred match their local needs. In those cases, the local community college campus will need to apply to the local board to list those specific programs on the ETPL.

A similar solution with the California State University system has not been considered. Therefore, the providers within the CSU system would need to apply to the local board to include their programs on the ETPL. Adult Education programs and Regional Occupation Program Centers are also required to apply to the local board to list their programs.

Community College, ROPC and Adult Education programs will not be subject to the initial eligibility performance standard for listing on the ETPL. Instead, local boards should ensure that all programs approved locally, "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." Please refer to Section V.E (2) of the Policies and Procedures Manual. Section VII (3 & 5) of the Policies and Procedures Handbook provides information on the performance criteria to be used for the subsequent eligibility determination.

8. Q. Will the State Board be listing Division of Apprenticeship Standards registered apprenticeship programs on the ETPL?

- A.** Yes. DAS programs that meet the performance criteria will be added to the ETPL through an administrative process at the state level.

9. Q. How is the subsequent eligibility criteria impacted by WSD13-4, WIA Statewide Waivers and State Plan PY 2013-2017?

- A.** At the time the State Plan was submitted to the Department of Labor for review, this ETPL policy revision was not fully developed. The language included in the Waiver Request stated that there was pending state legislation and the waiver would be used as a temporary measure to allow the State Board and its partners to complete its work and implement both initial and subsequent eligibility. Therefore, the federal waiver will not apply to private postsecondary training providers, as they are required to meet performance criteria and report the outcomes on the entire student populations in the ETPL approved programs.

The federal waiver, as it relates to subsequent eligibility criteria, may be applied to programs offered through the community college system. As it is stated in this directive, subsequent eligibility will not apply to these until there are at least 10 WIA participants enrolled in the same program in a single program year. Directive WSD13-4 will be modified accordingly.

10. Q. Can you clarify what is intended by “Local boards may authorize a single local board to act on their behalf in making determinations for initial and/or subsequent eligibility of providers?”

- A.** The ETPL is the single list of training providers approved to provide services to WIA eligible clients. Each local board has the ability to approve or deny programs for the statewide ETPL for their local area’s needs. There are several examples around the State whereby a local area performs this function for another local area. There may be several reasons; expertise of a given local area in performing this administrative function, limited resources; or regional decision to have a single local area perform this function for a consortium of local areas. These relationships are typically outlined in an MOU or similar document between the local boards involved. We want to emphasize this cooperation among local boards does not result in the development of separate regional ETPLs. Rather, all locally approved programs should be incorporated into the ETPL administered by EDD. Please refer to WIA Section 122(e) for additional guidance.

11. Q. Can a Workforce Center receive a contract to provide OJT or customized training to WIA clients?

- A.** No. For the purposes of this policy and the use of WIA funds to provide Training Services, the WorkSource Centers are not considered to be a training provider, and should not be contracted with under the provisions of providing OJT or customized training programs.

12. Q. Can the lead time for the State to review and approve a local training provider for the ETPL be reduced from the 30 days allowed in the policy?

- A.** The WIA allows the State entity up to 30 days from the day of local approval to act. The State wants to ensure that it performs its due diligence to validate some of the critical elements of the ETPL to ensure only those providers that meet all the requirements outlined in this directive are included on the ETPL. If there is a unique need and urgency, please contact the EDD Help Desk.

13. Q. We have specific examples and anecdotal evidence that demonstrates the BPPE is very slow to process requests for exemptions. This delays the local board from providing needed training. Can anything be done to reduce this delay?

A. BPPE legislation was passed in 2009. At that time, BPPE notified, in writing, all providers registered with their predecessor (BPPVE) of the new legislation and registration requirements. We also published an information notice in May 2013 informing local boards of this requirement ([WSIN12-64](#)).

We are aware that there will be delays in processing provider applications. BPPE, has\will be hiring additional staff to try and deal with this workload. However, as stated above, the State Board policy does not sanction local boards to list providers that have not been properly approved to operate by BPPE. Local boards will have to defer approving the provider programs for listing on the ETPL until such time as they receive proper authorization from BPPE.

14. Q. Does the performance standard apply to those already approved on the ETPL and are moving over from JTA to the new CalJOBSSM?

A. Yes, the standards will apply. Those providers that are currently listed on the ETPL must meet the subsequent eligibility standards to be placed on the ETPL to be launched in the early spring of 2014. New providers that have just begun providing training services to the general public can be approved under initial eligibility procedures up to a maximum period of 23 months. By the 24th month of eligibility, they must meet subsequent eligibility standards to continue to be listed on the ETPL.

15. Q. What documentation are local boards required to collect to verify a training provider meets the performance standards?

A. The BPPE requires all private postsecondary education providers to report, on an annual basis, specific outcomes of their students. Our recommendation is that local boards receive a copy of the providers' annual report at the time they are applying for listing their programs on the ETPL. Once the BPPE makes the Annual Reports available online for performance verification, hard copies will no longer be required. This local validation ensures the training providers are meeting the Governor's performance standard and are complying with other state statutes. See Section IV (3) of the Policies and Procedures Handbook for additional information.

16. Q. What data set, such as Entered Employment Rate, is to be used to meet the performance standard? Is it restricted to the cohort of WIA clients?

A. The BPPE Regulations Section 74110 describes the standard elements (and definitions) to be included in the Annual Report submitted by the training provider. The report is based on the "entire" cohort of eligible students and is not restricted to WIA exiters only.

- 17. Q. Can a school be approved if it has received a temporary approval from BPPE?**
- A.** Yes. A Provisional or Conditional Approval to Operate, issued by the BPPE, is sufficient to meet the requirement for ETPL approval. These provisional approvals are granted when specific minor deficiencies are identified during processing but the institution is substantially in compliance with the requirements of the Code and permits the institution to correct those deficiencies identified. Local boards should monitor this approval to ensure full approval is granted by BPPE. See Article 4, Section 71400 BPPE Regulations
- 18. Q. What is the reference date for local boards to complete the annual subsequent eligibility determination for the grandfathered providers/ programs?**
- A.** No programs will be “automatically” listed on the ETPL. They must apply to the local board and meet the subsequent eligibility criteria at time of their application. For future years, the private postsecondary education providers in California are required to submit Annual Performance Reports to BPPE by September 1. Local boards should use the Annual Report submitted to BPPE as the basis for determining subsequent eligibility and should complete the annual subsequent eligibility review by December 1. This change is included in the Directive.
- 19. Q. Why do locals have to maintain agreements with training providers regarding records retention? Instead could the State require training providers maintain records for monitoring or auditing by the local board of State? It seems having an agreement in place is an extra unnecessary step that could be covered by the State requiring records be kept.**
- A.** The BPPE has statutory requirements for training providers to maintain student records (BPPE Regulation 71930. Maintenance of Records). However, that authority does not grant access to these files by either the local board or state for the purposes of conducting WIA monitoring or auditing visits. To ensure that State and local board retain this right of access, this requirement for local boards will not be changed.
- 20. Q. Will there be CalJOBSSM forms that locals can access and use as a template?**
- A.** No. Manual forms are not available at this time.
- 21. Q. Is there an area in the CalJOBSSM ETPL module that allows providers to upload the required verification documents? Will providers be able to upload their BPPE Annual Reports to document achievement of the performance criteria annually?**
- A.** No. That capability is currently not included with our system. The local boards will be required to obtain hard copies of these documents from the providers or verify this information on the BPPE website.

- 22. Q. Will the local board be notified if EDD determines a locally approved provider to be ineligible for the ETPL?**
- A.** Yes. EDD will work collaboratively with the local boards prior to removing any locally approved training provider.
- 23. Q. How are training providers assigned to the local board by CalJOBSSM? For example, a school has a headquarters in one local area but actually provides courses in another. Who is responsible for approving and how does the local board know to look for those providers in their list to approve?**
- A.** Currently, when a provider registers, an alert message is sent to the local area based on the provider's zip code. The local area ETPL Coordinators should review the updated provider/program list and approve the provider/programs to be used in their local area. This approval will place them on the statewide ETPL.

We recommend providers apply to the local area where they will be offering their training programs. If a provider is offering identical programs in multiple areas, the ETPL Module allows the provider to add multiple sites and report the outcomes as if they were a single program. In such cases, the provider should apply to the local board in the area where their headquarters is located. That local area will be responsible for obtaining the required documentation and approving the programs as outlined in the Policies and Procedures Handbook.