

**DRAFT DIRECTIVE TRANSMITTAL**  
**WORKFORCE SERVICES**

Number: WSDD-110

Date: December 19, 2014

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: PROPOSED ETPL - INITIAL PROGRAM ELIGIBILITY WAIVER  
PROCESS

IMMEDIATE ACTION

Bring this draft to the attention of the appropriate staff.

SUBJECT MATTER HIGHLIGHTS:

This draft directive publishes the proposed Eligible Training Provider List (ETPL) initial program eligibility waiver process and the limited situations in which these waivers may be requested.

**Please review and comment on the attached draft directive.**

COMMENTS ARE DUE BY:

01-02-15

Comments can be submitted through one of the following ways:

<b>Fax</b>	CWIB, Attention: <b>Daniel X. Patterson</b> at 916-657-1377
<b>E-Mail</b>	<b>Daniel.Patterson@cwib.ca.gov</b> (Include "draft comments" in the subject line)
<b>Mail</b>	CWIB / P.O. Box 826880 / MIC 45 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.** If you have any questions, contact the California Workforce Investment Board (CWIB) at 916-657-1440.

# DRAFT DIRECTIVE

## WORKFORCE SERVICES

Number:

Date:

50:60:ST:17249

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: PROPOSED ETPL - INITIAL PROGRAM ELIGIBILITY WAIVER  
PROCESS

### EXECUTIVE SUMMARY:

#### Purpose:

This draft directive publishes the proposed Eligible Training Provider List (ETPL) initial program eligibility waiver process for Private Postsecondary Training Providers and the limited situations in which these waivers may be requested.

#### Scope:

This directive applies to all Local Workforce Investment Areas.

#### Effective Date:

This directive is effective on the day of issuance.

### REFERENCES:

- Workforce Investment Act (WIA) Section 122
- Title 20 Code of Federal Regulations Section 663.500
- California Unemployment Insurance Code Section 14000-14530 "California Workforce Investment Act"
- Workforce Services Directive (WSD) WSD13-10 "Eligible Training Provider List Policy and Procedures"
- WSD14-2 "WIA Title 1B and W-PA State Level Performance Goals for PY 2014-15"
- Workforce Services Information Notice (WSIN) WSIN12-64 "Private Postsecondary Educational Entities Must Register with the Bureau of Private Postsecondary Education (BPPE)"

### STATE-IMPOSED REQUIREMENTS:

This directive contains only state requirements.

*The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

## **FILING INSTRUCTIONS:**

Retain this directive until further notice.

## **BACKGROUND:**

To be eligible to receive WIA funds to provide training services to adults and dislocated workers, programs must be listed on the ETPL (with the exception of certain types of customized, cohort, and on-the-job training). In order to be listed on the ETPL, training providers must submit an application to their local board via the CalJOBS<sup>SM</sup> web site. All new and existing training providers are required to register their institution and programs in [CalJOBS<sup>SM</sup>](#).

Prior to approving private postsecondary training providers to list programs on the ETPL, local boards shall ensure the provider has received an "Approval to Operate" from the BPPE. This information can be obtained on the BPPE website under the [Directory of Approved Institutions](#). Additionally, each program must meet the minimum performance standard referenced in [WSD13-10](#).

## **POLICY AND PROCEDURES:**

In limited circumstances, local boards may request an initial eligibility approval waiver (and a single year of subsequent eligibility) of a private postsecondary training program that does not meet the minimum 70 percent entered employment (placement) rate performance standard. This option is necessary to closely align the current ETPL policy with the new provisions in the Workforce Innovation and Opportunity Act (WIOA), Section 122(b) which allows for consideration of the characteristics of the population served and relevant economic conditions. This additional waiver request process will be in effect until such time as the ETPL Directive WSD13-10 is updated to reflect the new requirements contained in the WIOA.

During the two year period of an approved waiver, the private postsecondary program must continue to meet all other requirements including:

- Obtain "Approval to Operate" from the BPPE.
- Submit annual performance reports.
- Provide training for occupations in demand in the local area.
- Award credentials/certificates that are valued by the local/regional employer community.

To seek limited waiver approval for these programs, the local board shall ensure that the program meets the above requirements in addition to meeting the minimum waiver performance levels below:

- Wagner-Peyser Act State Level Performance Goal for the first waiver year - currently an entered employment rate of 54 percent (released in [WSD14-2](#) for PY 2014-15).
- Workforce Investment Act State Level Adult Performance Goal for the second waiver year (subsequent eligibility) currently an entered employment rate of 64.2 percent (released in WSD14-2 for PY 2014-15).

