

## **ELIGIBLE TRAINING PROVIDER LIST (ETPL) POLICY AND PROCEDURES**

The ETPL Policy and Procedures govern the operation of the Eligible Training Provider List (ETPL) in the San Diego local area. This policy applies to training providers that currently have, or are interested in listing, programs on the ETPL to receive Workforce Investment and Opportunity Act (WIOA) funding. This policy helps the San Diego Workforce Partnership (SDWP) create an effective ETPL that promotes informed customer choice, performance accountability and alignment between WIOA training investments and the skills needed for growing industries and occupations.

### **REFERENCES**

- WIOA (Public Law 113-128) Section 122 (a) through (f)
- Workforce Services Directive 15-07 (WSD15-07) Workforce Innovation and Opportunity Act Eligible Training Provider List Policy and Procedures
- Employment Development Department (EDD) Workforce Innovation and Opportunity Act Eligible Training Provider List Policy and Procedures
- Title 20 Code of Federal Regulations (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.400 – 680.530
- Training and Employment Guidance Letter (TEGL) 41-14, WIOA Title I Training Provider Transition (June 26, 2014)

### **BACKGROUND**

WIOA requires states to establish a list of training providers who are eligible to receive WIOA funds and to establish two separate procedures for the ETPL: initial eligibility and subsequent eligibility. On July 22, 2015, the California Workforce Development Board (State Board), released WSD15-07, revising the existing ETPL requirements. These criteria are used in SDWP’s ETPL Policy and Procedures.

The following sections list the requirements and steps to be listed and to stay listed on the ETPL for the San Diego local Workforce Investment Area.

Training providers of On-the-Job Training, Customized Training, Contracted Training, Incumbent Worker Training, internships, paid or unpaid work experience opportunities, and transitional employment shall not be subject to the ETPL requirements outlined below.<sup>1</sup>

### **INITIAL ELIGIBILITY REQUIREMENTS**

All programs that wish to be on the ETPL must meet initial eligibility requirements. Initial eligibility for the ETPL apply to all training providers, with the exception of apprenticeship programs registered under the National Apprenticeship Act (NAA) or recognized by Department of Industrial Relations (DIR) or Division of Apprenticeship Standards (DAS).<sup>2</sup>

---

<sup>1</sup> WIOA, sec. 122(h)

<sup>2</sup> WIOA, sec. 122(a)(3)

To meet initial eligibility, a training program must:<sup>3</sup>

1. Meet minimum state performance criteria (dependent on the training provider type) as described in the table below:

Training Provider Type	Performance Criteria for Initial Eligibility
Private Postsecondary Education Providers	<ul style="list-style-type: none"> <li>• Have an entered employment rate of 70% out of all program completers who are eligible for employment required by Bureau for Private Postsecondary Education (BPPE)<sup>4</sup></li> <li>• Obtain BPPE Approval to Operate or Verification of Exemption</li> </ul>
Community College, CSU and UC Programs	<p>Meet one of the following criteria:</p> <ul style="list-style-type: none"> <li>• Accredited by the Western Association of Schools and Colleges (WASC) recognized training provider and <i>not</i> subcontracted out by the training provider to a third party;</li> <li>• Eligible under Title IV of the Higher Education Act (HEA) and offer programs leading to an associate degree, baccalaureate degree or certificate;</li> <li>• Approved by the California Department of Education; or</li> <li>• Approved by the California Community Colleges Chancellor's Office (CCCCO)</li> </ul>
Adult Education Programs	<ul style="list-style-type: none"> <li>• Have an entered employment rate of 70% out of all program completers who are eligible for employment</li> </ul>

If a training provider is offering a new program, the program will go through an initial period of performance from 12 to 24 months. A new program does not mean new to WIOA or to the ETPL; it must not have been offered to the general public prior to this application.

2. Be for occupations in priority industry sectors identified in the local strategic plan.
3. 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.

### **ETPL INITIAL ELIGIBILITY PROCESS**

The following outlines the process for training providers and programs to be listed on the ETPL:

1. Once initial eligibility requirements are met, training providers must fill out an ETPL Training Provider Acknowledgement Form (Exhibit K-1).

<sup>3</sup> WSD15-07 Workforce Innovation and Opportunity Act - Eligible Training Provider List Policy and Procedures

<sup>4</sup> The program must provide evidence to BPPE that the participants who completed the program were placed in employment. The rate of employment must meet BPPE's requirement of 70%.

2. Training providers then register on CalJOBS<sup>SM</sup> and provide information about their training program(s) as indicated by the CalJOBS<sup>SM</sup> “Resources for Workforce Partners.”<sup>5</sup>
3. SDWP reviews CalJOBS<sup>SM</sup> information for accuracy and, if accurate, SDWP recommends the program to be listed on the local ETPL through the CalJOBS<sup>SM</sup> ETPL module.
4. EDD aggregates programs recommended by SDWP into a comprehensive list to produce the ETPL, which is accessible to the general public through [www.caljobs.ca.gov](http://www.caljobs.ca.gov) under “Education Services.”
5. Training programs must meet subsequent eligibility requirements (as describe below in the Subsequent Eligibility section) after one year of being on the ETPL to remain on the list.
6. Programs that do not meet subsequent eligibility requirements are subjected to delisting from the ETPL (as described below in the Denial, Delisting and Appeals section).

Programs on the ETPL are available for selection by all WIOA eligible participants. Individual Training Account (ITA) expenditures are limited by SDWP’s current ITA policy, which is currently set for \$5,000 for in-demand jobs and \$7,000 for higher in-demand jobs as approved by the San Diego Consortium Policy Board.<sup>6</sup> For more information on ITA, reference SDWP’s Individual Training Account Policy and Procedures.

Refer to ETPL Process Maps (Exhibit K-2) for an illustration of SDWP’s ETPL process.

### **SUBSEQUENT ELIGIBILITY PROCESS**

SDWP will evaluate all programs on the ETPL—with the exception of DIR/DAS apprenticeship programs—annually to ensure that they continue to meet eligibility requirements beyond the period of initial eligibility. This determination is called “subsequent eligibility.” SDWP will verify performance by program using data from BPPE, CalJOBS<sup>SM</sup>, California Community Colleges, Adult Education and/or other appropriate data sources. SDWP shall obtain a copy of the training provider’s BPPE Annual Report 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 accessible for public access. This accreditation can be verified at: [www.accjc.org](http://www.accjc.org) or [www.wascsenior.org](http://www.wascsenior.org).<sup>7</sup>

To meet subsequent eligibility, a training program must meet minimum state performance criteria of maintaining an entered employment rate of 70% for the prior year. For community college, CSU and UC programs, entered employment rate of 70% only applies to WIOA participants.<sup>8</sup>

### **DENIALS AND APPEALS PROCESS**

SDWP shall deny a training program if:

- The application from the provider is incomplete;

<sup>5</sup> [www.edd.ca.gov/Jobs\\_and\\_Training/CalJOBS\\_Resources\\_for\\_Workforce\\_Partners.htm#ETPL](http://www.edd.ca.gov/Jobs_and_Training/CalJOBS_Resources_for_Workforce_Partners.htm#ETPL)

<sup>6</sup> Meeting of the San Diego Consortium Policy Board dated Friday, March 20, 2015. Item #8

<sup>7</sup> EDD WIOA ETPL Policy and Procedures. Section IV. Application Policy and Procedures.

<sup>8</sup> WSD15-07 Workforce Innovation and Opportunity Act - Eligible Training Provider List Policy and Procedures

- The provider and/or its program(s) fail to meet the minimum criteria for initial listing as specified in section Initial Eligibility Requirements above;
- The provider intentionally supplied inaccurate information; or
- The provider substantially violated any WIOA requirement(s)

The following outlines processes for notices and penalties related to denials:

- If SDWP denies a provider's initial application for listing on the ETPL, SDWP shall, within five business days of receipt of the application, inform the provider in writing and include the reason(s) for the denial through a denial/delisting letter.
- If EDD denies a provider's program list on the ETPL, EDD must within 30 days of receipt of the recommendation, inform SDWP of the denial and reason(s) for the denial. SDWP shall in turn inform the provider in writing and include the reason(s) for the denial.
- If EDD, in consultation with SDWP, determines that a provider intentionally supplied inaccurate information, or substantially violated any WIOA requirement(s), EDD or SDWP shall terminate the eligibility of the provider, remove the provider from the ETPL and deny the provider's eligibility to receive funds under WIOA section 133(b) for at least two (2) years, or take other action as deemed appropriate.

Training providers wishing to appeal SDWP's denial must submit the appeal to SDWP 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 reasons for the appeal, documentation supporting the grounds for the appeal and the signature of the appropriate provider official.

A provider may appeal to EDD if the provider has exhausted SDWP's appeal process and is dissatisfied with SDWP's final decision. A provider must submit a written appeal to EDD within 30 days of SDWP's final decision on an appeal. The request for appeal must include all items required by the initial appeal to SDWP and the signature of the appropriate provider official. A provider appeal should be addressed to the following:

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

EDD will promptly notify SDWP when EDD receives a request for appeal. After reviewing the appeal, EDD will make a preliminary decision and notify the provider. EDD can either uphold or reverse SDWP's appealed decision.

### **DELISTING**

SDWP will delist a program for the following reasons:

- The private post-secondary provider does not comply with BPPE annual performance reporting requirements (Title 5 California Code of Regulations Division 7.5)
- A WIOA participant has not enrolled in the training program for the previous three program years (July 1 through June 30).

- A community college, CSU or UC program lost accreditation from WASC.
- The training provider did not maintain the minimum performance criteria for subsequent eligibility and was not approved for a waiver of subsequent eligibility.

SDWP will reactivate a program removed from the ETPL if the training provider makes a request to SDWP to reactivate the program once it meets the minimum performance standards mandated by the State Board.

### **WAIVER OF INITIAL AND SUBSEQUENT ELIGIBILITY FOR PRIVATE POSTSECONDARY TRAINING PROVIDERS' PROGRAMS**

For training programs that do not meet the minimum performance standards established by the State Board, SDWP may request either an initial waiver (a two-year initial period of eligibility) or a subsequent eligibility waiver (a single year of subsequent eligibility). This option will only be exercised in limited circumstances where the program is assessed to be necessary for the region, but due to relevant economic and other conditions, cannot maintain the requirement performance standards.<sup>9</sup>

The following outlines the waiver process:

1. During the period of an approved waiver, the training program must continue to meet all other requirements and the training provider must:
  - Maintain “Approval to Operate” from the BPPE
  - Submit annual performance reports to BPPE
  - Provide training for in-demand occupations in the local area
  - Award credentials that are valued by local employers
2. To request a waiver, SDWP must ensure that the program meets the above requirements and the minimum waiver performance levels, which will be equal to the Wagner-Peyser Act negotiated State Level Performance goals. This performance standard is published annually.
3. SDWP must complete the Private Postsecondary Program Waiver Request form<sup>10</sup> located in the ETPL Policy and Procedures provided by EDD and send the request to the attention of the State Board. The request must be supported by an action item approved by SDWP’s Workforce Development Board and San Diego Consortium Policy Board.
4. The waiver request form must explain the training provider is unable to achieve the state’s minimum ETPL performance standard and describe the actions SDWP will take to ensure the continuous improvement of the training provider’s performance during the waiver period. If the waiver request is submitted through email, the completed request must be attached as a separate document. The State Board will review and recommend action on the request and forward the waiver request to the EDD to carry out the administrative functions of the waiver. If the waiver is approved, the training provider—with assistance from SDWP’s ETPL

---

<sup>9</sup> WIOA section 122(b)

<sup>10</sup> [www.edd.ca.gov/jobs\\_and\\_training/pubs/wsd15-07.pdf](http://www.edd.ca.gov/jobs_and_training/pubs/wsd15-07.pdf)

Coordinator—must complete all data entry for the program into CalJOBS<sup>SM</sup>. The Central Office Workforce Services Division Program Support Unit will approve the program to the ETPL upon receipt of the State Board’s approval of the waiver request.

5. Private Postsecondary Program waiver requests must be submitted via one of the following methods:

Mail: ETPL Waiver Coordinator  
California Workforce Investment Board, MIC 45  
P.O. Box 826880  
Sacramento, CA 94280-0001

Email: [Waiver.Request@cwib.ca.gov](mailto:Waiver.Request@cwib.ca.gov)

6. If a program receives a waiver of initial eligibility, the training provider must demonstrate substantial progress towards meeting performance goals in order to be approved for an additional year. By the end of the second year of the performance waiver, the program must meet performance requirements, or it will be removed from the ETPL. A training provider may only receive a waiver of subsequent eligibility for one year.

### **POLICY CHANGES**

The Workforce Development Board will update to this policy based on changes to the Federal and State laws, regulations and guidance, training program performance data, local economic and labor market conditions and/or other local priorities.

### **EXHIBITS**

- Exhibit K-1 – ETPL Training Provider Acknowledgement Form
- Exhibit K-2 – ETPL Process Maps