

# **Workforce Innovation and Opportunity Act Eligible Training Provider List Policy and Procedures**

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

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Eligible Training Provider List  
Policy and Procedures**

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**POLICY AND PROCEDURES**

**I. PURPOSE**

These 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 Development Boards (Local Board), their America's Job Center of California<sup>SM</sup> (AJCC) locations, and those training providers who wish to offer services to adults, dislocated workers and out of school youth whose training is funded by the *Workforce Innovation and Opportunity Act* (WIOA). This policy incorporates the state requirements of the *Bureau of Private Postsecondary Act of 2009*, includes a transition process for existing providers, and establishes the Governor's eligibility criteria and procedures for initial and subsequent determination for training providers who list training programs on the ETPL.

## II. BACKGROUND

### A. WIOA Requirements

- a) 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 on the statewide ETPL.
- b) The WIOA emphasizes informed customer choice, performance accountability, and continuous improvement.
- c) 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.
- d) 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.
- e) 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 Local Board who will distribute it through the local AJCC system. The official California ETPL is available online at [www.caljobs.ca.gov](http://www.caljobs.ca.gov) under Education Services.
- f) An AJCC may issue an Individual Training Account (ITA) to a WIOA eligible individual (out of school youth age 18-24, or an adult or dislocated worker) to fund training services. The training provider must be selected from those listed on the ETPL (exceptions are listed in WIOA Section 122 [h]). The eligible individual can then compare the offerings on the ETPL, and with the assistance of AJCC staff, select the most appropriate training program.
- g) An AJCC may also contract with an ETPL provider for cohort training ( 20 *Code of Federal Regulations* (CFR) 680.320 (a)(4)) if the following occurs:
  - The Local Board determines it would facilitate the training of multiple individuals in demand occupations.
  - The contracts do not limit customer choice.

### 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:

- a) ***Simplicity*** – Avoid imposing burdens that would inhibit the participation of quality training providers.

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- b) **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.
- c) **Informed Customer Choice** – To ensure that job seeking customers make an “informed customer choice” and are prepared with the skills needed to fill hiring opportunities in in-demand sectors and career pathways in high wage occupations, AJCC staff will provide access to skills assessment tools, career planning resources, updated labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy, and access to the eligible list of training providers (ETPL) provided in electronic format through the CalJOBS<sup>SM</sup> system which provides relevant information on available training programs, including performance and cost.
- d) **Quality** – Establish and maintain 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.
- e) **Respect for Local Autonomy** – The policy should remain supportive of the autonomy that the WIOA has otherwise granted to the Local Boards.

### III. GENERAL PROVISIONS

#### A. Definitions

**Program of Training Services** is defined (20 CFR Section 680.420) as one or more courses or classes, or a structured regimen that leads to one of the following:

- a) A recognized post-secondary credential, secondary school diploma or its equivalent.
- b) Employment.
- c) Measurable skill gains toward such a credential or employment.

**Completion** is defined as successfully completing an activity and attaining the skills competencies, certification, license, credential, degree, or employment associated with the activity in the customer’s employment plan

**Exit** is defined (20 CFR, Section 677.150) as the status of a customer who has not received a WIOA service for 90 days and for whom no future services are planned. “Service” does not include self-service, information-only activities or follow-up services. AJCC staff may “close” a case and enter completion and employment information in CalJOBS, but “exits” occur automatically after 90 days of no service.

**Individuals with barriers to employment** (20 CFR Section 680.320) include those individuals in one or more of the following categories: displaced homemakers; low-income individuals; Indians, Alaska Natives and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in or

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have aged out of the foster care system; individuals who are English learners, have low literacy levels, or face substantial cultural barriers; eligible migrant seasonal farmworkers (MSFW); individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF); single-parents (including single pregnant women); long-term unemployed individuals; and members of other groups identified by the Governor.

**In-demand** refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local Workforce Development Plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.

**Pre-apprenticeship Skills Training** is defined (20 CFR 681.480) as a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship programs and has a documented partnership (letter of commitment) with at least one, if not more, approved apprenticeship program(s). In California, the apprenticeship partner must be approved by the California Department of Industrial Relations, Division of Apprenticeship Standards (DIR/DAS). Such pre-apprenticeship programs must possess or develop a strong record of enrolling their pre-apprenticeship graduates into a registered apprenticeship program.

### **B. Types of Training to Which These Procedures Apply (WIOA Section 134)**

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

- a) Occupational skills training, including training for non-traditional employment and occupational skills training that integrates English-language and math instruction needed to succeed on the job.
- b) Programs that combine workplace training with related instruction, which may include cooperative education programs.
- c) Training programs operated by the private sector.
- d) Skill upgrading and retraining.
- e) Entrepreneurial training.
- f) Apprenticeship and Pre-apprenticeship Skills Training.

### **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. These exceptions include the following:

- a) On-the-Job Training.
- b) Customized Training (as defined by the WIOA).
- c) Incumbent worker training or transitional employment.
- d) Instances where the Local Board determines the following:
  1. There is an insufficient number of eligible providers of training services in the local area.
  2. An exception is necessary to meet the needs of individuals with barriers to employment.
  3. That it would be most appropriate to award a contract to an institution of

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higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations.

### e) Pay for Performance Contracts

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 [20 CFR 680.320 (a)(4)].

## D. Equal Employment and Nondiscrimination Requirements

All Training Providers are subject to the Equal Opportunity and Nondiscrimination requirements contained in Section 188 of WIOA. All AJCCs must ensure that a training provider is in compliance prior to approving the provider to be on the ETPL. Providers must comply with WIOA Section 188 Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program or activity. Equal Employment Opportunity and Non-Discrimination procedures should be posted at the AJCCs and approved Training Providers' facilities, and provided to each customer upon enrollment.

## **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, and that providers meet the state's minimum performance standards (see Chapter V.A. and V.B. for a description of these standards). The Local Board shall obtain a copy of the provider's BPPE Annual Report (the Performance Fact Sheet for an individual campus does not meet this requirement) 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. Western Association of Schools and Colleges (WASC) Junior or Senior Colleges) must provide evidence of their reported outcomes, post them on their website or otherwise make them easily 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/).
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.

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5. Instances in which the training provider claims an exemption to BPPE ([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, in-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 the Local Board representing the area in which the training site is located, or the Local Board that has been appointed to coordinate the ETPL for the local area (see ETPL Local Workforce Development Area Appointment Form, page 17), or, if they have multiple training sites, the Local Board in the area where their headquarters are located for approval to list programs on the ETPL. See Section 2 of the Provider Services Guide available in CalJOBS<sup>SM</sup> under the Staff Online Resources tab.
2. Once approved by the Local Board, the provider (with guidance or assistance from the Local Board) shall enter all the program information, completing all the required fields, which includes the performance data. 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.
3. Pre-Apprenticeship Training providers must include a letter of commitment from an approved apprenticeship program and meet the application policies and procedures required for the type of program (e.g., community college, private post-secondary, adult education provider, etc.).
4. Training providers that offer programs in multiple local areas must apply only to the Local Board in the area where their headquarters is located or the Local Board that has been appointed to coordinate the ETPL for the local area where the headquarters is located. The Provider Services Guide provides instructions on how to list multiple training locations.



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5. Providers Headquartered Outside of California – Providers headquartered outside of California who do not have in-state training facilities may provide training services through a Local Board if the provider is listed on the ETPL in the state in which they reside. A Provider that is listed on another state’s ETPL can be used with the Out of State Provider – Other State ETPL Service Code and must include a Case Note indicating which state has approved the Provider for its ETPL.
6. Community College Programs – Local Boards should work with the Community College Districts in their planning region to identify and list Career Technical Education (CTE) programs resulting in industry-recognized certificates or degrees by following steps 1-3 above. Methods to identify “industry-recognized certificates or degrees” can include consultation with industry experts and employers, review of state or industry mandated licenses or certificates, or consultation with industry advisory groups.
7. 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.
8. Division of Apprenticeship Standards Programs – The California Workforce Development Board (State Board) and the EDD are collaborating with the DAS to list registered apprenticeships on the ETPL. DAS staff has been trained and is starting to enter programs these programs are added to the ETPL by DIR/DAS. DIR/DAS staff will not enter information on pre-apprenticeship training programs; this information will be entered by Local Boards.

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

In accordance with 20 CFR section 680.440, the Governor has established a transition for providers that were eligible to provide training services under WIA. Upon finalization of this directive, all ETPL providers and programs will be reviewed and determined for continued eligibility under WIOA utilizing the most current performance data available at that time. These training providers who meet the WIOA eligibility will then remain on the ETPL until completion of the standard subsequent eligibility process in early 2016.

- A. Initial eligibility procedures for the ETPL apply to all training providers, except for registered apprenticeship programs. Pre-apprenticeship Training programs must complete initial eligibility procedures. Initial eligibility is based on the following:
  1. Meeting state minimum performance criteria, as described in this document.
  2. Training must be for occupations in in-demand industry sectors identified by the state, regional or local workforce development boards. 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.

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3. Apprenticeship programs registered under the *National Apprenticeship Act* (NAA) or recognized by DIR/DAS are exempt from initial eligibility procedures. Registered apprenticeship programs must be included and maintained on the list of eligible providers of training services as long as the corresponding program remains registered, as described at WIOA sec. 122(a)(3).
  4. Providers seeking initial eligibility must provide verifiable program specific performance information to the Local Board that is approving programs, including the following:
    - Description of each program of training services to be offered.
    - Information addressing performance (employment, earnings, credential attainment).
    - Description of partnership with business (incorporating input from local/regional business advisory groups, role of business in developing curriculum, providing work-based learning, and/or hiring graduates).
    - Demonstrate high quality training services, including a program of training services that leads to a recognized postsecondary credential or entry into an approved apprenticeship program.
    - Provide information that addresses alignment of the training services with in-demand industry sectors and occupations.
- 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, WASC, or the Accrediting Commission for Community and Junior Colleges, CSU, UC, and other WASC accredited institutions.
  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. Approval by the California Department of Education.
  5. Approval by the Chancellor's Office of the California Community Colleges (CCCCO).
- C. Performance Criteria for Private Postsecondary Education Provider Initial Eligibility
- Programs must meet the Entered Employment (placement) Rate performance standard established by the State Board.<sup>1</sup> Priority industry sector information must be verified with the State Board and/or Local Board. Training Providers with programs that have been exempted from BPPE must post their performance on their website and submit a BPPE Exempt Provider Program Performance Report (page 22).

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### D. Performance Criteria for Approved Apprenticeship Program Initial Eligibility

All registered apprenticeship programs that are registered with the Department of Labor (DOL), or recognized by DIR/DAS are automatically eligible to be included on the ETPL.

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

All California Community College, CSU and UC programs in Priority industry sectors will be added to the ETPL by the Local Boards upon request by the college. These programs must be offered by the WASC recognized training provider and not subcontracted out by the training provider to a third party vendor to be considered eligible.

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

All Adult Education Programs must meet the minimum performance criteria established by the State Board and 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.

In demand or priority industry sector information must be verified with the State Board and/or Local Board.

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

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

(a) Placement Rates. (If SB410 passes, all references to on-time graduates will be eliminated.)

(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 (d)(1) for each reported calendar year.

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of on-time graduates as defined in subdivision (d)(1) of this section, the on-time graduates available for employment, on-time graduates employed in the field and job placement rate(s).

(3) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section [94928\(1\) of the code](#) divided by the number of graduates available for employment as defined in section [94928\(d\)](#) of the Code.

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### **G. New Programs**

To be considered a “new” program the program cannot have been offered to the general public prior to this application. New program does not mean new to WIOA or the ETPL. The programs must meet all other eligibility criteria. 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 and verify/validate nominations for the ETPL from Local Boards within 30 days of receipt.
- C. The EDD will accept changes to data displayed for providers and programs already listed on the ETPL.
- 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 approvals 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.”
- F. The Local Boards are responsible for ensuring that all the AJCCs in their area 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.
- 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.

## **VII. SUBSEQUENT ELIGIBILITY POLICY AND PROCEDURES**

### **A. Programs Subject to Subsequent Eligibility Determination**

All programs on the ETPL, with the exception of DIR/DAS apprenticeship

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programs, will be evaluated annually to ensure they continue to meet eligibility to be retained on the ETPL beyond the period of initial eligibility. This determination is called “subsequent eligibility”. Performance shall be verified utilizing BPPE, CalJOBS<sup>SM</sup>, California Community College, Adult Education, Local Board, and/or other appropriate data sources (including BPPE Exempt Provider Program Performance Report, page 22), and be published annually in a WSD Information Notice.

### **B. Performance Criteria for Subsequent Eligibility**

#### **1. Private Postsecondary Education Providers**

- a) Employment (placement) rate equal to or above the performance standard established by the State Board (released via a WSD Information Notice, WSIN15-4).

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

- a) The Division of Apprenticeship Standards will review and maintain the list of approved apprenticeship programs.

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

- a) Program completion rates should be obtained by the approving Local Board and posted in the performance area for each program in CalJOBS<sup>SM</sup>.
- b) Employment rates for WIOA participants registered for a program and college will be reported using CalJOBS<sup>SM</sup>.

#### **4. Adult Education Programs**

- a) Employment rate equal to or above the performance standard established by the State Board for all WIOA participants reported using CalJOBS<sup>SM</sup>.

#### **5. Considerations for Subsequent Eligibility for Small Cohorts**

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

### **C. Waiver of Initial and Subsequent Eligibility for Private Postsecondary Training Providers’ Programs**

- a) Local Boards may request a waiver: either an initial (a two year initial period of eligibility) or subsequent eligibility waiver (a single year of subsequent eligibility) of a training program that does not meet the minimum performance standards established by the State Board. This option is necessary to align the current ETPL policy with the new provisions in the Section 122(b) of WIOA which allows for consideration of the characteristics of the population served, availability of training providers in rural areas, and relevant economic conditions.

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b) During the period of an approved waiver, the training program must continue to meet all other requirements, including the following:

- Maintain “Approval to Operate” from the BPPE.
- Submit annual performance reports to BPPE.
- Provide training for occupations in demand in the local/regional area.
- Award credentials that are valued by the local/regional employers.

c) To approve a waiver for a program, the Local Board shall ensure that the program meets the above requirements in addition to meeting 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.

d) The Local Board shall complete the Private Postsecondary Program Waiver Request form (see attachment) and send the request to the attention of the State Board. The request must be supported by a publicly noticed Action of the Local Board. In addition, the attached waiver request form must explain why the provider is unable to achieve the state’s minimum ETPL performance standard and actions the Local Board will take to ensure the continuous improvement of this rate during the waiver period. If the waiver request is submitted through email, the completed request must be scanned and attached due to the signature requirement. 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 directive. If the waiver is approved, the Training Provider, with assistance from the Local Board’s ETPL 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. If the waiver is denied, the program will be removed from the list.

e) Private Postsecondary Program waiver requests shall be submitted via one of the following methods:

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

E-MAIL: [Waiver.Request@cwdb.ca.gov](mailto:Waiver.Request@cwdb.ca.gov)

f) If a program receives a waiver of initial eligibility, the training program 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 performance waivers, 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.

## **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 incomplete 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 WIOA 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 WIOA participant has not enrolled in the training program during the previous two (2) 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 and has not been approved for a waiver of subsequent eligibility by the Local Board.

#### **3. Reactivating Programs Removed from the List**

- a. If a program is removed from the list, the training provider can request that the program be reactivated once the program has met the minimum performance standards approved by the State Board.

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

1. If a Local Board denies a provider's initial 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 local appeal process.

If EDD denies a provider's program listing on the ETPL, the EDD must within 30 days of receipt of the nomination, inform the Local Board of the denial and the reason(s) for the denial. The Local Board must in turn inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.

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### **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 the EDD shall terminate the eligibility of the provider; remove them from the ETPL; and deny their eligibility to receive any funds under WIOA Section 133(b) for at least two (2) years.
2. If it is determined that an eligible provider substantially violated any WIOA requirement(s), the EDD or the Local Board working with the EDD shall terminate the eligibility of the provider for at least two (2) years, 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. Instructions for a provider wishing to appeal a decision must 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); documentation supporting the grounds for the appeal, and the signature of the appropriate provider official.
  - b. Initial informal meeting between the Local Board staff and the provider. The purpose of this meeting is identify if there is a simple solution to resolve the dispute.
  - c. Opportunity for providers 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 in advance of 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. Final decisions must be made within 60 days of receipt of the appeal and the provider and the Local Board notified in writing of the final decision.

### **E. Appeals to EDD**

1. A provider may appeal to the EDD if it has exhausted the local appeal process and is dissatisfied with the Local Board's final decision.
2. A provider wishing to appeal a local decision to the EDD must submit a written appeal within 30 days from 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



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the signature of the appropriate provider official. A provider appeal should be addressed to the following:

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

3. The EDD will promptly notify the appropriate Local Board when the 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.

### **IX. ETPL Resources and Technical Assistance**

Resources and technical assistance will be provided to local ETPL Coordinators and Training Provider by BPPE, DIR/DAS and EDD on application processes, compliance requirements, and reporting documents.

- To communicate with the EDD ETPL Coordinators, use the following ETPL e-mail address: [wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov)
- The BPPE provides technical assistance workshops to assist training providers in completing the Annual Reports and has on-line reporting tools.  
[www.bppe.ca.gov/schools/application\\_workshops.shtml](http://www.bppe.ca.gov/schools/application_workshops.shtml)  
[www.bppe.ca.gov/enforcement/compliance\\_workshops.shtml](http://www.bppe.ca.gov/enforcement/compliance_workshops.shtml)
- The DIR/DAS provides technical assistance to providers interested in applying to become an apprenticeship program and assistance to registered apprenticeship programs in listing their programs on the ETPL.
- The Provider Services Guide is available in CalJOBS<sup>SM</sup> under the Staff Online Resources section.
- The EDD will coordinate webinars and user group meetings and include break-out sessions for the ETPL coordinators when necessary.

<b>Eligible Training Provider List PRIVATE POSTSECONDARY PROGRAM INITIAL WAIVER REQUEST</b>		
<b>LOCAL WORKFORCE DEVELOPMENT BOARD INFORMATION</b>		
<b>Local Workforce Development Board:</b>		
<b>Contact Name, Title:</b>		
<b>Contact Phone Number:</b>		
<b>TRAINING PROVIDER/PROGRAM INFORMATION</b>		
<b>Name of Private Postsecondary Training Provider:</b>		
<b>Provider Address:</b>		
<b>City:</b>	<b>State:</b>	<b>ZIP Code:</b>
<b>Title of Training Program:</b>		
<b>Current Placement Rate:</b>	<b>First Year of Waiver: Y/N</b>	<b>Second Year of Waiver: Y/N</b>
<b>Justification for the Waiver Request:</b>		
<p>I hereby make the following assurances as part of this request:</p> <ul style="list-style-type: none"> <li>• The above provider and program is registered by the Bureau of Private Postsecondary Education and has received Approval to Operate.</li> <li>• Inclusion of the program on the ETPL will be for the purposes of providing training to individuals with a barrier(s) to employment as defined in the <i>Workforce Innovation and Opportunity Act</i>, Section 3 (24).</li> <li>• Completion of the training program results in the awarding of industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.</li> <li>• The training program is identified as a demand occupation in our local plans and has a history of serving clients with barriers to employment.</li> <li>• The provider is not listed as an Ineligible Cal Grant School by the California Student Aid Commission, <a href="https://webutil.csac.ca.gov/CalGrant_Inst/CalGrantInstSearch.aspxht">https://webutil.csac.ca.gov/CalGrant_Inst/CalGrantInstSearch.aspxht</a>, or has provided documentation of graduation rate exceeding 30 percent and student default rate below 15.5 percent in recent academic years.</li> </ul> <p>I request the above training program to be included on the Eligible Training Provider List.</p>		
<b>Signature</b>		<b>Date</b>
<p><b>Submit Waiver Request to: CWDB/MIC45, P.O. Box 826880, Sacramento, CA 94280-0001 or</b>  <a href="mailto:waiver.request@cwdb.ca.gov">waiver.request@cwdb.ca.gov</a></p>		
<b>CWDB USE</b>		
<b>Approving Signature</b>		<b>Date</b>

<b>Eligible Training Provider List PRIVATE POSTSECONDARY PROGRAM SUBSEQUENT WAIVER REQUEST</b>		
<b>LOCAL WORKFORCE DEVELOPMENT BOARD INFORMATION</b>		
<b>Local Workforce Development Board:</b>		
<b>Contact Name, Title:</b>		
<b>Contact Phone Number:</b>		
<b>TRAINING PROVIDER/PROGRAM INFORMATION</b>		
<b>Name of Private Postsecondary Training Provider:</b>		
<b>Provider Address:</b>		
<b>City:</b>	<b>State:</b>	<b>ZIP Code:</b>
<b>Title of Training Program:</b>		
<b>Current Placement Rate:</b>	<b>First Year of Waiver: Y/N</b>	
<b>Justification for the Waiver Request:</b>		
<p>I hereby make the following assurances as part of this request:</p> <ul style="list-style-type: none"> <li>The above provider and program is registered by the Bureau of Private Postsecondary Education and has received Approval to Operate.</li> <li>Inclusion of the program on the ETPL will be for the purposes of providing training to individuals with a barrier(s) to employment as defined in the <i>Workforce Innovation and Opportunity Act</i>, Section 3 (24).</li> <li>Completion of the training program results in the awarding of industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.</li> <li>The training program is identified as a demand occupation in our local plans and has a history of serving clients with barriers to employment.</li> <li>The provider is not listed as an Ineligible Cal Grant School by the California Student Aid Commission, <a href="https://webutil.csac.ca.gov/CalGrant_Inst/CalGrantInstSearch.aspxht">https://webutil.csac.ca.gov/CalGrant_Inst/CalGrantInstSearch.aspxht</a>, or has provided documentation of graduation rate exceeding 30 percent and student default rate below 15.5 percent in recent academic years.</li> </ul> <p>I request the above training program to be included on the Eligible Training Provider List.</p>		
<b>Signature</b>		<b>Date</b>
<p><b>Submit Waiver Request to: CWDB/MIC45, P.O. Box 826880, Sacramento, CA 94280-0001 or <a href="mailto:waiver.request@cwdb.ca.gov">waiver.request@cwdb.ca.gov</a></b></p>		
<b>CWDB USE</b>		
<b>Approving Signature</b>		<b>Date</b>

**Eligible Training Provider List (ETPL)  
Local Workforce Development Area Appointment Form**

**DELEGATING LOCAL WORKFORCE DEVELOPMENT AREA**

**Delegating Local Workforce Development Area**

**Name:** \_\_\_\_\_

**Delegating Local Area Executive Director**

*By signing this form, the Delegating Local Area will be assigning responsibility for the ETPL to the Appointed Local Area.*

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**APPOINTED LOCAL WORKFORCE DEVELOPMENT AREA**

**Appointed Local Workforce Development Area**

**Name:** \_\_\_\_\_

**Appointed Local Area Executive Director**

*By signing this form, the Appointed Local Area agrees to coordinate the ETPL on behalf of the Delegating Local Area.*

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please Submit Completed Form To:  
EDD WSB / MIC50 722 Capitol Mall, Sacramento, CA 95814  
or [WSBETPL@EDD.CA.GOV](mailto:WSBETPL@EDD.CA.GOV)**

**WIOA ETPL Policy and Procedures**

**Eligible Training Provider List  
BPPE Exempt Provider  
Program Performance Report**

Name of Provider: \_\_\_\_\_  
 Program of Study: \_\_\_\_\_  
 Period Covered: \_\_\_\_\_

	Type of Student	
	All Students in Program	WIOA Participants
<b>Total Served</b>	The total number of students for this training program.  _____	The total number of WIOA participants who received training services through each of the adult program and the dislocated worker program in the reporting period.  _____
<b>Total Number of Students Exited</b>	The total number of students who completed, or withdrew from a program of study or equivalent and have no planned gap in service and no future services planned, excluding follow up, in the reporting period.  _____	The total number of WIOA participants who who completed, or withdrew from a program of study or equivalent in the reporting period.  _____
<b>Employment Rate (Q2)</b>	Number of exiters during the reporting period who are employed during the second quarter after exit (numerator) divided by the number of exiters during the reporting period (denominator) multiplied by 100 and reported as a percentage.  _____	NA
<b>Employment Rate (Q4)</b>	Number of exiters during the reporting period who are employed during the fourth quarter after exit (numerator) divided by the number of exiters during the reporting period (denominator) multiplied by 100 and reported as a percentage.  _____	NA
<b>Median Earnings</b>	For all exiters in a program of study where a wage match occurred, report the wage that is at the midpoint between the highest and lowest wage earned in the second quarter after exit.  _____	NA
<b>Credential Rate - Exiters</b>	Number of participants who exited that were in a postsecondary education or training program and who obtained a recognized postsecondary credential during the program or within one year after exit; plus the number of participants who exited that were in a secondary education program and who obtained a secondary school diploma or its equivalent during the program or within one year after exit AND who were also employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit (numerator), divided by the number of participants who exited and were in a postsecondary education or training program; plus the number of participants who exited and were in a secondary education program (at or above the 9th grade level) without a high school diploma or equivalent (denominator).  _____	NA

**WIOA ETPL Policy and Procedures**

**Eligible Training Provider List  
BPPE Exempt Provider  
Program Performance Report**

<b>Employment Rate - Completers (Q2)</b>	The number of exiters during the reporting period who are employed during the second quarter after exit (numerator) divided by the number of exiters during the reporting period (denominator). _____	NA
<b>Employment Rate - Completers (Q4)</b>	Number of exiters during the reporting period who are employed during the fourth quarter after exit (numerator) divided by the number of exiters during the reporting period (denominator). _____	NA
<b>Median Earnings-Completers (Q2)</b>	For all exiters in a program of study where a wage match occurred, report the wage that is at the midpoint between the highest and lowest wage earned in the second quarter after exit. _____	NA
<b>Credential Rate - Completers</b>	Number of students who began the program of study compared to those who completed the program of study. _____	NA

By signing this form, the Institution acknowledges the information contained in this report is accurate, is posted on the Institution's website or is otherwise available to the public, and has been provided to a Local Workforce Development Area for inclusion on the California State Eligible Training Provider List.

**Institution Director**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_