

## ETPL Policy and Procedures

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## A. Introduction

This policy establishes the types of allowable training services, consumer choice, the difference between the state and local Eligible Training Provider List (ETPL), the requirement for Local Workforce Development Boards (Local Boards) to establish an ETPL policy, eligibility criteria and procedures for initial and continued eligibility for Eligible Training Providers (ETP) and programs, the federally mandated Eligible Training Provider Performance Report (ETP Report), and the roles and responsibilities of the Local Boards and the Employment Development Department (EDD) in maintaining the integrity of the state ETPL.

This document contains detailed information on initial and continued eligibility requirements, and the roles and responsibilities of the Local Boards, and the EDD in maintaining the integrity of the state ETPL and the quality of the training programs offered on it.

## B. Allowable Types of Training Services

The following are the allowable types of training for the *Workforce Innovation and Opportunity Act* (WIOA) Title I program:

- a. Occupational skills training, including nontraditional employment.
- b. On-the-Job Training (OJT).
- c. Incumbent Worker Training (IWT).
- d. Programs that combine workplace training with related instruction, which may include cooperative education programs.
- e. Training programs operated by the private sector.
- f. Skill upgrading and retraining.
- g. Entrepreneurial training.
- h. Job readiness training provided in combination with the training services described in (a) through (g) above.
- i. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided with the training services described in (a) through (g) above.
- j. Customized training conducted with a commitment by an employer, or group of employers, to employ an individual upon successful completion of the training.

While all of the above are allowable training services under WIOA, service types b, c, and j are not required to be on the ETPL.

## C. State and Local ETPLs

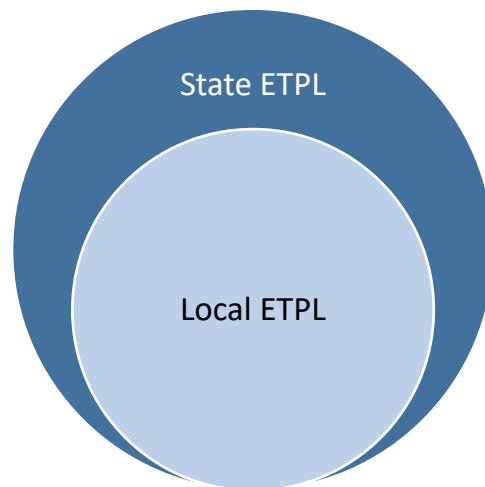
Local Boards and the EDD are responsible for working together to identify ETPs for the state ETPL. The state ETPL creates a pool of ETPs that Local Boards can utilize to establish their local ETPL. In California, the state ETPL is called the California (CA) ETPL.

Each Local Board must maintain a local list of training providers and programs. Local Boards may add additional local requirements for providers and/or programs (except for

apprenticeship programs) to be eligible on the local ETPL. Local Boards must include all CA ETPL approved apprenticeship programs on their local ETPL. Adding additional local requirements may result in providers that are on the CA ETPL, but may not be eligible for inclusion on the local ETPL. While additional requirements may be added for the local ETPL, Local Boards may only include training providers on their list that are approved for the CA ETPL.

If the Local Board is reviewing provider and/or program applications for inclusion on the ETPL, the Local Board must conduct the state eligibility review first, and then determine eligibility for inclusion on their local ETPL. When conducting the state eligibility review, the Local Board must do so using only the state's requirements, and not the Local Board's additional requirements.

Local Boards that do not add additional requirements must include all of the providers/programs on the CA ETPL on their local ETPL, whereas Local Boards with additional requirements may have a subset of the state list as depicted in the diagram below:



Note – Providers on the local ETPL must be on the CA ETPL.

Note – Additional functionality is being added to the CalJOBS<sup>SM</sup> system to enable Local Boards to identify the training providers and programs approved for their local ETPL.

#### **D. Local Board Policy**

Each Local Board must develop local policies that provide sufficient consumer protection and oversight of training providers. These policies must meet the minimum requirements of the procedures outlined in this Directive, and may include additional requirements as deemed appropriate by the Local Board. Such policies must include, but are not limited to, processes that achieve the following:

- Ensure participants can avail themselves of, and are made aware of, grievance/complaint procedures. Please reference *Workforce Services Directive WIOA Grievance and Complaint Resolution Procedures* ([WSD18-05](#)) for guidance.
- Recover WIOA training funds. Please reference *Recovery of WIOA Tuition and Training*

*Refunds* ([WSD19-10](#)) for guidance on recovering training funds.

- Outline any additional eligibility requirements providers and/or programs (except apprenticeship programs) must meet to be listed on the local ETPL.
  - These requirements must support the creation of a list that ensures provider performance, job-driven training, informed consumer choice, continuous improvement, and cost-effective investment of public funds.
  - Requirements may include, but are not limited to:
    - Additional performance requirements.
    - Program location.
    - Accreditation requirements.
    - Cost.
- Include the timeline for initial and continued eligibility review for inclusion on the local ETPL.
  - Continued eligibility review for the CA ETPL must be completed annually, and review for the local ETPL must be completed at least once every two years.
  - Within the federally required timeline in the previous bullet, Local Boards have discretion on when they conduct initial and continued eligibility for inclusion on the local ETPL. The following are just a few examples of options for local review:
    - Review entire local ETPL every two years.
    - Review each provider/program annually.
    - Review on the anniversary of when the provider/program established continued eligibility on the local ETPL.
- Process for delisting training provider/programs from the local ETPL.
- Provide comparable training opportunities if the training provider goes out of business. If the training provider is a Bureau of Private Postsecondary Education (BPPE) approved provider, the policy should include the requirement to coordinate with BPPE's [Office of Student Assistant Relief](#).
- Ensure training programs lead to at least one of the following: 1) credentials and/or certificates valued by employers, or 2) training-related employment as a result of gaining measurable technical skills for a specific occupation. This requirement ensures that training programs lead to high-quality jobs, as described in the California Unified Strategic Workforce Development Plan. Job quality serves the workforce development system and broader public sector by protecting investments in training. Please see *ETPL Definitions* (Attachment 2) for a definition of a postsecondary credential, as well as a definition of a training program that leads to employment.
  - Please note, a program on the ETPL that only leads to employment will negatively affect a Local Board's Credential Attainment rate, since all individuals in an education or training program are included in the measure. Please refer to *CalJOBS Activity Codes* ([WSD19-06](#)) Attachment 3 for a list of activity codes that place individuals into the Credential Attainment performance measure.

- Verify and document participant attendance at regular intervals throughout the length of the training program. Per [WSD19-10](#), the Local Board should check with the training provider to ensure clients are still in the training program each month. If not able to check monthly, the Local Board must check at least quarterly.
- Require providers to maintain sufficient records and to make these records available for monitoring or audit by either the Local Board and/or the state.
- Ensure there are no conflicts of interest between the Local Board and the provider, which includes, but is not limited to the following:
  - A prohibition on the payment of referral fees by training providers to Local Board staff, including America's Job Center of California<sup>SM</sup> (AJCC) operator staff.
  - Decisions made by the Local Board regarding ETPs and their programs is in compliance with WIOA Section 107(h).
- Outline the requirement of the Local Board to keep all training provider and program eligibility documents (either physical or electronic), and the process to provide them to the EDD within five business days, if requested.
- Explain the Local ETPL Coordinator's responsibilities, which, at minimum, must include the following:
  - Requirement to provide technical assistance to all training providers with programs located within the Local Workforce Development Area (Local Area) seeking to be listed on the CA ETPL.
  - Requirement for reviewing and approving or denying providers and programs for initial eligibility in a timely manner:
    - The review must include eligibility for the CA ETPL that meets requirements outlined in this Directive.
    - The review must include eligibility for the local ETPL that meets requirements outlined in the Local Board's local ETPL policy.
  - Requirement for reviewing and approving or denying providers and programs for continued eligibility in a timely manner:
    - The review must include eligibility for the CA ETPL that meets requirements outlined in this Directive.
    - The review must include eligibility for the local ETPL that meets requirements outlined in the Local Board's local ETPL policy.
  - Method and timeline for notifying providers if they or their program(s) are removed from the CA and/or local ETPL.
- Describe the appeal process that meets the requirements outlined in this Directive.

In addition, Local Board policies shall include the following for training providers who are deemed exempt per California Education Code (CEC) [Section 94874](#), and are not regionally accredited by an accrediting institution:

- Verification of the instructor's credentials or experience.

- Ensure the financial stability of the training provider.
- Annual inspection of the schools or training programs.
- Ensure actual instruction is taking place.
- Ensure instructional equipment and instruction meet current industry standards.

***Local Boards may delegate their responsibility of the ETPL to another Local Board to act on their behalf in making nominations for training providers and programs to be listed on the CA ETPL, and the creation of their local ETPL. To delegate, or cancel an existing delegation, please complete and submit the ETPL Local Board Delegation and Cancellation Form (Attachment 3). Any Local Boards that delegate their ETPL responsibilities to another Local Board must complete this form annually between July 1<sup>st</sup> and July 30<sup>th</sup>. Due to the signature requirement (physical or electronic signature), this form should be emailed as an attachment.***

### **E. Consumer Choice**

Training services must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider and program. Each Local Board must make the local ETPL available to customers. Additionally, the Local Board must make available information identifying ETPs for OJT, customized training, and IWT.

After consultation with a career planner, an individual who has been determined eligible for training services may select an ETP from the Local Board's local ETPL. Unless the program has exhausted training funds for the program year, the Local Board must refer the individual to the selected provider, and establish an Individual Training Account (ITA) for the individual to pay for training. A referral may be carried out by providing a voucher or certificate to the individual to obtain training. The cost of the referral of an individual with an ITA to a training provider is paid by the applicable Adult, Dislocated Worker, or Youth program.

### **F. CA ETPL Application Process**

For a provider to be listed on the CA ETPL, the provider must have its information entered into the CalJOBS ETPL module. It is the Local ETPL Coordinator's role to provide assistance and guidance to training providers who register in CalJOBS. Once all necessary information is entered, the Local ETPL Coordinator must review and nominate the training provider and/or program to the State ETPL Coordinator for inclusion on the CA ETPL ensuring all information provided is complete, accurate, and current, and is in alignment with this Directive.

The EDD will review applications for the CA ETPL within 30 days of receipt from the Local Board.

Once the provider and/or program is approved and included on the CA ETPL, the Local Board must review, and approve or deny the training provider for inclusion on their local ETPL ensuring all information is in alignment with their Local Board policy.

### **ETPL Application Process by Provider Category**

#### **1. In-State Training Provider**

All training providers that have a training site(s) in CA and wish to be listed on the CA ETPL are required to be registered in CalJOBS. The training provider shall provide all the training provider information required in the CalJOBS ETPL module. The training provider must upload a signed *CA ETP Assurances Form* (Attachment 4) to the documents section of the Provider Profile in CalJOBS.

If the in-state training provider is a Department of Labor (DOL) Registered Apprenticeship or California Department of Industrial Relations (DIR), Division of Apprenticeship Standards (DAS) approved apprenticeship, please see the *Training Provider Initial Eligibility* section below.

***Local Boards must review and nominate a provider headquartered in their Local Area for the CA ETPL if the provider meets state eligibility requirements. If a provider has multiple locations, the Local Board(s) in the area of the provider locations must nominate the program(s) to the State ETPL Coordinator.***

#### **2. Distance Education Training Providers**

All Distance Education training providers that wish to be listed on the CA ETPL are required to be registered in CalJOBS. The training provider shall provide all the training provider information required in the CalJOBS ETPL module. The training provider must upload a signed *CA ETP Assurances Form* (Attachment 4) to the documents section of the Provider Profile in CalJOBS. The State ETPL Coordinator will determine if a Distance Education training provider is eligible to be on the CA ETPL using the eligibility criteria in this Directive. If a Local ETPL Coordinator is contacted by a Distance Education training provider, the provider should be referred to [wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov) for assistance.

#### **3. Out-of-State Training Providers**

All training providers, other than Distance Education training providers, that have training sites located only outside of CA cannot be listed on the CA ETPL. Local Boards cannot utilize an ITA with out-of-state training providers unless leveraging an approved ETPL reciprocal agreement. Please see *ETPL Reciprocal Agreements* (WSD22-08) for more information on the use of approved agreements.

Please reference the *CalJOBS ETPL Module Guide Card* (located on the Staff Online Resources page in CalJOBS) for detailed information on the CalJOBS process for registering new training providers.

## G. CA ETPL Initial Eligibility

### Training Provider Initial Eligibility Criteria

Initial eligibility applies to providers previously not listed on the CA ETPL under the WIOA or the *Workforce Investment Act of 1998* (WIA). The initial eligibility period is one year (365 days). The Local ETPL Coordinator is responsible for reviewing the training provider's initial eligibility prior to nominating for inclusion on the CA ETPL.

The following institution types are eligible for inclusion on the CA ETPL:

1. Adult education secondary schools, as long as the activities are provided in combination with occupational skills training.
2. Pre-apprenticeship and apprenticeship providers.
3. Private postsecondary institutions.
4. Public postsecondary institutions.

The initial eligibility process for each for the training provider types listed above is based on the following:

#### 1. **Adult Education Secondary Schools**

Training providers must be an eligible provider of adult education and literacy activities under Title II of WIOA. Adult education and/or literacy activities must be offered concurrently, or in combination with, occupational skills training. A list of Title II providers can be found on the [California Department of Education](#) (CDE) website.

#### 2. **Pre-apprenticeship and Apprenticeship Providers**

##### a. *Pre-apprenticeship Provider*

Training providers must have a letter of commitment from a DOL registered or DIR DAS approved apprenticeship program. To be listed on the CA ETPL, the pre-apprenticeship program must award an industry-recognized credential or certificate. *The state will not enter information on pre-apprenticeship training programs; this information will be entered by Local Boards, if necessary.*

Pre-apprenticeship programs are considered Individualized Career Services under WIOA, and thus are not required to be on the ETPL. Pre-apprenticeship programs that do not result in an industry-recognized credential or certificate cannot be listed on the ETPL; however, those pre-apprenticeship programs that do provide an industry-recognized certificate or credential can be listed on the ETPL and used in conjunction with an ITA. The California Workforce Development Board (State Board) and each Local Board must ensure that federal WIOA funds awarded for pre-apprenticeship training in the building and construction trades fund programs and services that follow the Multi-Craft Core Curriculum (MC3) implemented by the CDE and that develop a plan to help increase the representation of women in those trades. WIOA prohibits Title I funds from being used for "construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings except with



prior approval.”

- b. DOL Registered Apprenticeships and DIR DAS Approved Apprenticeships*  
DOL registered apprenticeships and DIR DAS approved apprenticeships are automatically eligible to be listed on the CA ETPL and do not have any eligibility requirements. The state will reach out to new apprenticeship programs to inform them of the opportunity to join the CA ETPL. If the provider opts into the ETPL, the apprenticeship program will be placed on the ETPL by the state.

The State Board and Local Boards shall, to the maximum extent feasible, coordinate their pre-apprenticeship and apprenticeship training programs with one or more DIR DAS approved apprenticeship for the occupation and geographic area.

- 3. Private Postsecondary Institutions (for-profit or non-profit)**  
***Training providers be must be accredited by the Accrediting Commission for Schools (ACS) Western Association of Schools and Colleges (WASC); the WASC Senior College and University Commission (WSCUC); have current BPPE Approval to Operate; current Verification of Exemption by BPPE; or are deemed exempt per California Education Code (CEC) [Section 94874](#).***

***Note that providers who are deemed exempt are not required to have a Verification of Exemption. However, if EDD is unable to determine the specific exemption that the provider falls under, then EDD reserves the right to request that the provider obtain a Verification of Exemption from the BPPE.***

***Providers that fall under exemptions (a), (d), (f), or (h) of CEC Section 94874 are not eligible for the ETPL.***

***A Distance Education provider without a physical presence in California that offers postsecondary distance education to California students for a fee must be registered with the BPPE. Private Distance Education higher education institutions that are degree granting, non-profit, and accredited are not required to register with BPPE, but must be accredited by the ACS WASC, the WSCUC, or an agency recognized by the U.S. Department of Education.*** For more information on the BPPE Out-of-State Institution registration, please see the [BPPE Out-of-State Institution Registration](#) webpage.

For a directory of accredited schools, please visit [ACS WASC](#) and [WSCUC](#).

For more information regarding BPPE Approval to Operate, or current Verification of Exemption, please visit the [BPPE](#) website. If the training provider has a BPPE Approval to Operate, Verification of Exemption, or Out-of-State Institution Registration, the document must be uploaded to the documents section of the Provider Profile in CalJOBS.

- 4. Public Postsecondary Institutions**  
*a. Public Postsecondary Community Colleges*

***Training providers must be accredited by the WASC Accrediting Commission for Community and Junior Colleges (ACCJC). The following website can be utilized to search for the WASC ACCJC accredited colleges: [WASC ACJCC](#).***

***For public postsecondary community colleges not WASC ACCJC accredited, but are currently in the initial accreditation process, the Local Board can nominate the training provider, and the State Board and the EDD will determine whether the community college meets the training provider initial eligibility criteria.***

- b. *CA State University (CSU) and University of CA (UC)*  
***Training providers must be accredited by the WSCUC. The following website can be utilized to search for WSCUC accredited colleges: [WSCUC](#).***

In addition to the above requirements, all training providers (with the exception of apprenticeship programs) must meet the following:

- All training providers are subject to the Equal Opportunity and Nondiscrimination requirements found in Section 188 of WIOA. All Local Boards must ensure a training provider is in compliance prior to nominating the training provider to be on the CA ETPL. Equal Opportunity and Non-Discrimination procedures should be posted at the AJCC and approved training providers' facilities, and provided to each participant upon enrollment in a CA ETPL training program. It is critical for Local Boards to utilize EDD-provided monitoring tools to evaluate the providers, and to upload appropriate documents to the Documents section of the Provider Profile in CalJOBS. It is also important to note that all site locations for a provider must be in compliance with WIOA Section 188. For more information, refer to *Nondiscrimination and Equal Opportunity Procedures* ([WSD17-01](#)).
- Provide information supporting the provider's partnership with business. This may include information about the quality and quantity of employer partnerships.
- Enter program(s) of training services into CalJOBS. The training provider should only enter the program(s) desired to be on the CA ETPL. If the program is offered with multiple modes of delivery, curriculum, or course lengths, the program must be entered separately for each variation. Please reference *ETPL Definitions* (Attachment 2) for the definition of a *Training Program*.
- A signed copy of the *CA ETP Assurances Form* (Attachment 4) is uploaded to the Documents section of the Provider Profile in CalJOBS. This form must be uploaded annually, prior to the provider being reviewed for eligibility.

Once the training provider completes the CA ETPL application on CalJOBS, the Local ETPL Coordinator is responsible for reviewing the provider's information and either denying their inclusion on the CA ETPL, or nominating them for review by the State ETPL Coordinator through the CalJOBS approval process. The Local ETPL Coordinator must review and nominate, or deny a training provider profile within 30 days of the completed application date.

The Local Board that contains the headquarters of the provider is responsible for nominating the provider profile. Please reference the *Approval or Denial of Training Provider/Program* section of this attachment for additional information.

### **Training Program Initial Eligibility Criteria**

Initial eligibility applies to a program previously not listed on the CA ETPL under the WIOA or the WIA. The initial eligibility period is one year (365 days). After a training provider meets the training provider initial eligibility criteria listed above, been nominated by the Local Board, and approved by the State ETPL Coordinator, each individual training program must meet the following requirements to be listed on the CA ETPL:

- The training program must be for occupations in in-demand industry sectors identified by the state, region, or Local Board. In-demand or priority industry sector information must be verified with the State Board and/or Local Board.
- The training program provides training services that lead to an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements, or employment in a specific occupation after receiving measurable technical skills. Please note the training program does not have to issue the credential, but the training program should prepare the individual to obtain the credential. For example, a Class A Truck Driving program does not issue the Class A driver's license, but it should prepare the individual to pass the state-issued exam to obtain the license. For more information on if a training leads to an industry-recognized credential, please see DOL's [Credential Attainment Decision Tree](#).
- The cost in the Cost Details tab in the program wizard should match the cost of a member of the general public enrolling in the program without assistance from WIOA. This information should be available in the provider's brochure or website. If the Local Board works out a different cost with the provider, then the cost information in the training activity code will need to be updated to reflect the different cost.
- The mode of instruction, and class schedule(s) are consistent with the provider's advertised brochure/website. If a program is offered with multiple modes of instruction (e.g., online and in-person) or durations, the program needs to be entered separately for each variation.
- ***For providers with a BPPE Approval to Operate, the training program and its location are BPPE approved<sup>1</sup>.***
- ***For WASC accredited training providers where the program's instruction and/or curriculum development is entirely sub-contracted to another entity or third party vendor, the training provider directly receiving tuition and related instruction fees***

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<sup>1</sup> For providers with a BPPE Approval to Operate, not all BPPE training programs are automatically eligible to be listed on the CA ETPL.

***(e.g., ITA) must meet the requirements outlined in this directive, and register in CalJOBS as a provider. See ETPL Definitions (Attachment 2) for the definition of third-party subcontracting and what is considered allowable.***

- Program must provide and meet the following performance metrics based on aggregate data for all students in the program to ensure the program supports the ability for the individual to obtain an industry-recognized postsecondary credential, and/or employment upon completion of the program. The provider must provide performance data for the prior complete program year (July 1 – June 30).
  - Public Postsecondary Community Colleges, CSUs, UCs, and Adult Education Secondary Schools are required to provide performance information for consideration of placement on the CA ETPL, but due to heavy state oversight, investment, and the inability to capture true program outcome data, these institution types are not required to meet a specific performance threshold to be listed on the CA ETPL. The following performance data must be provided and listed in CalJOBS:
    - Of individuals that exited the program, the percentage who successfully completed the training program (did not withdraw or transfer out of the program).
    - Of individuals that successfully completed the training program, the percentage who are employed within six months of graduating from the training program. For occupations for which the state requires passing an examination, the six month period begins after the announcement of the examination results for the first examination available after a student completes the program.
  - Private Postsecondary Institutions are required to meet and provide the following performance data in CalJOBS:
    - Of individuals who exited the program, 50% successfully completed the training program (did not withdraw or transfer out of the program).
    - Of individuals who successfully completed the training program, 50% are employed within six months of graduating from the training program. For occupations for which the state requires passing an examination, the six month period begins after the announcement of the examination results for the first examination available after a student completes the program.

*Please note – Apprenticeship programs are not subject to program initial eligibility criteria.*

Once the training provider enters the program into CalJOBS, the Local ETPL Coordinator is responsible for reviewing the program information and either denying their inclusion on the CA ETPL, or nominating them for review by the State ETPL Coordinator through the CalJOBS approval process. The Local ETPL Coordinator must review and nominate, or deny a training program within 30 days of the completed application date.

The Local Board where the program is located is responsible for nominating the program. Please reference the *Approval or Denial of Training Provider/Program* section of this attachment for additional information.

For more information regarding the training provider and program initial eligibility process, please refer to the *CA ETPL Training Provider and Program Determination Flowchart* (Attachment 5).

## H. CA ETPL Continued Eligibility Criteria

### Training Provider Continued Eligibility Criteria

Continued eligibility applies to all training providers listed on the CA ETPL at any time under the WIOA or WIA, and whose initial eligibility has expired. A training provider's initial and continued eligibility is valid for 365 days after the provider is approved for the ETPL. ***Since providers can be reviewed year-round, all active training providers on the CA ETPL will be evaluated annually by the EDD no earlier than 60 days, and no later than 30 days prior to the provider's eligibility expiration date to ensure they continue to meet eligibility to be retained on the CA ETPL.*** To determine continued eligibility, the EDD must verify that the training provider continues to meet the requirements outlined in the *Training Provider Initial Eligibility Criteria* section of this Directive. DOL registered apprenticeships and DIR DAS approved apprenticeships do not have any continued eligibility requirements and will remain on the ETPL. It is recommended that apprenticeships update their program information annually.

***In addition, providers on the CA ETPL for two full program years (July 1 – June 30) must have at least one Title I, subtitle B enrollment during the previous two program years. If removed due to enrollment requirements, a provider must wait six (6) months from removal to submit their ETPL application for reinstatement and will not be held to the enrollment requirement when determining continued eligibility for placement back onto the list.***

### Training Program Continued Eligibility Criteria

Continued eligibility applies to all training programs listed on the CA ETPL at any time under the WIOA or WIA and whose initial eligibility has expired. A training program's initial and continued eligibility is valid for 365 days after the program is approved for the ETPL. ***Since programs can be reviewed year-round, all active training programs on the CA ETPL will be evaluated annually by the Local Board no earlier than 60 days, and no later than 30 days prior to the program's eligibility expiration date to ensure they continue to meet eligibility to be retained on the CA ETPL.***

Training providers must reapply for WIOA program certification using CalJOBS. All applications for continued eligibility of training programs will be evaluated as they are received, by the Local Board and EDD, to ensure they continue to meet eligibility to be retained on the CA ETPL. The Local Board where the program is located is responsible for evaluating the program.

After a training provider has met the training provider continued eligibility criteria listed above, each individual training program must meet the following requirements to retain their listing on the CA ETPL:

- Training program information is reviewed and updated in CalJOBS.
- Training program meets all requirements outlined above in the *Training Program Initial Eligibility Criteria* section of this attachment.
- CA ETPL training programs must meet performance metrics to retain their eligibility on the ETPL. The EDD will negotiate with DOL to establish yearly performance goals based on the WIOA primary indicators of performance. For continued eligibility, CA ETPL training programs (with the exception of apprenticeship programs, Adult Education programs, Community Colleges, UCs and CSUs) must meet or exceed the performance metrics required in initial eligibility, as well as the negotiated state-level Title I Adult performance goals. The EDD will publish the state-level negotiated performance goals in a Workforce Services Information Notice located on the [EDD website](#). The continued eligibility performance calculations for each program is based on WIOA participant performance, and is verified using the federal ETP Report published annually by the state. Providers are required to collect and submit aggregate performance data for all students to EDD. The following outlines the performance metrics for continued eligibility:
  - The program must meet the following performance metric for all students for the most recent complete program year (July 1 – June 30):
    - Of individuals who exited the program, 50% successfully completed (did not withdraw or transfer) the program.
  - The program must meet the following performance metrics for WIOA participants for the most recent complete program year (July 1 – June 30)<sup>2</sup>:
    - Employment Rate 2<sup>nd</sup> Quarter after Exit meets the state’s negotiated goal for the Title I Adult program.
    - Employment Rate 4<sup>th</sup> Quarter after Exit meets the state’s negotiated goal for the Title I Adult program.
    - Median Earnings meet the state’s negotiated goal for the Title I Adult program.
    - Credential Attainment meets the state’s negotiated goal for the Title I Adult program (if applicable).
    - Measurable Skill Gains meets the state’s negotiated goal for the Title I Adult program.

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<sup>2</sup> With the exception of completers, providers will be held accountable for the performance measures in which two complete years of data is available for their program(s) on the ETP Report.

Please see *CalJOBS ETPL Module Guide Card* (located on the Staff Online Resources page in CalJOBS) for instructions on how providers reapply for WIOA program certification in CalJOBS.

For detailed information regarding the definitions and calculations of the WIOA primary indicators of performance, please see *Performance Guidance* ([WSD22-01](#)).

Please refer to the *CA ETPL Training Provider and Program Determination Flowchart* (Attachment 5) to determine if a training provider and its program(s) meet the continued eligibility criteria to remain on the CA ETPL.

## **I. Approval and Denial of Training Provider/Program**

### **Approval of Training Provider/Program**

After reviewing to ensure the provider/program meets the eligibility criteria above, the Local Board can nominate the training provider/program to the state for review. If nominating the provider to the State ETPL Coordinator, the signed *CA ETP Assurances Form* (Attachment 4) must be uploaded to the documents section of the Provider Profile in CalJOBS.

The State ETPL Coordinator will review providers within 30 days of their nomination by the Local Board. The EDD will review the provider/program's information to ensure it meets all initial or continued eligibility requirements outlined in this Directive. If eligible, the State ETPL Coordinator will approve the provider/program for the CA ETPL, and notify the Local ETPL Coordinator.

***If the Local Board has additional local ETPL eligibility requirements, the Local ETPL Coordinator must review all CA ETPL approved distance education programs, as well as all in-state CA ETPL approved programs located in the Regional Planning Unit for inclusion on their local ETPL.***

If the Local Board does not have additional local ETPL eligibility requirements, all approved CA ETPL programs must be included on the Local Board's local ETPL.

### **Denial of a Training Provider/Program**

After review, if a Local Board determines the training provider/program does not meet the requirements to be listed on the CA ETPL, the Local Board must inform the training provider in writing with the reason(s) for the denial, and provide information on the Local Board appeal process within 30 days of receipt of the application. A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

If the Local Board nominates a provider/program to the state for review, but upon review, the State ETPL Coordinator denies the training provider/program listing on the CA ETPL, the EDD must inform the Local Board of the denial and the reason(s) for the denial within 30 days of receipt of the nomination. The Local Board must in turn inform the training provider in writing with the reason(s) for the denial, and information on the Local Board appeal process within 30

days of receipt of the EDD's decision. A copy of the written notification provided to the provider must be uploaded to the document section of the Provider Profile in CalJOBS within 10 business days of issuance.

If the training provider is able to rectify the issue that caused the denial, the Local Board can review the information and resubmit to the State ETPL Coordinator for review. For example, if a provider is denied solely because the *CA ETP Assurances Form* (Attachment 4) was not uploaded to CalJOBS, the State ETPL Coordinator would notify the Local Board, which would notify the provider. The Local Board can then nominate the provider again once the form is uploaded to CalJOBS.

The training provider's request to be on the CA ETPL must be denied if the training provider fails to provide complete information, intentionally provides inaccurate information, or has substantially violated any WIOA requirement(s). If the EDD, in consultation with the nominating Local Board, determines a training provider intentionally supplied inaccurate information or violated any WIOA requirement(s), the EDD or the Local Board shall deny the training provider's application for the CA ETPL, and the training provider is not allowed to be reconsidered for inclusion on the CA ETPL for at least two years.

If approved for inclusion on the CA ETPL, but the Local ETPL Coordinator determines the training provider/program does not meet their local ETPL requirements, the Local Board must inform the training provider in writing with the reason(s) for the denial, and information on the Local Board appeal process within 30 days of receipt of the application. A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

## **J. Delisting Training Providers/Programs**

To ensure the integrity of the CA ETPL, the Local Board or the EDD will remove a training provider or program from the CA ETPL at any time for the items below:

1. The training provider will be immediately removed from the CA ETPL for any of the following reasons until such time as they meet continued eligibility. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
  - a. The training provider has lost its accreditation or its approval to operate from its regulating agency.
  - b. A private postsecondary training provider no longer meets the exempt criteria per CEC [Section 94874](#), or the provider's Verification of Exemption by BPPE (if required by the EDD) expired or is revoked, and the provider does not have a new Verification of Exemption, or BPPE Approval to Operate.
  - c. The nonprofit Community Based Organization no longer qualifies under Section 501(c)(3) of the Federal Internal Revenue Code.
  - d. The apprenticeship program is no longer registered with the DOL under the National Apprenticeship Act, or is no longer approved by DIR DAS. The State



- ETPL Coordinator is responsible for removing apprenticeship programs.
- e. The pre-apprenticeship program no longer has a Letter of Commitment from a DOL registered or DIR DAS approved apprenticeship program, or no longer leads to an industry-recognized postsecondary credential.
  - f. It is determined the provider sub-contracted instruction of the program to another entity without approval from WASC or BPPE. See *ETPL Definitions* (Attachment 2) for the definition of third-party subcontracting.
  - g. The provider is not in compliance with WIOA Section 188.
2. A training provider will be immediately removed from the CA ETPL for a period of no less than two years for any of the reasons listed in this section. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
- a. The state identifies the Local Board and training provider are participating in pay-to-play activities (commonly known as kickbacks) that include, but are not limited to: the Local Board received monetary or gift exchanges for (or in the hope for) referrals to a specific training provider, and/or exchanges of money or gifts to have the training provider listed on ETPL. As part of the annual on-site monitoring of Local Boards, if it is determined the Local Board is engaging in pay-to-play activities, a corrective action is required, and failure to take timely action to be in compliance may result in decertification of the Local Board involved.
  - b. It is determined the training provider falsely reported information.
  - c. The training provider substantially violated a provision of Title I of WIOA, or its implementing regulations.
  - d. The training provider's top level leadership (e.g., owner, CEO, Director, etc.) is convicted of violating any federal or state law associated to the operation of the institution.
3. The EDD, in coordination with the Local Board, can remove a provider for any of the following reasons. Reactivation to the list is at the discretion of the State ETPL Coordinator and the Local Board:
- a. It is determined the provider is not serving or providing value to WIOA participants, and is listed on the CA ETPL solely for other purposes, such as the utilization of Workers' Compensation Supplemental Job Displacement Benefit vouchers.
  - b. The provider has not served at least one Title I, subtitle B enrollment during the previous two program years. See "Training Provider Continued Eligibility Criteria" for requirements to be reinstated to the ETPL.
  - c. The provider's CalJOBS profile and/or program information is inaccurate or incomplete.
  - d. The training provider has not demonstrated a good faith effort in providing the ETP Report data to the EDD.
  - e. The provider no longer wishes to be listed on the CA ETPL.

- 4. In an effort to safeguard WIOA funds, the training provider will be suspended from the CA ETPL if the training provider is under any federal, state, or local investigation. During the period of suspension, no new enrollments may occur, but the training provider can continue to serve existing WIOA-funded enrollments. Once the investigation is complete, a review of the findings by the state will determine if the provider can be reinstated to the CA ETPL.**

If a training provider/program is removed from the CA ETPL, the EDD must inform the Local Board of the denial and the reason(s) for the delisting within 30 days of the removal. The Local Board must in turn inform the training provider in writing with the reason(s) for the delisting, and provide information on the Local Board appeal process within 30 days of receipt of the EDD's decision. A copy of the written notification provided to the provider must be uploaded to the document section of the Provider Profile in CalJOBS within 10 business days of issuance.

All training provider/programs removed from the CA ETPL must be removed from the local ETPL immediately upon notification from the EDD, as any new enrollments into a training program not eligible to be on the CA ETPL will result in disallowed costs.

It is the responsibility of the EDD and the Local Board to work together to ensure any participants currently enrolled in a training program removed under items 1 and 2 experience minimal disruption. If the training provider or program is removed due to items 1, 3, or 4, any participants already enrolled (attended at least one day of instruction) can continue participation in the program until the training is complete, but no new enrollments may occur.

Please see [WSD19-10](#) for additional information regarding the recovery of training funds.

#### **K. Placing Delisted Training Providers/Programs Back on the ETPL**

Requests to be placed back on the CA ETPL must be submitted through the Local Board (unless the provider is a Distance Education or apprenticeship program). The training provider and program(s) must meet all criteria outlined in the *CA ETPL Continued Eligibility Criteria* section of this attachment to be placed back on the CA ETPL.

If the training provider is removed for item 2 of the *Delisting Training Providers/Programs* section of this directive, two years must have passed from the time of their removal before they can be placed back onto the CA ETPL.

If the training provider is removed for item 3(b) of the *Delisting Training Providers/Programs* section, the provider must wait 6 months from the date of removal before submitting an ETPL application for reinstatement.

#### **L. Appeals**

##### **Appeals to the Local Board**

Each Local Board must have a written appeal process for the CA and local ETPL that includes the following required provisions:

- Instructions for a training provider wishing to appeal a decision. The training provider must appeal to the Local Board in writing within 30 days of the issuance of the denial or delisting notice. The appeal must include a statement of the desire to appeal, specification of the training program(s) in question, the reason(s) for the appeal (i.e., grounds), documentation supporting the grounds for the appeal, and the signature of the appropriate training provider official.
- An initial informal meeting between the Local Board staff and the training provider. The purpose of this meeting is to identify if there is a simple solution to resolve the dispute.
- The opportunity for training 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 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, request documents relevant to the proceedings, and have legal representation.
- The hearing officer's final decisions must be made within 60 days of receipt of the appeal, and the training provider and the Local Board notified in writing of the final decision.
- A copy of the final decision must be emailed to the State ETPL Coordinator ([wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov)), and the Local ETPL Coordinator must upload the final decision to the Provider Profile section of CalJOBS.

### **Appeals to EDD**

Distance Education and Apprenticeship programs can appeal directly to the EDD. All other training provider may appeal to the EDD only if the local appeal process has been exhausted, and the provider is dissatisfied with the Local Board's final decision.

- A training provider wishing to appeal a Local Board's decision must submit a written appeal to the EDD within 30 days from the date of the Local Board's final decision. The request for appeal must include a statement of the desire to appeal, specification of the training program in question, the reason(s) for the appeal (i.e., grounds), Local Board's final decision document, and the signature of the appropriate training provider official. The appeal should be sent to: [wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov).
- 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.
- The EDD will review appeals received, make a decision, and notify the training provider and the Local Board.
- The EDD will upload the state's final decision to the Provider Profile in CalJOBS.

## **M. Maintenance of the CA ETPL**

The EDD is responsible for the maintenance and publishing of the CA ETPL. Local Boards, in turn, are responsible for ensuring all of their AJCC locations have access to the most recent version of the CA and local ETPLs. Local Boards may include additional performance, occupational, and/or industry data to augment the CA ETPL listings on their local ETPL.

Local Boards, job seekers, and training providers have access to the CA ETPL on [CalJOBS](#) by clicking the *Access California's ETPL and Apprenticeship Providers* link from the homepage, or by clicking *More Career Services*, and then *Education Services* section.

## **N. ETP Report**

The WIOA requires the state to submit an ETP Report with the federal WIOA Annual Performance Report on October 1<sup>st</sup> utilizing a template developed jointly by the DOL and U.S. Department of Education. This report includes all WIOA and non-WIOA participants served by each training program listed on the CA ETPL<sup>3</sup>. The DOL has made the ETP Report data available to the public via [trainingproviderresults.gov](http://trainingproviderresults.gov).

The ETP Report gathers critical information, including the employment, earnings, and credentials obtained by participants in the training program. This information will be widely disseminated to assist participants and members of the general public in identifying effective training providers and programs. This information will also benefit the training provider by providing awareness of their program, and serving as a tool to potentially enhance their programs.

All training providers are required to electronically submit the program participant data outlined in the *CA ETP Assurances Form* (Attachment 4). The state recognizes the reporting burden this causes, and understands the data limitations, so the state will work with training providers based on the available data provided.

Data reporting for the annual ETP Report will be a phased approach with the state working collaboratively with Local Boards, and training providers to obtain the required information. Training providers that demonstrate a good faith effort in providing data will not be subject to removal from the ETPL; however, failure to provide any data may result in removal from the CA ETPL. Performance data from the ETP Report will be used for continued eligibility review of all training programs, excluding DOL registered or DIR DAS approved apprenticeships.

## **O. Technical Assistance and Resources**

Technical assistance will be provided by BPPE, DIR DAS, Local ETPL Coordinators, and EDD on respective application processes, compliance requirements, and reporting documents. Each Local Board must identify a Local ETPL Coordinator(s) using the *Local ETPL Coordinator Contact*

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<sup>3</sup> Apprenticeship programs are excluded from this requirement.

*Form* (Attachment 6). The Local Board must provide an updated form if the Local ETPL Coordinator changes, or if the existing coordinator's information changes.

### **Training Providers**

Training providers may contact the Local ETPL Coordinator in their area with questions regarding the application process and eligibility (initial and continued). For basic ETPL information and a list of Local ETPL Coordinators, refer to the EDD's [Eligible Training Provider List](#) located on the EDD website.

Private postsecondary training providers can obtain assistance from the BPPE through technical assistance workshops (BPPE Application Workshop and BPPE Compliance Workshop), which assists training providers in completing the BPPE Annual Reports, and online reporting tools.

Apprenticeship providers that are registered with either the US DOL or CA DIR DAS and wish to be added to the ETPL should contact the State ETPL Coordinator by email: [wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov).

### **Local ETPL Coordinators**

Local ETPL Coordinators can communicate with the State ETPL Coordinator by email: [wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov).

The EDD will coordinate webinars and trainings as necessary. Announcements related to the CA ETPL will be made via email to the Local ETPL Coordinators.

The *CalJOBS ETPL Module Guide Card* (located on the *Staff Online Resources* page in *CalJOBS*) provides detailed instructions to assist Local Boards with entering programs into the CalJOBS ETPL module. The CalJOBS system includes data entry screens and reports, and is the mandatory method to be used by training providers and Local Boards for transmitting this data to the state.

For a full list of CalJOBS Activity Codes used to track a participant's training activities, please see *CalJOBS Activity Codes* ([WSD19-06](#)).