



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: November 15, 2019 Number: 2019-11

ELIGIBLE TRAINING PROVIDER LIST (ETPL) POLICY

INTRODUCTION

This policy provides guidance to the Workforce Development Board (WDB) of Solano County and prospective ETPL vendors in the development and selection of eligible training providers in our local area. The quality and selection of providers and programs of training services, including Registered Apprenticeship programs and others, is vital for enrolled Workforce Innovation and Opportunity Act (WIOA) participants in achieving their individual training goals and subsequent employment. The ETPL and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs of training providers that receive funds through WIOA Title I. WIOA requires the State to establish eligibility criteria and procedures for a State Eligible Training Provider List (ETPL), who in turn outlines local workforce area responsibilities regarding eligible training providers.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or (707) 863-3594.

POLICY

This policy outlines the requirements and process to become an eligible training provider, including organizational requirements and eligibility criteria, as well as guidelines for maintaining ETPL status. The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement.

An eligible training provider is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult, Dislocated Worker, and Youth funds via an Individual Training Account (ITA) to provide training services to eligible individuals. ITAs are permitted for older out-of-school youth, ages 18-24, when appropriate. To provide WIOA-funded training through an ITA, both the training provider and each training funded must be registered on the ETPL. All training providers shall comply with the respective criteria, information requirements, and procedures established within this policy. All training providers must qualify as eligible providers, except for those training services exempt from eligibility requirements as outlined in the WDB policy on ITAs.

STATE VS. LOCAL RESPONSIBILITY

State Responsibility

The State of California is responsible for establishing ETPL criteria, information requirements, and procedures that govern the eligibility of providers and programs on the ETPL. The State is also responsible for maintaining the state ETPL list (list of providers and programs, accompanied by performance and cost information per program) and ensuring programs meet the criteria, eligibility, and performance levels for eligible training providers as established by the state. The State has authority to remove programs from the ETPL that don't meet program criteria or performance levels, as well as to take appropriate enforcement actions against providers regarding fraud.

Local Responsibility

The WDB is responsible locally for carrying out the ETPL procedures prescribed by State. The WDB is also responsible for working with the State to ensure sufficient numbers and types of providers of training services locally, including eligible providers with expertise in serving individuals with disabilities and eligible providers with expertise in serving adults in need of adult education and literacy activities. Staff are responsible for ensuring dissemination and appropriate use of the state's ETPL throughout the local one-stop service delivery system, including providing formats accessible to individuals with disabilities. The WDB is also responsible for ensuring compliance of locally used ETPL providers.

The WDB has authority to supplement criteria and information required by the State to support informed consumer choice and the achievement of local performance indicators, with the exception of Registered Apprenticeship programs. Supplemental criteria and information may include information on programs of training services linked to occupations in demand, performance and cost information, information that shows how programs are responsive to local requirements, and other appropriate information. Any supplemental criteria and information required at the local level will be outlined in procedures and posted on the WDB website (<http://solanoemployment.org>).

ETPL TRAINING ELIGIBILITY

Training Providers

To be an eligible training provider on the ETPL, an entity must qualify as one of the following:

1. An institution of higher education that provides a program leading to a recognized post-secondary credential;
2. An entity that carries out programs registered under the National Apprenticeship Act; or
3. A public or private provider of a program of training services, which may include joint labor-management organizations, community-based

organizations, and eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided in combination with occupational skills training.

Training providers must be a legal entity registered to do business in California and offer training programs that lead to a high-demand occupation. Training providers must also be able to show compliance with the requirements at time of new provider registration:

1. Have the ability to:
 - a. Offer programs that lead to recognized postsecondary credentials;
 - b. Meet the needs of local employers and participants; and
 - c. Serve individuals with barriers to employment.
2. Have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies must be written and published so students are aware of how to request a refund;
3. Have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published so that students are aware of how to file a complaint;
4. Be financially stable;
5. Can maintain WIOA training participant records and make those records available for monitoring or auditing purposes;
6. Can comply with non-discrimination and equal opportunity provisions of the following laws:
 - Regulations under Section 188 of the Workforce Innovation and Opportunity Act
 - 29 CFR 37, Title VI of the Civil Rights Act of 1964;
 - Age Discrimination Act of 1998;
 - Sections 504 and 508 of the Rehabilitation Act of 1973;
 - Title IX of the Education Amendments of 1972;
 - Title II Subpart A of the American with Disabilities Act of 1990; and
 - The Genetic Information Nondiscrimination Act of 2008.

Training providers must post Equal Employment Opportunity and Non-Discrimination procedures at their facilities.

7. Not be currently debarred by the state or federal government.

The WDB must ensure that there are no conflicts of interest between the WDB and the training provider, including a prohibition on payment of referral fees by training providers to WDB or America's Job Centers of California (AJCC) staff.

Training Programs

Eligible training on the ETPL is defined as one or more courses or classes, or a structured regimen that leads to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state or the federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent if provided concurrently or in combination with occupational skills training;
3. Employment; or
4. Measurable skill gains toward a credential.

Examples of training services required to be on the ETPL include:

1. Occupational skills training, including training for nontraditional employment;
2. Skills upgrading and retraining;
3. Entrepreneurial training;
4. Job readiness training provided in combination with services listed in this section;
5. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in this section;

Examples of training services that do not require inclusion on the Eligible Training Provider List include:

1. Short-term pre-vocational training;
2. Workforce preparation training, as defined by 20 CFR 678.430 (b.08);
3. Avocational training (for fun, recreation, or non-job-related);
4. Subscription or membership fee based self-paced training; and
5. Training that consists only of materials purchased for a fee and is self-paced.

ETPL APPLICATION PROCESS

New Training Providers

All providers that have not previously been eligible to provide training services under WIOA Sec. 122, except for registered apprenticeship programs, must submit required information to be considered for initial eligibility. The requirements to become an eligible provider of training services apply to all organizations providing WIOA Title I training to adults and dislocated workers, with the specific exception of Registered Apprenticeship programs. For Registered Apprenticeship programs, WIOA states that Registered Apprenticeship programs must be included upon request and maintained on the list of eligible training providers for as long as the program remains registered.

Private post-secondary training providers are required to meet the Bureau of Private Postsecondary Education (BPPE) standards to become and remain eligible under the Directory of Approved Institutions. For additional information about the BPPE requirements, log on to: <https://www.bppe.ca.gov/>. Private post-secondary training providers must submit an “Approval to Operate” from the BPPE as part of their initial application process.

All ETPL training providers must be registered in the CalJOBS ETPL module (see the WDB website for step-by-step instructions). Upon registration, the WDB ETPL Coordinator will review and give the training provider access to enter course information for their respective training programs.

Training Programs

An initial eligibility determination will be conducted for each training provider on a program by program basis; there is no blanket approval for all programs offered by a provider. Training providers applying to have their programs be considered eligible must provide the following information for each training program:

1. A description of the training program;
2. Program cost information, including tuition and fees;
3. Evidence of state licensure requirements of training providers, and licensing status of providers of training services, as applicable;
4. The high-demand occupation for which the training program prepares the student, as defined as having more than the median number of total (growth plus replacement) openings statewide or for a particular region;
5. Information on whether the training provider has partnerships with business and connects the training program to employment opportunities. The information may include whether the training program is offered or was

designed as a result of the partnership, or may include a list of employers that have committed to hire graduates from the training program;

6. Information regarding how successful completion of the program results in or leads to a federally or locally recognized credential;
7. Description of the accessibility of training services (i.e., is this program of study a facility-based training, or is it accessible throughout the state, to individuals in rural areas, through the use of technology);
8. Description of the program's demonstrated effectiveness in serving employed individuals and individuals with barriers to employment; and
9. The following performance data:
 - Number of students completing training program
 - Number of students obtaining a credential within one year after program completion
 - Number of students in unsubsidized employment second quarter after exit
 - Number of students in unsubsidized employment fourth quarter after exit
 - Median hourly wage at placement.

The WIOA Training Provider Application (which can be found on the WDB's website) is designed to capture all relevant information about the provider and training program. The local ETPL Coordinator listed on the website will provide assistance and guidance to training providers on the application process. The ETPL Coordinator must keep all training provider and training program eligibility documents for locally sponsored training programs.

Training providers offering distance learning courses must submit their training program application to the state ETPL Coordinator.

MAINTAINING ETPL STATUS

All training providers on the ETPL will be evaluated annually to ensure they continue to meet eligibility to be retained on the ETPL. To determine subsequent eligibility, the WDB ETPL Coordinator and EDD will verify that the training provider continues to meet or exceed the negotiated state-level Title I Adult performance goals for Employment Rate – 2nd Quarter, Credential Attainment, and Measurable Skill Gains. The performance calculations for each program is based on WIOA-funded participants only and is verified using the federal ETP report published by the state.

The WDB will conduct annual monitoring of locally used ETPL providers. Monitoring will include ensuring instructors maintain proper credentialing or expertise; actual instruction is taking place; instructional equipment and training meets current industry standards;

programs provide credentials, certifications and/or skills that are valued by employers within priority industry sectors; and compliance with non-discrimination and equal opportunity provisions. Other monitoring elements may be added at the WDB's discretion. The WDB may utilize monitoring conducted by other local workforce areas to show compliance of training providers to reduce duplicative monitoring.

DENIALS AND REMOVALS FROM THE ETPL

A program may be removed from the ETPL by the state or denied request by the WDB for the following reasons:

1. The application is not complete, or information was not provided in a timely manner;
2. The training program does not meet the definition of training services as defined in this policy;
3. Performance data does not meet the minimum performance measures or data is not provided with application;
4. The training provider is not in compliance with WIOA regulations, or any agreement executed under WIOA;
5. The training program does not meet the eligibility requirements as outlined in this policy; or
6. It is determined that the training provider intentionally supplied inaccurate information.

Providers determined to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38, will be removed from the state list of eligible training providers and programs for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance. When a program of training is removed from the state ETPL, WIOA participants currently enrolled in the program with the support of an ITA may complete their training unless the provider or program has lost state licensure, certification, or authorization to operate by the appropriate state oversight agency.

If the WDB denies a training provider or training program for inclusion on the ETPL, or removes a training provider or training program from the ETPL, the ETPL Coordinator will inform the training provider in writing within 30 days of the application and include the reason(s) for the denial, as well as provide information on the local appeal process. If the State denies a training provider's listing, they will notify the WDB within 30 days of

receipt of the nomination, who in turn will notify the training provider within 30 days of notification from the State.

Requests for Appeal

Training providers may file appeals with the WDB regarding the denial of a provider's application for initial or continued eligibility listing on the ETPL or for the removal of a program(s) already listed on the ETPL.

All appeals must be submitted in writing within 30 calendar days from the date of the rejection notice or notice of suspension of eligibility. The request for an appeal hearing must include:

- A statement of the desire to appeal;
- The name, address, and telephone number of the training provider;
- A description of the adverse action; and
- Detailed explanation of the reasons claimed that the denial or removal was erroneous.

Such appeals must be addressed to:

Workforce Development Board of Solano County
c/o ETPL Coordinator
500 Chadbourne Rd, Suite 100
Fairfield, CA 94534

An appeals resolution will be scheduled within 60 days of the date the appeal request was received.

REFERENCES

Law

- Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law (Pub. L.) 113- 128, enacted July 22, 2014

Federal Guidance

- WIOA Title I sec. 116 & sec. 122; 20 CFR Part 680 §680.400 – §680.510
- Training and Employment Guidance Letter (TEGL) 41-14 – [WIOA Title I Training Provider Eligibility](#) and TEGL 41-14, [Change 1](#)

State Guidance

- Workforce Services Directive (WSD) 15-07 – [WIOA Eligible Training Provider List - Policy and Procedures](#)

Approved by

Workforce Development Board of Solano County



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
ELIGIBLE TRAINING PROVIDER LIST (ETPL) POLICY
(Issued November 15, 2019)

The Workforce Development Board (WDB) of Solano County's Eligible Training Provider List (ETPL) Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Eligible Training Provider List (ETPL) Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____