

Fresno Regional Workforce Development Board

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Blake Konczal, Executive Director

POLICY BULLETIN

FRWDB PB # 01-23

Date Released: September 19, 2024

To: All Fresno Regional Workforce Development Board Local Training Providers

From: Blake Konczal, Executive Director

Effective Date: Upon Release

Subject: Local Eligible Training Provider Requirements

Applicable Program: All WIOA Funded Programs

Revision History: Initial Release

On November 10, 2021, the California Employment Development Department (EDD) released Directive WSD21-03, ETPL Policy and Procedures. This Policy:

- Provides direction for review and approval of State Eligible Training Providers (ETP) and programs.
- Updates the Fresno Regional Workforce Development Board's (FRWDB) requirements for training providers to be listed on the local Fresno Workforce Area Eligible Training Provider List (ETPL).
- Incorporates pertinent State requirements and additional local requirements as adopted by the FRWDB.

Additional Policies or operational documents that pertain to the subject of this policy are listed in Attachment II, Applicable Policies and Operational Documents.

A. 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.

B. State and Local ETPLs

Local Boards are to work with EDD to review and approve programs on the state ETPL and are required to maintain a local list of training providers and programs. Local Boards may add additional requirements for providers and/or programs (except for apprenticeship programs) to be eligible on the local ETPL. As a result of additional local requirements, some providers/programs may appear on the CA ETPL but not on the local ETPL. However, no provider/program may appear on the local ETPL that is not on the CA ETPL.

When reviewing CA ETPL providers and/or programs, local staff must conduct state eligibility first, and then determine eligibility for inclusion on the local ETPL. The state eligibility review must only include state requirements and not local requirements. Subsequent review for inclusion on the local ETPL, may proceed after provider and/or program approval for the CA ETPL.

C. Provider Categories and Reviewer Responsibilities

There are three (3) types of Providers

1. In-State Training Provider
 - a. All training providers that have a training site(s) in CA and wish to be listed on the CA ETPL.
 - b. Local areas must review and nominate a provider headquartered in their Local Area for the CA ETPL.
 - c. **The provider is required to be registered on CalJOBS and must upload the CA ETP Assurances Form into the documents section of the Provider Profile.**
2. Distance Education Training Provider
 - a. The State ETPL Coordinator will determine if a Distance Education training provider is eligible to be on the CA ETPL. If the Local ETPL Coordinator is contacted by a Distance Education training provider, the provider should be referred to wsbetpl@edd.ca.gov for assistance.
3. Out-of-State Training Provider
 - a. All training providers, other than Distance Education training providers, that have training sites located only outside of CA must have an ETPL Reciprocal Agreement with EDD before being considered for inclusion on the CA ETPL.
 - b. The FRWDB does not use reciprocal agreements to allow participants the ability to attend training out of state.

D. CA ETPL Initial Eligibility

Training Provider Initial Eligibility

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.
 - a. Training provider must be an eligible provider of adult education and literacy activities under Title II of WIOA.

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 must be accredited by the Accrediting Commission for Schools (ACS) Western Association of Schools and Colleges (WASC); the WASC Senior College and University Commission (SCUC); have current BPPE Approval to Operate; current Verification of Exemption by BPPE; or are deemed exempt per California Education Code (CEC) Section 94874.

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

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).

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.

a. *CA State University (CSU) and University of CA (UC)*

Training providers must be accredited by the WASC SCUC.

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 complying 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 comply 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.
- A signed copy of the CA ETP Assurances Form is uploaded to the documents section of the Provider Profile in CalJOBS.

FRWDB Additional Provider initial eligibility criteria for inclusion on the Local ETPL.

- The Training Provider must:
 - Pass a site inspection to ensure compliance to ETPL Compliance Monitoring Guide (Physical Locations in Fresno County Only).
 - Provide required documents per Attachment I (Provider Required Documents).
 - Complete required fields in, agree to, and sign, the Local ETPL agreement.
- FRWDB will perform a biennial review of the training provider and the physical campus location to ensure continue compliance.

CA ETPL 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). 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.
- The cost in the Cost Details tab in CalJOBS should be the same cost as 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 Provider offers lower costs to our local area, the costs shall be documented on the local list only.
- 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.
- For providers with WASC SCUC accreditation, the training program, its location, and mode of delivery are WASC SCUC accredited.

CA ETPL Initial Program Performance Metrics

- For each program, the ETP 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 ETP 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. However, 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.
- 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.

FRWDB Additional Training Program Initial Eligibility Requirements

- **A Training Program must:**
 - **support occupations in the local area's demand sectors or**
 - **support demand occupations in non-demand sectors**
 - **result in employment in regular and full-time employment (PB 01-06)**

E. 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. To determine continued eligibility, the local ETPL Coordinator must verify that the training provider continues to meet the requirements outlined in the *Training Provider Initial Eligibility Criteria* section of this Directive.

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.

FRWDB Additional Provider continued eligibility criteria for inclusion on the Local ETPL.

- The Training Provider must:
 - Provide updated required documents per Attachment I (Provider Required Documents).

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.

Program Continued Eligibility Performance Metrics

- 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)¹:
 - Employment Rate 2nd Quarter after Exit meets the state's negotiated goal for the Title I Adult program.
 - Employment Rate 4th 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.

FRWDB Additional Training Program Initial Eligibility Requirements

- **A Training Program must:**
 - **remain in support of occupations in the local area's demand sectors or**
 - **continues to support demand occupations in non-demand sectors**

- continue to result in employment in regular and full-time employment (PB 01-06)
- Meet the following local performance requirements as set forth in OD-09-23, Local Eligible Training Provider List (ETPL) Program Performance Requirements.

F. 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.

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 either the CA ETPL and/or the Local ETPL, the Local Board must inform the training provider in writing with the reason(s) for the denial from the respective list, 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.

G. Delisting Training Providers/Programs

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.

H. Grievance & Complaint Procedures

Participants

At WIOA eligibility, participants are provided an overview of the FRWDB complaint process. Should a participant have a circumstance where they feel they would like to submit a complaint, they are to follow the procedures that they were provided. OD 06-12, WIOA Title I Program Complaint Procedure, provides the information necessary for a participant to submit a complaint.

ETPL Providers

ETPL providers may submit a complaint using the same procedure found in OD 06-12. ETPL providers may also submit an appeal to the local ETPL Coordinator's decisions by following the FRWDB ETPL Appeals Process.

FRWDB ETPL Appeals Process

The appeals process is provided in Attachment III.

If the local process has been exhausted and a remedy has not been agreed upon, the training provider may appeal to EDD per the State's ETPL Policy and Procedures.

I. Recovery of WIOA Training Funds

Recovery of training funds will be accomplished per the current Skills Training Process.

J. Overview of Local ETPL Coordinator Responsibilities

Provide support and assistance to the local training providers to assist them in meeting state and local requirements to add, maintain, and retain programs on the State and Local ETPL.

Review submissions for eligibility (initial and subsequent) per the given timelines as required by state or local policies.

Monitor subsequent review dates and expiration dates of locally required documents to ensure timely renewal of programs and receipt of renewed required documents.

Update local agreements as needed and obtain required signatures for renewals or acknowledgements for substantive changes.

Facilitate processes involved in maintaining the Local ETPL and guiding training providers through complaint or appeals processes.

Required Provider Documents

Training Providers must provide to the Local ETPL Coordinator the following documents to be considered and retained as an Eligible Training Provider on the FRWDB Local ETPL.

1. For Private Postsecondary Institutions - Bureau for Private Postsecondary Education current approval letter, documentation that renewal is in process, or appropriate exemption letter.
2. For Public Postsecondary Institutions and other public postsecondary vocational providers – current WASC or another appropriate accreditation.
3. Current insurance certificates per Exhibit B, item ii of the local ETPL agreement – updated annually.
4. CA ETP Assurances Form – annual resubmission.
5. Employer support narrative or letter(s).
6. Current Business License, if required, for jurisdiction of local campus location(s) – updated as required.
7. Completed WIOA Section 188 review questionnaire.
8. Most recent school catalog or link to online version – updated as necessary.

Policy Bulletins:

- PB 04-10 (current revision), Revised ITA Amount and Duration
 - Defines the maximum amounts for training
 - Amounts differ for trainings for occupations in demand sector or demand occupations in non-demand sectors and truck/bus driver training.
- PB 06-01 (current revision), Training Credential and Evidence of Competency
 - Defines what constitutes a training credential or competency
- PB 01-06 (current revision), Definitions of Regular and Full Time Employment

Operational Directives:

- OD 25-18 (current revision), CalJOBS Skills Training Process
 - Defines the entire local area Skills Training Process, includes participant, service provider and eligible training provider direction.
- OD 09-23 (current revision), Local Eligible Training Provider List (ETPL) Program Performance Requirements,
 - Defines required performance for locally WIOA enrolled participant performance for training programs and the methods used to calculate this performance.



Eligible Training Provider Appeals Process

The Fresno Regional Workforce Development Board (FRWDB) is responsible for managing Fresno County programs on the California Eligible Training Provider List (ETPL). The ETPL Coordinator assists training providers with following the state processes required for inclusion on the state ETPL.

The ETPL Coordinator must review program initial and continuing eligibility by reviewing requirements as provided in the State of California's ETPL Directive, WSD21-03. Based on this review, or due to other reasons as outlined in the Directive, a training provider or program may be delisted, or denied for inclusion, from the ETPL.

When a training provider or program is delisted or denied inclusion on the ETPL, the training provider may appeal the decision.

The training provider must appeal to the FRWDB, in writing (e-mail is acceptable), within 30 days of the issuance of the denial or delisting notice. Send appeals to:

Fresno Regional Workforce Development Board
 Attention: ETPL Coordinator
 2125 Kern St. Suite 208
 Fresno, CA 93721

Via e-mail to etpl@workforce-connection.com

If e-mail is used, the FRWDB will not be held responsible for failed delivery or blocked messages. Ensure that the message was received by contacting the ETPL Coordinator by calling 559-490-7130.

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
- The signature of the appropriate training provider official.

An initial informal meeting between the training provider and the FRWDB Senior Deputy Director of Operations will occur to determine if a simple remedy may be arrived at. If a simple remedy is not found, the training provider will have an opportunity for a hearing.

The Executive Director of the FRWDB will serve as the hearing officer. 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 (or appropriate committee) must be 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), and the Local ETPL Coordinator must upload the final decision to the Provider Profile section of CalJOBS.