

TO: Workforce Investment Board

DATE: 01/12/06

FROM: Program Planning and Development

For Action

For Information

For Discussion

SUBJECT: Eligible Training Provider's List Policy

PROPOSED MOTION(S): Approve the revised Eligible Training Provider's List (ETPL) Policy.

DISCUSSION: The State's requirements for inclusion on the ETPL have been reduced. The bulk of changes involve the State's elimination of Local Board criteria for programs to be placed on the ETPL. The criteria for inclusion on the ETPL now rests with approval of the provider's program by Educational-based organizations. A few such organizations are the Federal Department of Education, the California Department of Education, and the Chancellor's office of the California Community Colleges. Previously, the Local Board was allowed to place programs on the ETPL based on demonstrated program effectiveness, demonstration of sufficient evidence of employer support and willing to hire its graduates, and designation as an authorized training provider for industry-specific training.

**ATTACHMENT(S):
Updated ETPL Policy**



**DEPARTMENT OF
WORFORCE INVESTMENT**

**Policy/Procedure
For**

Eligible Training Provider's List (ETPL)

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Equal Opportunity Employer

Policy: In accordance with the Workforce Investment Act of 1998, the Merced County Workforce Investment

Board has approved the following policy. The Workforce Investment Act requires that training providers who wish to access WIA funds must submit applications to be placed on the state training list. Providers must meet all local and state criteria; agree to provide approved training to WIA enrolled participants; supply required client data for long-termed follow-up and they must agree to abide by all WIA required regulations and/or laws.

The Merced County Workforce Investment Board has approved the following ETPL policies and procedures for the local area. These policies and procedures adhere to all state and federal requirements and have been adapted and structured to meet local needs.

As of July 1, 2000 all training providers wishing to access WIA funds must be on the State Eligible Training Provider List (ETPL). To be placed on the list, the training provider must submit an application to the Merced County Workforce Investment Board, hereinafter referred to as "Local Board" or "Board." The Board will accept all applications from organizations that intend to provide training services in the local area. Only those applications which meet all local and state criteria will be referred to the State for approval and listing on the ETPL.

Procedures:

I. Initial Application for ETPL Listing

A. Application to Board

1. The Board will accept applications on a continuing basis from providers who intend to provide training services in the local area (Merced County).
2. Board staff will review each application received to ensure it is filled out completely and in accordance with the Workforce Investment Act eligible training provider list forms handbook dated 4/2002.

B. Providers Eligible to Apply and Criteria for Initial Listing on ETPL

Providers must meet one of the following criteria in order to have their program listed on the ETPL:

1. Providers who are eligible to receive funds under the Higher Education Act of 1965 and whose programs lead to an associate or baccalaureate degree or a certificate must apply to a LWIB by completing an application and supply all of the required information, including any required by the Local Board;
2. Providers that carry out programs in California under the National Apprenticeship Act of August 16, 1937, and are approved by either the California Apprenticeship Council or the Bureau of Apprenticeship and Training must apply to a Local Board by completing an application and supply all of the required information, including any required by the Local Board;
3. Accreditation by an institution recognized by the Federal Department of Education;

4. Approval by the California Department of Education;
 5. Approval by the Chancellor's office of the California Community Colleges;
 6. Approval of the program by BPPVE;
 7. Special registration of the program by BPPVE;
- C. Approval of Registration by Bureau for Private Post-Secondary and Vocational Education (BPPVE).
1. A provider wishing to meet the criteria for initial listing by being either approved or specially registered by BPPVE must apply to BPPVE and satisfy BPPVE's approval or registration requirements before applying to the Local Board.
 2. When the Local Board receives an application for a provider's initial listing on the ETPL and that provider is required to be registered with BPPVE in order to be eligible for ETPL listing, the Local Board must visit the site of the applicant's program and verify the registration information supplied to BPPVE before nominating the program to the Employment Development Department (EDD). The site visit and data verification must be fully documented. To facilitate this process, the Local Board can obtain the provider's registration data from BPPVE, prior to the site visit.

II. Subsequent Eligibility Policy and Procedures

- A. All programs that are initially listed on the ETPL must be determined, within 18 months of initial listing and annually thereafter, to be eligible to remain on the ETPL. This determination is called "subsequent eligibility."
- B. Criteria for Subsequent Eligibility
1. In order to be subsequently eligible, programs must consider specific performance targets or levels on performance measures required under WIA:
 - a. Completion rates for all individuals in the listed program;
 - b. Percentage of all individuals participating in the listed program who obtain unsubsidized employment;
 - c. Wages at placement in employment of all individuals participating in the listed program;
 - d. Percentage of WIA participants who completed the listed program and were placed in unsubsidized employment;
 - e. Retention rates in unsubsidized employment of WIA participants who completed the listed program six-months after the first day of their employment;
 - f. Wages received by WIA participants who completed the listed program six-months after the first day of employment; and
 - g. Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the WIA participants who graduated from the listed program.
 - h. Costs to participate in the program.
 2. Additional Requirements
 - a. The Local Board may establish any additional measures that it deems appropriate.
 - b. Before subsequent eligibility determination commences, the minimum performance targets, or levels, will be established by the Governor for each of the performance measures required by WIA. At their discretion, Local Board can set higher levels than the Governor. In addition, the Local Board can set levels for any additional measures than it determines to be appropriate.
 - c. In setting levels, the Local Board must take into consideration the following:
 - 1) The specific economic, geographic, and demographic factors in the local areas

- in which providers seeking eligibility are located; and
- 2) The characteristics of the populations served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable.
- e. In addition, providers must supply information on the costs for WIA participants to participate in the program.

C. Subsequent Eligibility Determination

1. Application to the Local Board

- a. Providers whose programs are subject to subsequent eligibility determination must reapply in order to be considered. For each unique program, a provider must apply to the Local Board.
- b. For any program offered at a physical site, the provider must apply to the Local Board where the site is located except when services are provided in multiple areas; the provider may submit an application to just one local board to provide services in all areas. Subsequently, each program will have a single sponsoring Local Board that will be responsible for subsequent eligibility determination, data flow, appeals, etc.
- c. The Local Board will accept applications for subsequent eligibility from providers who have been placed on the statewide list and who provide services within the local area. Board staff will determine that applications are complete and have the appropriate seed data required for subsequent eligibility.
- d. Applications for subsequent eligibility that meet all required criteria will be transmitted to EDD via the State JTA system.

III. Local Board Data Verification

A. The Local Board will be responsible for the following:

- 1. The Board will obtain updated information from the providers of programs listed through them.
- 2. The Board will inform EDD of any changes to the administrative, provider, or program data elements in order to keep the ETPL information current.
- 3. The Board will ensure that the data supplied by providers for either initial or subsequent eligibility is complete.
- 4. The Board will ensure that all One-Stop centers in their area have access to the most recent version of the ETPL and that it's readily available to all One-Stop customers.

B. Agreement With Providers

The Board will develop agreements with training providers nominated by the Board for listing on the ETPL that include provisions requiring providers to maintain records that are sufficient to support all provider data submissions for ETPL purposes and to make these records available for monitoring or audit by either the Board or the State.

IV. Denial, De-Listing Penalties, and Appeals

A. Denial of Application for Initial Listing

1. Reasons for Denial

- a. The Board may deny eligibility if the application from a provider is not complete or not submitted within required time frames.
- b. The Board must deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in (Section V. A.) of the State ETPL Policy & Procedures (P&P).
- c. The Board may deny eligibility to a provider who has been found to have substantially violated any WIA requirements.

2. If the Board denies a provider's application for listing on the ETPL, the Board must, within 30 days of receipt of the application, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.
- B. Delisting of a Program on the ETPL
1. Reasons for Delisting
 - a. The Board may delist a program if the provider fails to provide all the data required for subsequent eligibility determination within the required time frames.
 - b. The Board must delist a program at any point at which it is determined that the program does not meet the minimum criteria for initial listing specified in (Section V. A. 3) of the State's ETPL P&P. For example, a program can be delisted if its eligibility depended on accreditation, and the accreditation was lost.
 - c. The Board must delist a program if, as a result of the subsequent eligibility determination process, the program is found not to have met the minimum levels of performance set by the State or by the Board.
 - d. The Board may delist a program if the provider is found to have substantially violated any WIA requirements.
 2. If the Board delists a program from the ETPL, the Board must, within ten days of its decision, inform the provider in writing and include the reason(s) for the denial and complete information on the appeals process.
- C. Penalties
1. If EDD, in consultation with the Board, determines that a provider intentionally supplied inaccurate information for ETPL purposes, EDD shall terminate the eligibility of the provider to receive any funds under WIA Section 133 (b) for at least two years.
 2. If the Board working with EDD determines that an eligible provider substantially violates any WIA requirements, EDD or the Board working with EDD may terminate the eligibility of the provider to receive any funds for a period of time under WIA Section 133 (b) or take other such action as EDD or the Board deems appropriate.
- D. Appeals to the Board
1. This procedure applies only to appeals by training providers to the Local Board based on the denial of a provider's application for initial listing on the ETPL or the de-listing of a program already listed on the ETPL.
 - a. A provider wishing to appeal a decision by the Local Board must submit an appeal to the Local Board within thirty (30) days of the issuance of the denial notice. The appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.
 - b. The first step in the Local Board appeals process must be an informal meeting between the Local Board staff and the appealing provider. The purpose of this meeting is to forestall the appeals process if there is an easy solution to the dispute.
 - c. The Local Board will offer the opportunity for appealing providers to have a hearing. The hearing officer shall be an impartial person. The hearing officer shall provide written notice to the concerned parties of the date, time and place of the hearing at least ten (10) calendar days before the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issue(s); and to be represented.
 - d. The Local Board will notify a provider of its final decision on an appeal within

sixty (60) days of receipt of the appeal. This period includes a hearing, if requested by the provider.

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