



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

2799 S. Fourth Street - El Centro, CA 92243 - Tel: (442) 265-4974 - Fax: (760) 337-5005

POLICY	ORIGINAL DATE	LAST REVISION
ELIGIBLE TRAINING PROVIDER LIST POLICY AND PROCEDURES	FISCAL YEAR 2018	September 26, 2018

POLICY OVERVIEW:

The purpose of this policy is to provide guidance and establish procedures regarding the process the Imperial County Workforce Development Board (ICWDB) uses to identify training providers in Imperial County who wish to offer services to adults, dislocated workers and out of school youth whose training is funded by the Workforce Innovation and Opportunity Act (WIOA). This policy incorporates the state requirements of the Bureau of Private Postsecondary Act of 2009, includes a transition process for existing providers, and establishes the Governor's eligibility criteria and procedures for initial and subsequent determination for training providers who list training programs on the Eligible Training Provider List (ETPL).

REFERENCES:

- *WIOA (Public Law 113-128) Section 122 (a) through (f) EDD Workforce Services Directive WSIN16-50*
- *WSD15-07 Workforce Innovation and Opportunity Act EDD WIOA ETPL Policy and Procedures*
- *Title 20 Code of Federal Regulations (CFR) "WIOA, Notice of Proposed Rule Making" (NPRM), Sections 680.400-680.530*
- *Training and Employment Guidance Letter (TEGL 41-14, WIOA Title I Training Provider Eligibility Transition (June 26, 2015)*
- *Workforce Services Information Notice (WSIN) 15-47, ETPL Performance Standard for WIOA Transition*
- *California Private Postsecondary Education Act of 2009*

BACKGROUND

On July 22, 2015, the California Workforce Development Board (State Board), released WSD15-07, revising the existing ETPL requirements. WIOA requires states to establish a list of training providers who are eligible to receive WIOA funds and to establish two separate procedures for the ETPL: *initial eligibility* and *subsequent eligibility*. These policies and procedures contain state requirements that mandate all private postsecondary education providers receive an "Approval to Operate" from the Bureau of Private Postsecondary Education (BPPE) prior to being listed on the ETPL. This approval ensures the training provider satisfies the BPPE statues and enable the provider to enroll WIOA individuals.

The following sections list the requirements for a provider to be added to and remain in good standing on the ETPL for the ICWDB. Training providers of On-the-Job Training, Customized Training, Contracted Training, Incumbent Worker Training, internships, paid or unpaid work experience opportunities, and transitional employment are not subject to the ETPL requirements outlined below.

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INITIAL ELIGIBILITY REQUIREMENTS

Initial eligibility for ICWDB ETPL applies to all training providers, with the exception of apprenticeship programs registered under the National Apprenticeship Act (NAA) or recognized by Department of Industrial Relations (DIR) or Division of Apprenticeship Standards (DAS). ETPL requirements are specific to the needs of the Imperial County and the institution must comply with the process outlined below.

To meet initial eligibility, a training provider or institution must:

1. Have current accreditation status through an accrediting body recognized by the Department of Education.
2. Possess a current “approval to operate” with expiration date or exemption status from the Bureau for Private Postsecondary Education (BPPE).
 - a. Notable exceptions include public schools or institutions, such as community colleges, apprenticeships or school districts — these only require an accreditation.
 - b. Information about BPPE approval can be found on the [BPPE website](#).
3. Train for jobs that are considered in-demand in Imperial County.
4. Institution must comply with ICWDB performance requirements. Performance is reviewed each program year (July 1- June 30th) on a per program basis. ICWDB reserves the right to remove training programs that do not meet minimum performance and/or training providers who demonstrate trends of underperformance. New programs will have a maximum of 18 months to demonstrate compliance with required metrics. New program is defined as a course that has not previously been offered to the public through the institution as part of the ETPL.
5. Training must result in the awarding of an industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements. Providers must demonstrate as part of the initial eligibility process the mechanism for awarding such credentials, certificates and/or degrees. Regardless of whether the provider’s program requires a third-party certification for credential attainment/national or state certificate award, the provider is responsible for appropriately reporting such attainment to ICWDB. Copies of credentials/certificates must be made available to ICWDB, America’s Job Center of California (AJCC) Client Service Specialist and Imperial County Workforce Development Office (ICWDO), if requested.
6. The tuition costs and course fees must be competitive with similar courses offered in the area. ICWDB reserves the right to request supporting documentation to demonstrate a cost comparison within the county. A breakdown of textbooks and class fees breakdown for additional costs must be provided to ICWDB as part of the application package.
7. Institution must have been in operation for at least six months as of the date of application and must be able to provide proof of financial solvency without the need for subsidy from WIOA training funds. For previously approved providers, ICWDB may require a declaration of the percentage of total organizational income made up by WIOA funding.
8. Institution must comply with all Equal Opportunity Policies and Procedures. This includes compliance with grievance and criminal activity reporting requirements.
9. Institution must meet the following requirements:
 - a. Not debarred from doing business with the Federal Government.
 - b. Provide ICWDB written documentation of any changes to accreditation status or approval to operate.
 - c. Provide advance notice of price changes to Imperial County.
 - d. Adhere to routine compliance and review requirements from ICWDB and ICWDO.
10. Approved providers may enter into agreements with training organizations to deliver content on their behalf. In doing so, the approved provider accepts all liability and certifies that the program, as submitted to CalJOBS meets the approved providers’ requirements for content and instructors as well as all other Imperial County policies and procedures. The approved provider

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is the sole contact for Imperial County. Approved providers must notify Imperial County of any program that will be delivered by training organizations or other third parties. Imperial County reserves the right to audit or review any course or instructor qualifications at any time.

INITIAL ELIGIBILITY PROCESS

The following outlines the process for training providers and programs for the Local ETPL:

1. Training providers interested in applying to become part of the ICWDB's local ETPL must provide the following documents:
 - a. ETPL Acknowledgement Form
 - b. Equal Opportunity Policy
 - c. List of in-demand jobs
 - d. Copy of accreditation status
 - e. BPPE approval
 - f. W-9
 - g. ICWDB Individual Training Account Service Provider Agreement for each proposed training
2. Imperial County still will review all submitted materials, request clarification or follow up as necessary, and confirm that the organization is not debarred from doing business with the federal government.
3. Confirmation of approval or denial will be issued within 30 days from the approval of the ICWDB.
4. If approved, training providers will be given instructions to register on CalJOBS, this includes guidance on designating appropriate Standard Occupational Classification (SOC) code for all programs.
5. ICWDB staff and ICWDO will then review CalJOBS information for accuracy and, if accurate approve the program to be listed on the ETPL through the CalJOBS ETPL module.
6. Once ICWDB approves a program(s), the program becomes visible to the America's Job Centers of California network and is accessible to the general public through www.caljobs.ca.gov under "Education Services." Note that ICWDB makes no guarantees of minimum enrollments for approved programs or providers. Enrollments of participants in ICWDB ETPL programs are dependent on funding and participant training needs.
7. Training programs must meet subsequent eligibility requirements (as describe below in the Subsequent Eligibility section) after one year of being on the ETPL to remain on the list. Programs are also subject to annual compliance reviews.
8. Programs that do not meet subsequent eligibility requirements are subject to delisting from the ICWDB ETPL.

SUBSEQUENT ELIGIBILITY PROCESS

ICWDB and ICWDO will evaluate all programs on the ICWDB ETPL—with the exception of DIR/DAS apprenticeship programs—annually to ensure that they continue to meet eligibility requirements beyond the period of initial eligibility. This determination is called "subsequent eligibility." The review will include but not be limited to:

- a) **Performance** – To be made available to ETPL providers bi-annually and reviewed by ICWDB and ICWDO. Performance will include enrollments, completion rate, credential attainment rate, entered employment rate, and median wage data. Training providers may be delisted if performance metrics are not met for the year.
- b) **Proof of Compliance** – Organizations will be required annually to submit proof of accreditation, BPPE approval and changes in course costs to and financial solvency to ICWDB. Organizations which have become debarred from doing business with the Federal Government will be removed from the ETPL.

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- c) **Site Visits** – ICWDO will perform an onsite review of the training facility, interview staff and participants. This review will focus on areas such as accessibility and compliance with program requirements. Site visit reports will be issued documenting all findings; provider will have 30 days to address any deficiencies and may be de-listed if appropriate action is not taken.
- d) **Market Review** — ICWDB staff will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments.

PRICE CHANGE

The original price of the training program submitted with the approved program application must be used for the duration of the program unless the provider submits a request to the ICWDB, 2799 S. 4th Street, El Centro, CA. 92243, with the reason for the change. All request and reasons will be subject to review by the ICWDB.

APPRENTICESHIPS

Apprenticeships programs that have been approved through the **Division of Apprenticeship Standards** (DAS) are automatically eligible for the ETPL and are not covered by this policy.

DENIALS

ICWDB may deny a new application for a provider or program (“initial eligibility”) if:

- The provider and/or its program(s) fail to meet the minimum criteria for initial listing as specified in section Initial Eligibility Requirements above;
- The application from the provider is incomplete;
- The provider intentionally supplied inaccurate information; or
- The provider substantially violated any WIOA requirement(s) or is debarred;
- The training program is available for free or lower cost from another source in the community.

Within thirty business days of receipt of the application, ICWDB will inform the provider in writing and include the reason(s) for the denial.

DELISTING

ICWDB may delist from the ICWDB ETPL a previously approved provider or program (“subsequent eligibility”) for any of the following reasons:

- The training provider did not maintain the minimum performance criteria for subsequent eligibility;
- The training provider is now debarred from doing business with the Federal Government;
- The training provider lost its accreditation and/or BPPE license;
- The training provider has experienced fraud, malfeasance or other illegal activity involving WIOA funds or participants; and
- The training provider has not complied with Equal Opportunity guidelines.

APPEALS PROCESS

Training providers wishing to appeal denial/de-listing must submit the appeal request to ICWDB’s within 30 days of the issuance of the denial/de-listing notice. The appeal must be in writing and include a) name of training provider b) training program(s) impacted c) training provider point of contact d) point of contact phone and email e) a statement of the desire to appeal f) reasons for the appeal, including documentation supporting the grounds for the appeal g) signature of the appropriate training provider official. All appeals must be submitted to the following:

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POLICY CHANGES

ICWDB will update this policy based on changes to the Federal and State laws, regulations and guidance, training program performance data, local economic and labor market conditions and/or other local priorities.

ACTION:

Please bring this policy to the attention of ICWED, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. Once the exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959 or the Program and Compliance Manager (442) 265-4963.

ELIGIBLE TRAINING PROVIDER LIST (ETPL) ACKNOWLEDGEMENT FORM

This form must be completed as part of the ETPL application/re-certification process and will be used by the Imperial County Workforce Development Board (ICWDB) to determine initial and/or subsequent eligibility. By signing this form, the training provider is confirming that the ETPL Policies and Procedures document has been read and will be adhered to by the provider.

1. Provider has current accreditation status through an accrediting body recognized by the Department of Education. Yes____ No____
2. Provider possess a current "approval to operate" with expiration date or exemption status from the Bureau for Private Postsecondary Education (BPPE). Yes____ No____
3. Provider trains for jobs that are considered in-demand or higher in-demand in San Diego County, as per the ETPL Policies and Procedures. All programs which will be proposed for inclusion/currently included in the ETPL directly support in-demand or higher in-demand jobs. Yes____ No____
4. Provider will comply with SDWP's performance requirements (e.g. placement, entered employment, credential attainment) as outlined in the ETPL Policy and Procedures. Yes____ No____
5. For all courses proposed for inclusion/currently included on the ETPL, completion will result in the awarding of an industry-recognized credential, national or state certificate, or degree. Regardless of whether the provider's program requires a third-party certification for credential attainment/national or state certificate award, the provider is responsible for appropriately reporting such attainment to ICWDB.
Yes____ No____
6. The course fees for all courses proposed for inclusion/currently included on the ETPL are competitive with the fees of similar courses offered in the region. Yes____ No____
7. Tuition costs for all courses proposed for inclusion/currently included on the ETPL are equal or less than the published rate on the provider's website or catalog. Yes____ No____
8. Provider has been in operation for at least six months as of the date of application/re-certification and is able to provide proof of financial solvency, without the need for subsidy from WIOA training funds, if requested.
Yes____ No____
9. Provider will comply with all Equal Opportunity requirements as outlined in the ETPL Policy and Procedures. Yes____ No____

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10. Provider is able to meet the following requirements:
- a. Not debarred from doing business with the Federal Government.
 - b. Provide written documentation of any changes to accreditation status or approval to operate.
 - c. Provide advance notice of price changes to ICWDB.
 - d. Adhere to routine review compliance and requirements from ICWDB.

I understand and acknowledge that ICWDB has sole discretion, based on program needs, budget limitations, quality, qualifications or convenience, to approve or deny participation in the ETPL; this includes approving or denying a training provider or an individual program. I also understand that ICWDB will conduct a thorough review prior to approving my organization for initial eligibility or subsequent eligibility (re-certification) and may request additional documentation. I hereby certify that the above information is, to the best of my knowledge, true and accurate.

Authorized Training Provider Representative

Date