



DYLAN WRIGHT
 DIRECTOR
 OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
 ASSISTANT DIRECTOR
 OC COMMUNITY RESOURCES

JULIE LYONS
 DIRECTOR
 ADMINISTRATIVE SERVICES

ANDI BERNARD
 INTERIM DIRECTOR
 OC ANIMAL CARE

JULIA BIDWELL
 DIRECTOR
 OC HOUSING & COMMUNITY
 DEVELOPMENT

RENEE RAMIREZ
 DIRECTOR
 OC COMMUNITY SERVICES

STACY BLACKWOOD
 DIRECTOR
 OC PARKS

JULIE QUILLMAN
 COUNTY LIBRARIAN
 OC PUBLIC LIBRARIES

Effective: February 10, 2021
 OCWDB Approved: July 24, 2019

To: All WIOA Subrecipients of the Orange County
 Workforce Development Board

From: Carma Lacy
 Director of Workforce Development

Subject: Eligible Training Provider List (ETPL) Policy
 Information Notice No. 21-OCWDB-03
 Supersedes Information Notice No. 17-OCDB-16

PURPOSE

This policy establishes the guidelines for listing training providers and courses on the Orange County Eligible Training Provider List (ETPL) listed on the online platform, I-TRAIN.

EFFECTIVE DATE

This policy is effective on the date of issuance.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128 Sections 3, 108, 116, 122, 134, and 404
- 20 CFR 680.320 (a)(4)
- Employment Development Department (EDD) Directive, WSD15-07, *WIOA Eligible Training Provider List – Policy and Procedures*
- EDD Directive, WSD19-03, *Performance Guidance for WIOA Title I and III Programs*, (August 28, 2019)
- EDD Directive, WSD17-01, *Nondiscrimination and Equal Opportunity Procedures*, (August 1, 2017)
- U.S. Department of Labor (USDOL), Training and Employment Guidance Letter (TEGL) 08-19, *WIOA Title I Eligibility and State List of Eligible Training Providers (ETPs) and Programs*, (January 2, 2020)
- USDOL, TEGL 19-16, *WIOA Title I and the Wagner-Peyser Act Employment Services (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*, (March 1, 2017)
- California Unemployment Insurance Code (CUIC) Sections §14005, §14230 and §1266-§1274.20 “California Training Benefits Program”
- California Education Code Section 94874
- Senate Bill 118, Chapter 562, Statutes of 2013
- California Labor Code Section 4658.7(e)
- California Private Postsecondary Education Act of 2009



COMMUNITY INVESTMENT DIVISION

1300 SOUTH GRAND
 BLDG. B, FIRST FLOOR
 SANTA ANA, CA 92705
 PHONE: 714.480.6500
 FAX: 714.834.7132

BACKGROUND

WIOA Section 122 requires states to establish and maintain a list of training providers who are eligible to receive WIOA Title I funds for career training services. This list is known as the Eligible Training Provider List (ETPL). The state is required to develop and operate the California ETPL in partnership with Local Workforce Boards. The CA ETPL is designed to gather and display useful information on training providers, their services, and the quality of their programs.

WIOA Section 134 states that training services must be directly linked to an in-demand industry sector or occupation in the local area or region and result in the awarding of an industry-recognized credential, national or state certificate, or degree. This includes all industry appropriate competencies, licensing and/or certification requirements, employment, or measurable skill gains toward such credential or employment. The local board may approve training services for occupations determined by the local workforce board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

Definitions

Apprenticeship Program – Registered Apprenticeship programs are a written plan designed to move an apprentice from a low or no skill entry-level position to full occupational proficiency. The Apprenticeship program is sponsored by an employer. Upon completing the training program, an apprentice earns a "Completion of Registered Apprenticeship" certificate, which is an industry issued, nationally recognized credential.

Distance Education – Education that uses one or more of the technologies listed below to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor, whether offered concurrently or not. The technologies may include the following:

1. The internet;
2. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
3. Audio conferencing; or
4. Video cassettes, DVDs, and CD-ROMs; if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in items (1) through (3) of this definition.

ETPL Appointee – The entity selected by OCWDB to serve as the Eligible Training Provider List administrator for Orange County; the ETPL Appointee processes initial eligibility applications, determines if the applicant meets state and local criteria for listing, ensures compliance of each training provider, conducts subsequent eligibility, and is the point of contact with EDD regarding the Orange County ETPL.

In-Demand Industry Sector or Occupation – An industry sector that has a substantial current, or potential impact, (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors. An occupation that currently has, or is projected to have, a number of positions in

an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

Individual Training Account (ITA) – An ITA is a payment agreement established on behalf of a participant with an eligible training provider. Only those training providers that are on the Orange County ETPL are able to redeem ITAs for payment. For ITA requirements, see Information Notice 20-OCWDB-21.

Intrastate Training Resource and Information Network (I-TRAIN) – The online, searchable database administered by South Bay Workforce Investment Board (SBWIB) that includes the training program information (such as contact name, location, accessibility, accreditation, and availability of financial aid) for approved training programs in the Southern California region. (<https://wioa.i-train.org/>)

Local/Orange County ETPL – The training program list maintained by the ETPL Appointee that has been vetted and approved for use by OCWDB Service Providers.

Pre-Apprenticeship Program – A program designed to prepare individuals to enter and succeed in an Apprenticeship program, and includes the following elements:

1. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
2. Access to educational and career counseling and other supportive services, directly or indirectly;
3. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options and understanding how the skills acquired through coursework can be applied toward a future career;
4. A partnership with one or more Apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in an Apprenticeship program; and
5. Opportunities to attain at least one industry-recognized credential through an Apprenticeship program.

Postsecondary Credential – An industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state or federal government, or an Associate or Bachelor's degree. A recognized postsecondary credential is based on the attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills are generally based on standards developed or endorsed by employers or industry associations.

Secondary School Diploma or Recognized Equivalent – California recognized diplomas issued by a California public school, as well as by private schools accredited by the Western Association of Schools and Colleges or equivalent regional accreditation body. A secondary school equivalency certification indicates that a student has completed the requirements for a high school education. California has approved the use of three high school equivalency tests (HSET): GED®, HiSET®, and TASC™.

CA ETPL & I-TRAIN Training Provider General Requirements

In order for a provider of training services to receive WIOA funds, its program(s) must be listed on the CA ETPL. These programs may provide training services, such as the following:

1. Occupational skills training, including training for non-traditional employment;
2. Programs that combine workplace training with related instruction, which may include cooperative education programs;
3. Training programs operated by the private sector;
4. Skill upgrading and retraining;
5. Entrepreneurial training;
6. Job readiness training provided in combination with the training services;
7. 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; and
8. Apprenticeship and Pre-apprenticeship Skills Training.

There are some training programs that are exempt from direct application to the CA ETPL or are subject to special ETPL policy provisions. These exceptions include the following:

1. On-the-Job Training;
2. Customized Training (as defined by the WIOA);
3. Incumbent worker training or transitional employment;
4. Instances where the Local Board determines the following:
 - There are an insufficient number of eligible providers of training services in the local area.
 - An exception is necessary to meet the needs of individuals with barriers to employment.
 - That it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals for in-demand industry sectors or occupations; or
5. Pay for Performance Contracts - Institutions of higher education, such as community colleges, do not need to be on the state's ETPL to provide training through direct contract with a Local Board.

Eligible Training Providers

The following training programs and providers are eligible to apply to be on the CA ETPL:

1. In-State Training Provider - All training providers that are headquartered and/or have training site(s) in California and wish to be listed on the CA ETPL must be registered in CalJOBSSM. The training provider shall provide all the training program information required in the CalJOBSSM ETPL module. Training providers that offer programs in multiple Local Areas must apply to the Local Board in the area where their headquarters is located. The training providers' program location(s) must be listed under the main headquarters location.
2. Apprenticeships Located in California - The Department of Labor (DOL) registered Apprenticeships and California Department of Industrial Relations, Division of Apprenticeship Standards (DIR DAS) approved Apprenticeships are all automatically eligible for the CA ETPL and will be placed on the ETPL by the state. The state will not enter information on pre-apprenticeship training programs; this information will be entered by the ETPL Appointee, if necessary.

3. Out-of-State Training Providers - All training providers that are headquartered and/or have training sites located outside of California may provide training services through a Local Board, if the training provider is listed on the ETPL in the state in which they are located. Out-of-state training providers cannot be listed on the CA ETPL. A Provider that is listed on another state's ETPL can be used with the Out of State Provider – Other State ETPL Service Code and must include a Case Note indicating which state has approved the provider for its ETPL.
4. Distance Education Training Providers - All distance education training providers that desire to list their training programs on the CA ETPL are required to be registered in CalJOBSSM. Once approved by the Employment Development Department (EDD), the training provider shall provide all the training program information required in the CalJOBSSM ETPL module.

Application Procedures for the CA ETPL & I-TRAIN

Local Boards may authorize a single Local Board to act on their behalf in making determinations for initial and/or subsequent eligibility of providers. OCWDB has appointed South Bay Workforce Investment Board (SBWIB) to serve as the ETPL Appointee and to make initial and subsequent eligibility determinations for applications submitted from providers.

1. New training providers are required to be registered in CalJOBSSM using the ETPL module and submit request to the Local Board administrator – SBWIB for Orange County.
2. Complete the California I-TRAIN application accessed at <https://wioa.i-train.org/> and submit to SBWIB according to the application instructions along with the required documentation.
3. The following documents will be required as part of the application process:
 - BPPE approval or proof of accreditation and curriculum;
 - W-9, by-laws, and Articles of Incorporation with State of California Certification;
 - Business license for each proposed training location;
 - Instructor's credentials or experience;
 - Grievance/complaint procedures;
 - Published tuition costs on the institution website or catalog;
 - Copy of refund policy;
 - Proof of insurance coverage; and
 - School organization chart.
4. SBWIB will review the training program application, verify required information by following the CA ETPL Statewide Policy and Local Procedures, and submit to CA Employment Development Department (EDD) for validation.

Initial Eligibility

1. EDD will review and verify ETPL submissions according to the criteria in the next section and issue an approval or denial within 30 days from the receipt of the application.
2. Once approved, SBWIB will enter the program information and performance data in the required fields in CalJOBSSM; training providers are to keep SBWIB informed of any changes to the program information listed in CalJOBSSM.

3. EDD will aggregate the local approvals into a comprehensive list to produce the CA ETPL and will make the list accessible to Local Boards and the general public through the CalJOBS website at www.caljobs.ca.gov under "Education Services."
4. Training provider must enter into a contract with SBWIB to be included on the Orange County ETPL.
5. OCWDB Service Providers will have access through I-TRAIN to view notes entered into the system by SBWIB staff on any training provider.

The Orange County approved Local ETPL training provider list is maintained by SBWIB and available on the CA I-TRAIN website at <https://wioa.i-train.org/>.

Initial Eligibility Criteria Guidelines

Initial eligibility requirements for the CA ETPL applies to all training providers with the exception of apprenticeship programs approved by the Department of Industrial Relations, Division of Apprenticeship Standards (DIR DAS) which are automatically eligible for the CA ETPL and will be placed on the ETPL by the state.

Eligibility for Training Providers must meet at least one of the following criteria in order to have their programs listed:

1. Adult Education Secondary Schools – Training providers issuing secondary school diplomas. Secondary school diplomas must be offered concurrently, or in combination with occupational skills training.
2. Private Postsecondary Schools (Profit or Non-Profit) – Training providers must have current Bureau for Private Postsecondary Education (BPPE) Approval to Operate, or current verification of exemption by BPPE.
3. Public Postsecondary Community Colleges – Training providers must be accredited by the Western Association of Schools and Colleges (WASC) Accrediting Commission for Community and Junior Colleges (ACCJC). For public postsecondary community colleges that are not WASC ACCJC accredited, but are currently in the initial accreditation process, the State Board and the EDD will determine whether the community college meets the training provider initial eligibility criteria.
4. California State University (CSU) and University of California (UC) – Providers must be accredited by the WASC Senior College and University Commission (WASC SCUC).
5. Pre-Apprenticeship Training 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 be offered in combination with occupational skills training. Pre-Apprenticeship programs that are not offered in coordination with occupational skills training cannot be listed on the ETPL; however, pre-apprenticeship programs that do offer an occupational skills training component, such as the Multi-Craft Core Curriculum (MC3), can be listed on the ETPL and used in conjunction with an ITA. The State Board and each Local Board must ensure that federal WIOA funds awarded for pre-apprenticeship trainings in building and construction trades that provide programs and services which follow the Multi-Craft Core Curriculum as implemented by the State Department of Education, and that develop a plan to help increase the representation of women within those trades.

After a training provider has met the training provider initial eligibility criteria listed above and has been approved by the SBWIB, each individual training program must meet these additional requirements to be listed on the CA ETPL:

1. The training program must be for in-demand industry sector occupations 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.
2. The training program 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.
3. Credential Verification Tool – Using EDD’s Labor Market Information Division’s (LMID) Occupation Data tool at labormarketinfo.edd.ca.gov, an individual can research an industry and identify if a credential is required for employment. If a credential is required for employment, the credential will often qualify for a credential attainment indicator.

All training providers are subject to the Equal Employment Opportunity and Non-Discrimination requirements found in Section 188 of WIOA, which prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants and participants only, on the basis of citizenship status or participation in a WIOA Title I financially assisted program or activity. Equal Employment Opportunity and Non-Discrimination procedures should be posted at the approved training providers facilities and provided to each participant upon enrollment.

Approved training 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 CalJOBSSM, meets the accepted requirements for both content and instructors. Approved providers must notify the SBWIB of any program that will be delivered by training organizations.

OCWDB makes no guarantees of minimum enrollments for approved programs or providers. Enrollments of participants in Orange County ETPL programs are dependent on funding and participant training needs.

ETPL & I-TRAIN Subsequent Eligibility

In order to remain on the Orange County ETPL listing, training programs must meet the subsequent eligibility requirements conducted by SBWIB after one year of list placement. In addition to meeting eligibility requirements, programs will be subject to annual compliance reviews. Training programs that do not meet subsequent eligibility requirements are subject to delisting from the Orange County ETPL.

SBWIB shall be responsible for evaluating all programs on the Orange County ETPL —apart from DIR DAS apprenticeship programs. The evaluation shall occur annually, to ensure that a program is continuously meeting the ETPL eligibility requirements beyond the period of initial eligibility. The SBWIB’s review will include but not be limited to:

1. Performance – Performance shall be verified utilizing BPPE, CalJOBSSM, California Community College, Adult Education, Local Board, and/or other appropriate data sources (including BPPE Exempt Provider Program

Performance Report, page 22), and be published annually in a WSD Information Notice. Training programs may be delisted if performance metrics are not met for the year.

2. Demonstrate a minimum of 70% employment placement rate of graduates within the current twelve months in the training program(s) including supportive placement documentation.
3. Site Visits – The SBWIB will perform an annual onsite review of the training facility, interview staff and participants. The review will focus on areas such as accessibility, cleanliness, and compliance with requirements.

Price Changes

SBWIB allows for one price increase for the training program per year. More than one price increase per year will require justification and approval from the SBWIB.

Denials

SBWIB may deny initial eligibility of a new application for a provider or program if:

1. The provider and/or its program(s) fail to meet the minimum criteria for an initial listing as specified in the section “Initial Eligibility Requirements” referenced above;
2. The application from the provider is incomplete;
3. The provider intentionally supplied inaccurate information; or
4. The provider substantially violated any WIOA requirement(s) or is debarred.

Delisting

SBWIB may delist a previously approved provider or program for any of the following reasons:

1. A private postsecondary training provider approved by BPPE has not complied with the BPPE Annual Performance Reporting requirement(s);
2. A WIOA participant has not enrolled in the training program during the previous two program years (July 1 through June 30);
3. The training provider has lost its accreditation; or
4. The training program has not achieved the minimum performance criteria for subsequent eligibility and has not been approved for a waiver of subsequent eligibility by the State Board.

Appeals Process

Training providers wishing to appeal the SBWIB’s denial/de-listing must submit the appeal in writing addressed to the following:

SBWIB
Attn: Contracts Administration
11539 Hawthorne Blvd, Suite 500
Hawthorne, CA 90250

Upon receipt by SBWIB staff, their Policy Committee will be notified and the provider will be informed in writing as to the date, time, and location when the appeal will be heard. If the decision to decline is upheld at the Policy Committee level, and the provider disagrees with the Policy Committee’s decision, the provider may appeal to the Executive Committee. The SBWIB’s Executive Committee’s decision is final.

A provider may appeal to the EDD if it has exhausted the local appeal process and is dissatisfied with the SBWIB's final decision by submitting a written appeal within 30 days from a Local Board's final decision. The request for appeal must 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. A provider appeal should be addressed to the following:

Employment Development Department
Central Office Workforce Services Division, MIC 50
Attn: ETPL APPEAL
P.O. Box 826880
Sacramento, CA 94280-0001

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 administratively review an appeal, make a preliminary decision, and notify the provider. The EDD can either uphold or reverse the appealed decision.

Repayment

A provider of training services whose eligibility is terminated as a result of either intentionally supplying inaccurate information or substantial violations of WIOA shall be liable for the repayment of funds improperly secured or received during the period the violation(s) occurred. Repayment will be made to the entity who paid for the ITA/training services within 60 days of termination notice.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at (714) 480-6500.