

Purpose

The purpose of this policy is to provide guidance applicable to the training providers and programs listed on the state and Sonoma County Eligible Training Provider List (ETPL) under the Workforce Innovation and Opportunity Act (WIOA).

Background

The Workforce and Innovation Act (WIOA) programs fund career technical education and training services to eligible individuals. The ETPL is a list of training providers and programs that meet the requirements to provide WIOA funded training services. The ETPL exists to provide customer focused employment training resources for WIOA enrolled participants. The ETPL is California's statewide list of qualified training providers and offers a wide range of educational programs, including classroom, correspondence, online, and apprenticeship programs. Training providers apply to be on the ETPL through the local workforce development board where they are headquartered AND where instruction occurs. In Sonoma County training providers should follow the policies and procedures outlined by the Sonoma County Workforce Investment Board (WIB).

ETPL Eligibility:

Training Provider Eligibility

Training Providers must be accredited by their accrediting bodies. The eligibility criteria for training providers is based on the type of provider and reviewed annually. The Provider must sign and submit the Assurances form stating they will comply with the obligations as outlined in the previous section.

Public or Private Postsecondary Schools (for profit or non-profit):

Training providers must have current Approval to Operate or Verification of Exemption from the Bureau for Private Postsecondary Education (BPPE); the Accrediting Commission for Schools (ACS) Western Association of Schools and Colleges (WASC); or the WASC Senior College and University Commission (SCUC).

Adult Education Secondary Schools:

Training provider must be an eligible provider of adult education and literacy activities under Title II of WIOA. Adult education and/or literacy activities must be offered concurrently, or in combination with occupational skills training.

Registered Apprenticeships:

Department of Labor registered apprenticeships and DIR DAS approved apprenticeships and their programs are automatically eligible to be listed on the CA ETPL and are the responsibility of the CA ETPL coordinator.

Pre-Apprenticeships:

Training providers must have a letter of commitment from a DOL registered or CA Department of Industrial Relations (DIR) Division of Apprenticeship Standards (DAS) approved apprenticeship program. To be listed on the CA ETPL, the pre-apprenticeship program must award an industry-recognized credential or certificate.

Distance Education:

Online distance education training and education providers should contact the CA ETPL coordinator.

Training Program Eligibility

Training Providers, once verified and approved by Sonoma WIB staff and the Sonoma County WIB, enter Program information into CalJOBS. These programs must also be approved by the accrediting body. Additionally, all Providers must record student outcomes (sometimes referred to as “performance”) in CalJOBS such as credential rate and employment placement. The Sonoma WIB staff reviews each individual training program annually for continued eligibility.

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.

Private post-secondary training providers’ outcomes (performance) must meet certain levels as well.

All new programs are required to meet the performance metrics based on aggregate data for all students in the program. New and continuing programs are reviewed and approved by the Sonoma County WIB and referred to the CA EDD for approval. The CA EDD has up to 30 days to approve the program. Additionally, the CA EDD performs routine reviews of existing ETPL Programs for eligibility.

Programs must meet the following requirements:

- Training programs must be for occupations in in-demand industry sectors identified by the State, Region or Sonoma County WIB.
- The training program must be valuable to employers, as evidenced by partnerships with business within in-demand industry sectors.
 - Support of the training program from at least three separate employers are required to be eligible, and documentation of this support should be uploaded into the provider profile.
- The program leads to at least one of the following:
 - Industry-recognized credential, national or state certificate, or degree, AND/OR
 - Training-related employment *as a result of gaining measurable technical skills for a specific occupation.*
 - An eligible ETPL program must prepare graduates for a specific occupation related to the training that was provided. This means that programs must award measurable technical skills, rather than general skills that are broadly required for employment. These measurable technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.
- The program and location must be approved by the accrediting body (BPPE, WASC, SCUC. Etc.)

Allowable ETPL Types of Training Services

The following are the allowable types of ETPL training for the WIOA Title I program:

- a. Occupational skills training, including nontraditional employment.
- b. Programs that combine workplace training with related instruction, which may include cooperative education programs.
- c. Training programs operated by the private sector.
- d. Skill upgrading and retraining.
- e. Entrepreneurial training.
- f. Job readiness training provided in combination with the training services described in (a) through (e) above.
- g. 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 (e) above.

Performance Standards

All Training Providers must record outcomes (performance) in CalJOBS. Non-compliance can lead to the Provider and/or its Programs being delisted from the ETPL.

While all Providers are required to enter the above data in CalJOBS for each program annually, Public Postsecondary Community Colleges, CSUs, UCs, and Adult Education Secondary Schools are not required to meet any specific outcome (performance) levels.

Private Post-Secondary Education programs must meet outcomes (performance) standards. Though outcomes (performance) entered into CalJOBS are not verified by any agency, Private-Post Secondary Education Programs should make every effort to enter data to the best of their knowledge.

The initial performance standards for programs not previously on the ETPL are:

- **Program Completers:** Percent of individuals who exited the program (Program Exiters), 50% successfully completed the training program (did not withdraw or transfer out of the program).
- **Employment Rate 6 months after exit:** Of individuals who successfully completed the training program (Program Completers), 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.

While Providers are required to enter performance data in CalJOBS for each program, they are not required to submit supporting documentation. Further, data is a total overall and not by individual student records.

Denial of Training Provider/Program

After review, if the Sonoma County WIB determines the training provider/program does not meet the requirements to be listed on the CA ETPL, the training provider will be informed in writing with the reason(s) for the denial, and provided information on the appeal process within 30 days of receipt of the application.

If the provider/program is nominated 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 Sonoma County WIB of the denial and the reason(s) for the denial within 30 days of receipt of the nomination. The training provider will be informed by the Sonoma County WIB in writing with the reason(s) for the denial, and information on the appeal process within 30 days of receipt of the EDD's decision.

If the training provider is able to rectify the issue that caused the denial, the Sonoma County WIB can review the information and resubmit to the State ETPL Coordinator for review. For example, if a provider is denied solely because the *CA ETP Assurances Form* was not uploaded to CalJOBS, the State ETPL Coordinator would notify the Sonoma County WIB, which would notify the provider. The provider/program can then be nominated again once the form is uploaded to CalJOBS.

The training provider's request to be on the CA ETPL must be denied if the training provider fails to provide complete information, intentionally provides inaccurate information, or has substantially violated any WIOA requirement(s). If the EDD, in consultation with the Sonoma County WIB, determines a training provider intentionally supplied inaccurate information or violated any WIOA requirement(s), the EDD or the Board shall deny the training provider's application for the CA ETPL, and the training provider is not allowed to be reconsidered for inclusion on the CA ETPL for at least two years.

If approved for inclusion on the CA ETPL, but the Sonoma County WIB determines the training provider/program does not meet their ETPL requirements, the training provider must be informed in writing with the reason(s) for the denial, and information on the appeal process within 30 days of receipt of the application.

Annual Compliance Review

As part of the WIOA, the Sonoma County WIB reviews training providers to ensure compliance with Equal Opportunity and Non-Discrimination requirements as well as to prevent fraud, waste, and abuse. This is done through an annual compliance review (sometimes referred to as "Compliance Review") which includes a physical site visit by Sonoma County WIB staff. The training provider must maintain sufficient records and make these records available for monitoring or audit by either the Sonoma County WIB and/or the state. It is important to note that Compliance Review and Continued Eligibility, the annual review of the Provider's accreditation and programs are two distinct components of the ETPL, and they may or may not occur simultaneously.

Overview: Scope of annual Compliance Review

Sonoma County WIB conducts the following annual Compliance Reviews of the Provider including:

1. On-site inspection of the Provider's physical location – the Training Provider's facilities – to ensure physical premises and business practices conform to expectations set in their description on the ETPL and their informational resources (including the business's policy and procedure).
2. Compliance with WIOA Section 188 Equal Opportunity and Nondiscrimination requirements – The Sonoma Job Link WIB will verify that training providers comply with the Nondiscrimination and Equal Opportunity Procedures set forth by the State of California.

Delisting Training Providers/Programs

To ensure the integrity of the CA ETPL, the Sonoma County WIB or the EDD will remove a training provider or program from the CA ETPL at any time for the items below:

1. The training provider will be immediately removed from the CA ETPL for any of the following reasons until such time as they meet continued eligibility. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
 - a. The training provider has lost its accreditation or its approval to operate from its regulating agency.
 - b. A private postsecondary training provider no longer meets the exempt criteria per CEC Section 94874, or the provider's Verification of Exemption by BPPE (if required by the EDD) expired or is revoked, and the provider does not have a new Verification of Exemption, or BPPE Approval to Operate.
 - c. The nonprofit Community Based Organization no longer qualifies under Section 501(c)(3) of the Federal Internal Revenue Code.
 - d. The apprenticeship program is no longer registered with the DOL under the National Apprenticeship Act, or is no longer approved by DIR DAS. The State ETPL Coordinator is responsible for removing apprenticeship programs.
 - e. The pre-apprenticeship program no longer has a Letter of Commitment from a DOL registered or DIR DAS approved apprenticeship program, or no longer leads to an industry-recognized postsecondary credential.
 - f. It is determined the provider sub-contracted instruction of the program to another entity without approval from WASC or BPPE.
 - g. The provider is not in compliance with WIOA Section 188.
2. A training provider will be immediately removed from the CA ETPL for a period of no less than two years for any of the reasons listed in this section. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
 - a. The state identifies the Sonoma County WIB and the training provider are participating in pay-to-play activities (commonly known as kickbacks) that include, but are not limited to: The Board receiving monetary or gift exchanges for (or in the hope for) referrals to a specific training provider, and/or exchanges of money or gifts to have the training provider listed on ETPL. As part of the annual on-site monitoring of Local Boards, if it is determined the Sonoma County WIB is engaging in pay-to-play activities, a corrective action is required, and failure to take timely action to comply may result in decertification of the Local Board involved.
 - b. It is determined the training provider falsely reported information.
 - c. The training provider substantially violated a provision of Title I of WIOA, or its implementing regulations.
 - d. The training provider's top-level leadership (e.g., owner, CEO, Director, etc.) is convicted of violating any federal or state law associated with the operation of the institution.
3. The EDD, in coordination with the Sonoma County WIB, can remove a provider for any of the following reasons. Reactivation to the list is at the discretion of the State ETPL Coordinator and the Sonoma County WIB:
 - a. It is determined the provider is not serving or providing value to WIOA participants, and is listed on the CA ETPL solely for other purposes, such as the utilization of Workers' Compensation Supplemental Job Displacement

- Benefit vouchers.
 - b. The provider has not served at least one Title I, subtitle B enrollment during the previous two program years.
 - c. The provider's CalJOBS profile and/or program information is inaccurate or incomplete.
 - d. The training provider has not demonstrated a good faith effort in providing the ETP Report data to the EDD.
 - e. The provider no longer wishes to be listed on the CA ETPL.
4. In an effort to safeguard WIOA funds, the training provider will be suspended from the CA ETPL if the training provider is under any federal, state, or local investigation. During the period of suspension, no new enrollments may occur, but the training provider can continue to serve existing WIOA-funded enrollments. Once the investigation is complete, a review of the findings by the state will determine if the provider can be reinstated to the CA ETPL.

If a training provider/program is removed from the CA ETPL, the EDD must inform the Sonoma County WIB of the denial and the reason(s) for the delisting within 30 days of the removal. In turn the training provider must be informed in writing with the reason(s) for the delisting, and provided information on the appeal process within 30 days of receipt of the EDD's decision.

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. It is the responsibility of the EDD and the Sonoma County WIB to work together to ensure any participants currently enrolled in a training program removed under items 1 and 2 experience minimal disruption. If the training provider or program is removed due to items 1, 3, or 4, any participants already enrolled (attended at least one day of instruction) can continue participation in the program until the training is complete, but no new enrollments may occur.

Placing Delisted Training Providers/Programs Back on the ETPL

Requests to be placed back on the CA ETPL must be submitted through the Sonoma County WIB (unless the provider is a Distance Education or apprenticeship program). The training provider and program(s) must meet all criteria outlined in the ETPL. If the training provider is removed for item 2 of the *Delisting Training Providers/Programs* section, two years must have passed from the time of their removal before they can be placed back onto the CA ETPL. If the training provider is removed for item 3(b) of the *Delisting Training Providers/Programs* section, the provider must wait 6 months from the date of removal before submitting an ETPL application for reinstatement.

Definitions

Apprenticeship Program – All apprenticeship programs that are registered with the U.S. Department of Labor (DOL), Office of Apprenticeship, or approved by California (CA) Department of Industrial Relations (DIR) Division of Apprenticeship Standards (DAS), are automatically eligible to be included on the CA Eligible Training Provider List (ETPL). 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, and upon completing the

training program, an apprentice earns a "Completion of Registered Apprenticeship" certificate, which is an industry-issued, nationally-recognized credential.

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

- Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved.
- Access to educational and career counseling and other supportive services, directly or indirectly.
- 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.
- A partnership with one or more apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in an apprenticeship program.
- Opportunities to attain at least one industry-recognized credential through an apprenticeship program.
- For Building and Construction trades the Multi Craft Core Curriculum (MC3) standards implemented by CDE must be followed.
 - A plan to help increase the representation of women in this trade must also be developed.

Customized Training – Training that meets the following criteria:

1. Designed to meet the specific requirements of an employer (including a group of employers).
2. Conducted with a commitment by the employer to employ an individual upon successful completion of the training.
3. The employer pays a significant portion of the cost of training, as determined by the Local Workforce Development Board (Local Board) involved, taking into account the size of the employer and such other factors as the Local Board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

Distance Education – Education that uses only 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 include the following:

- The internet.
- One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices.
- Audio conferencing.

In-demand Industry Sector or Occupation – The determination of whether an industry sector or occupation is in-demand shall be made by the California Workforce Development Board (CWDB) or Local Board, as appropriate, using state and regional business and labor market projections. An industry sector is considered in demand if it 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.

Occupational Skills Training – An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.

Industry Recognized/Valued Credentials:

- ETPL Programs must provide 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 AND/OR
 - Employment in a specific occupation after receiving measurable technical skills.
- 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. The following are types of recognized postsecondary credentials:
 - Associate degree.
 - Bachelor’s degree.
 - Occupational licensure (e.g. Certified Nursing Assistant license).
 - Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates.
 - Occupational certification (e.g. Automotive Service Excellence certification).
 - Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.
- Certificates awarded by workforce development boards are not included in this definition, nor are work readiness certificates, because neither type of certificate is recognized industry-wide, nor do they document measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation.
- Recognized postsecondary credentials reflect technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment. The following are examples of credentials/certificates that are not recognized postsecondary credentials:
 - Occupational Safety and Health Administration 10-hour course on job-related common safety and health hazards (OSHA 10).
 - National Career Readiness Certification.
 - National Retail Federation Credentials.
 - ServSafe Food Handler’s Certification.
 - Cardio Pulmonary Resuscitation (CPR) Certification.

- Certificates for General Computer Skills (Microsoft Word, Excel, Outlook, etc.).
- While there is no comprehensive list of approved credentials, more information on how to determine what may be considered a credential can be found in TEN 25-19.
- Please note the training program does not have to issue the credential, but the training program should prepare the individual to obtain the credential. For example, a Class A Truck Driving program does not issue the Class A driver's license, but it should prepare the individual to pass the state-issued exam to obtain the license.
- Further, to be eligible, a program that does not lead to a credential may instead lead to training related employment as long as the program provides a measurable occupational skill gain.

Training Related Employment:

An eligible ETPL program must prepare graduates for a specific occupation related to the training that was provided. This means that programs must award:

- Measurable technical skills, rather than general skills that are broadly required for employment.
- These measurable technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Median and Average Income:

Median Income is the income amount that divides a population into two equal groups, half having an income above that amount, and half having an income below that amount.

Average Income represents what the “typical employee” earns and can be pulled higher or lower by high salaries or low salaries at the extreme ends of the distribution.

References:

WIOA (Public Law 113-128) Sections 3, 116, 122, 123, 129, 134, and 404
 Title 20 CFR (CFR) Part 677
 Title I of the WIOA, Sections 677.150 and 677.230
 Title 20 CFR Part 680: WIOA Sections 680.200, 680.210, 680.230, 680.300, 680.310, 680.320, 680.330, 680.340, 680.350, 680.410, 680.420, 680.430, 680.450, 680.460, 680.470, 680.480, 680.490, 680.500, 680.520, and 680.530
 Title 34 CFR Part 600: Definitions (Department of Education), Section 600.2
 TEGL 8-19, 3-18, 19-16, TEGL 13-16
 California Code of Regulations Division 7.5
 California Education Code Sections 94801.5, 94850.5, and 94874
 California Unemployment Insurance Code (CUIC) Sections 14005, & 14230
 WSD22-08, 22-01, 17-01, 18-05

Approved by

Sonoma County WIB – 9/13/2023