


Date: November 29, 2007

To: Pacific Gateway Workforce Investment Network Staff
One-Stop Sub-Recipients

From: Bryan S. Rogers
Executive Director 

Subject: **POLICY MEMORANDUM: WDB-15
ELIGIBLE TRAINING PROVIDER LIST POLICIES AND
PROCEDURES (ETPL) AND DENIAL AND DE-LISTING AND
APPEALS PROCESSES**

EFFECTIVE DATE

This policy is effective upon date of issue. It supersedes previous policy dated April 3, 2006.

PURPOSE

The purpose of this policy is to provide direction on criteria and procedures for determining a provider and program's initial eligibility for inclusion on the statewide Eligible Training Provider List (ETPL) and to provide direction for denial, de-listing and appeals processes for training providers applying or currently listed on the Eligible Training Provider List (ETPL).

POLICIES AND PROCEDURES

A. Who is Eligible

With the exception of certain types of customized and on-the-job training, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers. In order to be listed on the ETPL, training providers must submit an application to the Local Workforce Investment Board (Board) in any local Workforce Investment Area in which the training provider desires to offer programs and services. Only one training provider application is required; however, a separate application is required for each program of training services offered by the training provider.

1. Initial eligibility is determined based on criteria that relates to a provider/program's **approval authority and/or authorization to operate**. Performance is not considered in making initial eligibility determinations. Providers are encouraged to submit information on performance outcomes to



facilitate customer choice, but this is not a requirement and the information provided cannot be used to determine their initial eligibility for listing.

2. The Board is responsible for reviewing and verifying applications submitted by training providers, determining if the applicant meets the State's criteria for initial eligibility and forwarding the information to EDD for those training providers and programs that meet the criteria.

3. The EDD is responsible for accepting information on training providers from local boards, compiling a single statewide list of eligible training providers and disseminating the statewide ETPL to local boards for distribution to their One-Stops.

B. Initial Eligibility Policy and Procedures

1. Criteria for Initial Eligibility

Initial eligibility is based on the provider/program's authority or authorization to operate. Providers must meet one of the following criteria in order to have their program listed on the ETPL:

a) Postsecondary institutions eligible under the Title IV of the Higher Education Act and offering programs leading toward an associate degree, baccalaureate degree or certificate [WIA Section 122(a)(2)(A)]. Completed applications received for these programs shall be listed on the statewide ETPL [WIA Section 122(e)(1)].

b) Programs that are registered under the National Assessment Agency, or provide on-the-job training in the construction industry in accordance with WIA Section 122(h) complying with standards established by the California Apprenticeship Council, and are approved by the Bureau of Apprenticeship and Training (BAT), and have a certificate of approval from the California Apprenticeship Council.

c) Accreditation by an institution recognized by the federal Department of Education [WIA Section 122(a)(2)(c)].

d) Approval by the California Department of Education (CDE) [WIA Section (a)(2)(c)].

e) Approval by the Chancellor's Office of the California Community Colleges (COCCC) [WIA Section 122(1)(2)(c)].

f) Prior to July 1, 2007, the State had also accepted approval, registration, exemption by the Bureau of Private Postsecondary and Vocational Education (BPPVE) [WIA Section 122(a)(2)(C)], however, the BPPVE ceased to exist on

that date. Educational institutions having previously received valid approval have the opportunity to enter into voluntary agreements with the Department of Consumer Affairs per Assembly Bill (AB) 1523. The closure of the BPPVE will not affect the local Board's policy for approving training providers. Institutions approved by the BPPVE for operation prior to its closure are considered qualified for inclusion on the ETPL. During the interim period between BPPVE's closure and the establishment of a successor authority, local WIBs are directed to continue to receive applications from institutions requesting inclusion on the ETPL. The policy and procedures described above are to be used for determining a provider's initial eligibility for inclusion on the ETPL until such time further instruction is received from the State.

2. Other State Approved Accrediting Bodies

Accrediting Bureau of Health Education Schools, Accrediting Commission for Career Schools/Colleges of Technology, Accrediting Council for Accrediting Association of Bible Colleges, Accrediting Council for Independent Colleges and Schools, Council on Occupational Education, Distance Education and Training Council, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, The Association of Theological Schools in the United States and Canada, the Northwest Association of Schools and Colleges, the Transnational Association of Christian Colleges and Schools, and the Western Association of Schools and Colleges.

C. Application for Denial

- a. The Pacific Gateway Workforce Investment Network (Network) or Employment Development Department (EDD) may deny eligibility if the application from a provider is not complete or not submitted within the required timeframes.
- b. The Network or EDD must deny eligibility if an applicant fails to meet the minimum criteria for initial listing.
- c. The EDD must deny eligibility if it is determined that the applicant intentionally supplied inaccurate information.
- d. The Network or EDD may deny eligibility to a provider who has found to have substantially violated any WIA requirements.

D. Criteria for De-Listing Providers and/or Program From the ETPL

- a. The Network or the EDD may de-list a program if the provider fails to provide all the data required for subsequent eligibility determination within the required timeframes;
- b. The Network or EDD must de-list a program at any point at which it is determined that the program does not meet the minimum criteria for initial eligibility.

c. Programs can be de-listed if its eligibility depended on accreditation, and the accreditation was expired or was revoked; or

d. The Network or EDD must de-list 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 Network.

E. Appeals Process

Training providers wishing to appeal a decision by the Network must follow the steps outlined below:

Step 1: Submit your concern in writing to Sally Ghan, ETPL Analyst, at 3447 Atlantic Ave., Long Beach, CA 90807. If the issue is not resolved within **ten (10) working days** to your satisfaction, you may proceed to step 2.

Step 2: A formal appeal will be considered to have been filed when a written statement containing all of the following information below is received within **thirty (30) working days** of the issuance of a denial notice by: The Pacific Gateway Workforce Investment Network, Attention Quality Assurance Unit, 3447 Atlantic Avenue, Long Beach, CA 90807 (562) 570-3680, TTY: (562) 570-4629.

- A. Statement of the desire to appeal
- B. Specification of the program in question
- C. Reason(s) for the appeal (i.e. grounds)
- D. Signature of the appropriate provider official

Step 3: An administrative hearing will be scheduled within **thirty (30) working days** of filing the appeal. You will be notified in writing of the administrative hearing within **ten (10) working days** prior to the date. Based on the results of the administrative hearing, the Administrator will render a Notice of Final Decision for the Network within **sixty (60) working days** of filing the appeal. If you are not satisfied with the decision or have not heard from the Network within **sixty (60) working days** of filing the appeal, you may elect to go to step 4.

Step 4: The provider may submit an appeal request to EDD within **thirty (30) working days** from either the issuance of a denial notice or the provider's notification of the Network's final decision on an appeal. The request for 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.

Step 5: The EDD will review the appeal, make a preliminary decision, or EDD can refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB).

Step 6: The EDD will also refer an appeal to the CUIAB if the provider requests a hearing in writing within **fifteen (15) working days** of issuance of EDD's preliminary decision.

Step 7: The CUIAB will schedule a hearing with an administrative law judge whose decision will be issued within **sixty (60) working days** of the appeal being referred to the CUIAB or within **thirty (30) working days** of the closing of the record.

Step 8: The administrative law judge shall provide written notice to the concerned parties of the date, time and place of the hearing at least **ten (10) working days** before the scheduled hearing.

Step 9: 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 issues and to be represented. The decision of the CUIAB administrative law judge is the final administrative decision.

REFERENCES

WIAD01-16, Eligible Training Provider List (02-07-07)

WSIN07-13, ETPL Approval of BPPVE Institutions (09-21-07)

CONTACT

Should you have any questions regarding this Policy Memorandum, please contact Sally Ghan at (562) 570-3679; TTY (562) 570-4629.

Thank you.

BSR:mh