

ETPL Workgroup Recommendations

Member Organizations:

California Workforce Association (CWA), Bay Area Community College Consortium (BACCC), Inland Empire/Desert Community College Consortium, The ETPL Coordinators of four WDBs: South Bay Workforce Investment Board, San Joaquin County Employment and Economic Development Department, The Workforce Development Board of Ventura County, and the County of Riverside; as well as the Foundation for California Community Colleges, California Community College Chancellor's Office, Diablo Valley College, Coast Community College District, Ventura County Community College District, U C Davis, Loyola Marymount University, LA Department of Economic Opportunity, North Orange County ROP, Cause IMPACTS-a social impact consulting firm, the Workforce Transformation Corps, and a representative from the Ventura County Adult Education Consortium.

Workgroup Chair: [Lora Jorgensen](#) BACCC Regional Director of [Workforce Partnerships](#)

Background:

The Workforce Innovation and Opportunity Act (WIOA) established the allowable types of training and set requirements for informed consumer choice, continuous improvement, and cost-effective investment of public funds. WIOA requires states to establish and maintain an Eligible Training Provider List (ETPL) and accompanying performance and cost information through a variety of methods and to local boards, the public, the One-Stop delivery system, program partners, and secondary and postsecondary education systems via online methods such as websites, searchable databases, or other means. Training providers on the ETPL are considered vendors rather than subcontractors, and therefore, minimal requirements can be imposed by the State and the local area.

State ETPL policy (WSD21-03, issued 11/10/2021) added new requirements to conform to WIOA and subsequent guidance, but it also exceeded many of the federal requirements. State staff made efforts to train local area ETPL coordinators on the policy; however, expected local staff to train and communicate with providers at the same time. CalJOBS, the system where ETPL is managed, has significant challenging or missing functionality for local lists management, review processes, and eligibility determination. To exacerbate the situation, the state is amid a CalJOBS modernization project expected to last at least 3 more years.

Summary: The current ETPL Policy & Procedures has complicated workforce training. Eligibility & data requirements for training providers are highly restrictive and exceed federal requirements. At a time when we are all increasing efforts to ensure equal access to training, the loss of a single program, especially in smaller areas, can exacerbate equity issues as well and limit the ability to meet employer demand. Concerns from both Workforce Development Boards and Community College administrators alike have brought these critical issues to the forefront and have resulted in the formation of a statewide ETPL Workgroup.

Below are **8** recommendations to California's ETPL administration, each tied to one of the primary guiding principles: Simplicity, Customer Focus, Informed Consumer Choice, Training Delivery Flexibility, and Quality while continuing to support Local Autonomy. [Recommendation](#)

#6 is not a current priority. The *recommendations (7-8) highlighted in green require changes to federal regulations.

Recommendations:

1. Request an ETPL Initial eligibility waiver for public accredited California Community Colleges, Adult Schools, Regional Occupational Centers/Programs, and Universities.

Key Principle: Simplify the initial eligibility process for public accredited California Community Colleges and Adult Schools by granting an automatic waiver upon accreditation, prioritizing **customer focus** and **simplicity**, ensuring swift access to training opportunities.

Rationale: Currently, public accredited community colleges and adult schools have already undergone an extensive accreditation process for their institutional operations and academic programs. Community Colleges are accredited by the [Accrediting Commission of School \(ACS\)](#) or the [Accrediting Commission for Community and Junior Colleges](#) (ACCJC). In addition, all new community college transcribed certificates with 16+ credit hours in California required additional authorization from the California Community College Chancellor's Office and have also undergone rigorous review to meet industry needs and standards. Further, Adult Schools and Regional Occupational Centers and Programs are accredited by [Western Association of Schools and Colleges](#) (WASC) or dually accredited by WASC and the Council on Occupational Education (COE). Adult Schools submit an Annual Report to the COE that provides data on completion, placement, and licensure rates. If a particular CTE program does not meet criteria, Adult Schools must remove that program from their authorized program list, per the COE requirements.

Why would we require institutions and programs who have already been given state approval through a more rigorous process, have an additional round of approval prior to being listed on the ETPL?

2. Eliminate the additional State requirements and limitations imposed on the local ETPL.

Key Principle: Prioritize **local autonomy** by allowing local workforce development boards to define the needs of the local area. Local boards should be able to approve providers and programs that bring **quality** and **customer focused** training to the workforce development area.

Rationale: Under WIOA and State ETPL policy (WSD21-03, issued 11/10/2021), local boards must ensure that there are sufficient numbers and types of providers of training services serving the local area in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities. Under state policy, training provider eligibility requirements are leading to a reduced number of programs, putting established programs at risk while also delaying implementation of new, innovative programs. California's local control model is advantageous to meeting local economic and workforce development needs that vary from county to county, this model causes extensive challenges if the local area cannot use providers that are beneficial to their population.

3. **Reduce the continued eligibility review requirement from every 365 days to every other year and give local areas the option to review all programs during a specific time frame each year. Additionally, multi-level approval should be eliminated, and/or providers nominated for continued eligibility should remain listed while the State has 30-days to review.**

Key Principle: Provide flexibility in the continued eligibility review process, allowing local areas to choose between reviewing programs on the application date or within a specified time frame every other year, supporting **training delivery flexibility** and **simplicity**. This will allow local areas to choose review schedules that align with their operational needs and resources.

Rationale: Federal guidance (TEGL 8-19, issued 1/2/2020) laid out specific initial and continued eligibility requirements of one year for initial eligibility with review to determine continued eligibility at least every two years. It mentions collection of “all student” and WIOA performance data but leaves the threshold for performance up to the states. It requires previous performance data to list a program but there is no specific timeframe for that data. WSD21-03 (issued 11/10/21) is a response to this guidance, but its requirements and restrictions far exceed those required by WIOA. This annual review process puts programs at risk and creates unnecessary work for training providers and local area staff.

Prior to WSD21-03, vendors and programs were subject to continued eligibility annually on February 1st. WSD21-03 indicated that providers would now be subject to continued eligibility every 365 days. Providers and programs listed on the ETPL after this directive, have varying continued eligibility dates. However, programs that were already on the ETPL, and most approved training programs, still have a continued eligibility date of February 1st.

On December 19, 2023, the State announced the implementation of the multi-tiered approval process. This means that all changes made at the local level will be reviewed by the State prior to being published and the State has 30 days to review and approve or reject changes. While this multi-level approval was written into WSD21-03, ETPL Coordinators continually asked EDD when this implementation would begin, but EDD did not have a date.

The implementation for the multi-level approval unfortunately coincided with the February 1st continued eligibility review date and as a result, many training providers and programs “fell off” the ETPL. Local areas have uploaded the required data, however, programs are waiting to be reviewed by the State.

Many valued providers and programs are off the ETPL and unable to accept new enrollments. Participants who were scheduled to begin training on February 2nd were not able to begin their training and cohorts scheduled to start were halted. This has caused great confusion for the training provider, AJCC staff and participants.

4. Require California state agencies to supply wage data (performance) from existing sources that can then match up with WIOA training participant outcomes.

Key Principle: Utilize existing wage data sources supplied by California state departments to align with WIOA training participant outcomes, **simplifying** data collection and analysis to support **informed consumer choice**.

Rationale: EDD already has access to base wage data as do other state agencies. Why would we ask training providers to supply data that the state has already collected and is likely to be more accurate than student self reported wages?

5. Streamline the CalJOBS enrollment process providers must take to become an eligible state training provider.

Key Principle: **Simplify** the CalJOBS enrollment process to enhance **customer satisfaction** and encourage more providers to participate in the ETPL, thereby expanding access to diverse training options for individuals seeking employment.

Rationale: Many different types of users need access to the ETPL, not just WIOA participants, and finding and using California's ETPL on CalJOBS is far from easy. If you google California ETPL, the first result is an EDD page with a link to click to search for training providers and then there is an eight-step process to begin to search for a provider or program. Local areas use CalJOBS for numerous other special grant programs due to a lack of other reporting systems. Even under non-WIOA grants, when a participant is sent to training, a CalJOBS activity code must be tied to a provider and program, requiring creation of a non-ETPL program. These programs do not have the same eligibility requirements, but the process for creating a program is fourteen-steps, and for most providers, requires local ETPL staff assistance.

Additionally, the State should allow a Programming Interface so that local areas can easily upload data from the local ETPL into the state ETPL.

6. Allow private post-secondary providers to come within 10% of meeting any three of the five WIOA performance indicators to remain on the ETPL.

Key Principle: Empower consumers with **informed choice** by maintaining **quality** standards while allowing **flexibility** for private post-secondary providers to meet any three of the five WIOA performance indicators, ensuring a diverse range of high-quality training options on the ETPL.

Rationale: State ETPL policy requires private post-secondary provider programs to meet or exceed the state's Adult program performance goals on each of the five WIOA performance indicators even though the guidance only requires reporting on "ETP performance on WIOA performance indicators". No threshold is set or required. TEGL 8-19 says, "[the] WIOA statute nor final rules do not define "quality" for ETP programs. Therefore, states may define "quality"

with respect to a program of training services.” Why define quality when WIOA does not require it, and why set it so high, especially during a pandemic? Local boards weren’t held to the same performance standards as providers, and providers were new to performance. To complicate determining program performance, there is currently no report in CalJOBS for determining if a program meets the Measurable Skill Gains requirement, and the reports for other WIOA measures combines multiple program years’ data and lack the ability to drill down to see which participants are included in the numerator and denominator of the measure. The state needs to provide accurate reports for determining eligibility.

7. *Eliminate the requirement for providers to collect aggregate (all student) program data.

Key Principle: Remove the burden on providers by eliminating the requirement to collect aggregate program data, streamlining reporting processes to prioritize **simplicity** and **training delivery flexibility**.

Rationale: Providers are already required to be accredited or approved, and those agencies monitor the school’s performance of all students. The ETPL is losing valued training providers because the aggregate data collection requirements are complicated and time consuming. WIOA funds are not being spent on all students, so there is no need to monitor performance of non-WIOA students. It is likely that data is being entered incorrectly based on the extensive and complex requirements for data collection. Additionally, the data is not reliable or verifiable because no supporting documentation is required. If a provider has multiple programs, data collection and entry require the work of a dedicated, full-time staff member. This creates a heavy load for all provider types—public and private, and DOL guidance specifically states, “Criteria that require collection of information to demonstrate compliance must not be unduly burdensome or costly to providers.”

Some public providers such as community colleges and universities, have not traditionally tracked employment or wage data and must do so now or have programs removed. Adult Schools that are dually accredited by the WASC/COE are required to track students’ placement and wage data. This data is reported to the COE for review in an Annual Report. In addition, those adult schools offering Title IV financial aid, also submit completion and placement data through IPEDS that appears on the College Scorecard. Further still, Adult Schools that are authorized to provide training to Veterans must also provide completion and placement rates to the Department of Veterans Affairs.

Private providers are often small businesses staffed only by subject matter experts. Many have difficulty understanding WIOA exit dates and reporting cohorts, and because they often work with multiple local areas, they hear different interpretations of policy from each board. If the data has been reported through other means (base wage, reports to other California departments, etc.), providers should not have to bear this burden for dual reporting.

8. ***Establish a “conditional eligibility” status for newer programs or programs that are building a base of outcomes.**

Key Principle: Maintain **quality** standards while supporting innovation by establishing a "conditional eligibility" status for newer programs, allowing them to demonstrate their effectiveness over time while providing local areas with the **autonomy** and flexibility to nurture promising initiatives.

Rationale: Training providers should be incentivized to develop new program offerings or modify existing programs in an effort to meet new and emerging employer needs, rather than being excluded from the ETPL until 2 years of performance data is available. Conditional eligibility should be offered with the end goal to achieve standard eligibility, under which portions of the payment for serving a WIOA participant will be tied to successful enrollment, completion, and job placement of the participant to ensure the programs share the risk of unsuccessful outcomes. The history of the training provider should also be reflected in the conditional eligibility not solely the new or modified program offering.

In summary: Six of the eight recommendations are within the state’s purview; i.e. requirements above and beyond federal regulations. For the first time in our state’s history, we have come together with one voice across multiple systems advocating for change.

