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March 26, 2018

To: WIOA Subrecipients of the Orange County
Development Area

From: Brian Rayburn 
Interim Director

Subject: Approved Training Partner Directory
Information Notice No. 17-OCDB-16
Supersedes Information Notices 12-OCWDA-02 and 12-
OCWDA-11

PURPOSE:

This policy establishes identifies the policy and procedures for listing training providers and courses on the Approved Training Partner Directory (ATPD).

This policy supersedes Information Notice 12-OCWDA-02 (WIA Training Services – Training Provider Eligibility and Training Accounts) dated March 1, 2013 and Information Notice 12-OCWDA-11 (WIA Training Services Performance Policy) dated February 13, 2014.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

- WIOA (Public Law 113-128) Sections 122 and 134
- EDD Directive, WSD15-07, WIOA Eligible Training Provider List – Policy and Procedures
- Training and Employment Guidance Letter (TEGL) 41.-14, Workforce Innovation and Opportunity Act Title I Training Provider Transition (June 26, 2014)
- California Unemployment Insurance Code (CUIC) Sections 1266-1274.20 “California Training Benefits Program”
- Senate Bill 118, Chapter 562, Statues of 2013
- California Labor Code Section 4658.7(e)
- California Private Postsecondary Education Act of 2009

BACKGROUND:

Section 122 of the WIOA requires states to establish a list of training providers who are eligible to receive WIOA funds for training services provided to adults and dislocated workers. WIOA section 134 indicates that training services must be directly linked to an in-demand industry sector or occupation in the local area or region. However, the local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or



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growth in the local area. As such, the Orange County Development Board (OCDB), in response to the needs of job seekers and employers, approved a more stringent set of training requirements.

The Orange County Development Board has established the Approved Training Partner Directory (ATPD) based on the Demand Occupation Criteria (17-OCDB-14 and subsequent updates).

POLICY AND PROCEDURES:

CalJOBS Eligible Training Provider List (ETPL)

Training providers who would like to be included within the ETPL will need to establish an account by registering in CalJOBS. OCDB will review the registrations and verify information by following the ETPL statewide policy and local procedures.

Training providers will also need to complete the ETPL Initial Eligibility Checklist (Attachment I) and submit it, with supporting documents, to the OCDB for review.

Once the registration is approved, training providers will be able to enter training programs to be listed on the ETPL. Refer to http://www.edd.ca.gov/jobs_and_training/pubs/rwsd13-10.pdf for instructions.

Initial Eligibility

Initial eligibility for the OCDB ATPD 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).

OCDB ATPD requirements are specific to the needs of the Orange County local area and as such, even if an institution received initial approval for inclusion in an ETPL in another local area, the institution must still comply with the process outlined below.

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

- Train for jobs that meet the Demand Occupation Criteria;
- Comply with OCDB performance requirements;
- 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;
- The course fees must be competitive with similar courses offered in the region;
- Tuition costs must be equal to or less than the published rate on the institution website or catalog;

- 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;
- Comply with all Equal Opportunity Policies and Procedures;
- Not be debarred from doing business with the Federal Government as per the System for Award Management (SAM.org) database governing acquisitions;
- Provide OCDB written documentation of any changes to accreditation status or approval to operate;
- Post current year fact sheet on the website;
- Provide advance notice of price changes to OCDB;
- Adhere to routine compliance and review requirements from OCDB.

Additionally, providers must also meet one of the following criteria in order to have their programs listed:

- Bureau of Private Postsecondary Education Approval to Operate, or Verification of Exemption by BPPE;
- Accreditation by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges, or the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges;
- Postsecondary institutions eligible under Title IV of the Higher Education Act (HEA) and offering programs leading toward an associate degree, baccalaureate degree, or certificate.
- Programs that are jointly registered under the National Apprenticeship Act (NAA) with the Department of Labor (DOL) and the California Division of Apprenticeship Standards (CDAS).
- Approval by the California Department of Education.
- Approval by the Chancellor's Office of the California Community Colleges (CCCCO).

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 accepted requirements for both content and instructors. The approved provider is the sole contact for OCDB. Approved providers must notify OCDB of any program that will be delivered by training organizations. The OCDB reserves the right to audit or review any course or instructor qualifications at any time.

ATPD Initial Eligibility Process

The following outlines the process for training providers to be listed on the ATPD:

1. To be listed on the OCDB's ATPD, new training providers shall complete an ATPD School Application. It shall be accessed [here](#).

2. The following documents must be submitted to the OCDB in one PDF file:
 - Copy of accreditation status
 - BPPE approval
 - W-9
 - Copy of refund policySubmit the attachments in one PDF packet to: ocdb@occr.ocgov.com with the subject "ATPD Application – PROVIDER NAME"
3. OCDB 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.
4. Confirmation of approval or denial will be issued within 30 days from the receipt of the application.
5. If approved, training providers must register on CalJOBS (if not already registered).

Training Providers Requesting Courses to be Added to the ATPD

The following outlines the process for training programs to be listed on the ATPD:

1. For courses to be listed on the ATPD, training providers shall complete an ATPD Course Application per course. It shall be accessed [here](#).
2. OCDB will then review CalJOBS information for accuracy and, if accurate, OCDB will approve the program to be listed on the ATPD through the CalJOBS ETPL module.
3. Confirmation of approval or denial will be issued within 30 days from the receipt of the application.
4. If approved, training providers must add courses on CalJOBS (if not already added).
5. Once OCDB approves a program(s), the program becomes visible on the ETPL. The OCDB makes no guarantees of minimum enrollments for approved programs or providers. Enrollments of participants in ATPD programs are dependent on funding and participant training needs.
6. Training programs must meet subsequent eligibility requirements (as described below in the Subsequent Eligibility section) after one year of being on the ATPD to remain on the list. Programs are also subject to annual compliance reviews.
7. Programs that do not meet subsequent eligibility requirements are subject to delisting from the ATPD. Note that ATPD requirements are specific to Orange County. A decision to de-list a program from the ATPD in Orange County does not necessarily impact the ETPL.

8. The ATPD will be listed online and updated regularly. Please contact the OCDB for the link.

Subsequent Eligibility

OCDB will evaluate all programs on the ATPD—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 OCDB’s review will include but not be limited to:

- a) Performance – Performance will include enrollments, completion rate, entered employment rate, training-related employment rate, and training-related average wage. Training programs 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, changes in course costs and financial solvency to the OCDB. The OCDB will also take into consideration timely notification of changes and general responsiveness. Organizations which have become debarred from doing business with the Federal Government will be removed from the ATPD.
- c) Customer Satisfaction Surveys – Surveys may be sent to each participant enrolled in a training program. Data will be reviewed for trends by program as well as across training providers. Providers can also submit surveys they have conducted.
- d) Americas Job Center of California (AJCC) Feedback – AJCC management staff will provide feedback on the training providers they have worked with during the year. This will focus on information such as accuracy of information, responsiveness, refunds process, etc. Providers may also submit a letter of recommendation or support from the AJCC.
- e) Site Visits – OCDB must perform an onsite review of the training facility, interview staff and participants within the last 3 months of subsequent eligibility. This review will focus on areas such as accessibility, cleanliness, and compliance with 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. A copy of the site visit checklist will be provided in advance of each visit.
- f) Market Review — OCDB will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments.

Providers shall submit the ETPL Subsequent Eligibility Checklist (Attachment II) along with the backup documentation to ensure courses remain active on the ETPL.

Out-of-State Providers

Providers headquartered outside of California who have in-state training facilities may provide training services in Orange County but will be required to comply with the eligibility requirements outlined in this policy. Providers will also be required to create an entry in CalJOBS, which includes the local address. Providers that deliver content fully online will be looked at on a case-by-case basis.

Performance

Performance is reviewed each program year (July 1- June 30th) on a per program basis. The OCDB 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. Minimum Performance Goals are as follows:

Metric	Minimum Performance	Calculation Approach
Program Enrollment	5 OCDB students within program year	Count of participants enrolled in an OCDB program between July 1 and June 30 th
Completion Rate	75%	# of participants who successfully completed the program divided by # of participants who completed in the program during the reporting period
Entered Employment Rate	75%	# of participants who exited into employment divided by # of participants who exited during the reporting period

Price Changes

The original price of the training program submitted with the approved program application must be used for the duration of the program. Training providers notify the OCDB (ocdb@occr.ocgov.com) of the change with the subject "**Price Change – COURSE – PROVIDER NAME**".

The new price will take effect after OCDB approves the price change. If the provider makes a price change without approval, OCDB reserves the right to delist the program or limit reimbursement to the approved price.

Refunds

Training providers are required to refund to OCDB all or a portion of the cost of the training if a participant does not complete the program. Failure to appropriately refund OCDB, or significant delays in issuing refunds, may result in removal from the ATPD.

Denials

The OCDB 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 program needs, funding or convenience do not require the service;
- The training program is available for free or lower cost from another source in the community

The following outlines processes for notices related to denials:

- If the OCDB denies a provider's initial application for listing on the ETPL/ATPD, the OCDB shall, within 30 days of receipt of the application, inform the provider in writing and include the reason(s) for the denial.
- If EDD denies a provider's program list on the ETPL, EDD must within 30 days of receipt of the recommendation, inform OCDB of the denial and reason(s) for the denial. OCDB shall in turn inform the provider in writing and include the reason(s) for the denial.
- If EDD, in consultation with OCDB, determines that a provider intentionally supplied inaccurate information, or substantially violated any WIOA requirement(s), EDD or OCDB shall terminate the eligibility of the provider, remove the provider from the ETPL and deny the provider's eligibility to receive funds under WIOA section 133(b) for at least two (2) years, or take other action as deemed appropriate.

Delisting

The OCDB may delist from the ATPD 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 failed to meet reporting requirements (Title 5 California Code of Regulations Division 7.5);
- At least 5 OCDB participants have not enrolled in the training program for the previous program year (July 1 through June 30);
- The training provider lost its accreditation and/or BBPE license;

- The training provider has experienced fraud, malfeasance or other illegal activity involving WIOA funds or participants;
- The training provider has not complied with Equal Opportunity guidelines;
- Customer satisfactions surveys demonstrate a history of challenges with the program or provider;
- The training provider has a history of failure to provide refunds as required under the policy;
- OCDB program needs, funding or convenience no longer require the service;
- The training program is available for free or lower cost from another source in the community.

Reactivation

If a training provider wishes to list courses that were removed from the ATPD, they must reapply using the above steps listed in the “Training Providers Requesting Courses to be Added to the ATPD” section.

Appeals Process

Training providers wishing to appeal OCDB’s denial/de-listing must submit the appeal to OCDB within 30 days of the issuance of the denial/de-listing notice. The appeal must be submitted [here](#).

ACTION:

Bring this policy and procedure to the attention of all staff.

INQUIRIES:

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

ATTACHMENTS:

Attachment I – ETPL Initial Eligibility Checklist

Attachment II – ETPL Subsequent Eligibility Checklist



ORANGE COUNTY DEVELOPMENT BOARD

ETPL INITIAL ELIGIBILITY CHECKLIST

The Orange County Development Board evaluates all programs to be listed the ETPL (with the exception of DIR/DAS apprenticeship programs) to ensure that they meet initial eligibility requirements.

Provider Name:

Date Submitted:

Program Information

- Providers seeking initial eligibility must attach verifiable program specific performance information, including the following:
- Description of each program of training services to be offered.
 - Information addressing performance (employment, earnings, credential attainment).
 - Description of partnership with business (incorporating input from local/regional business advisory groups, role of business in developing curriculum, providing work-based learning, and/or hiring graduates).
 - Demonstrate high quality training services, including a program of training services that leads to a recognized postsecondary credential or entry into an approved apprenticeship program.
 - Provide information that addresses alignment of the training services with in-demand industry sectors and occupations. Priority industry sectors for Orange County are: Healthcare, Manufacturing, Information Technology and Hospitality/Tourism.

Performance Scorecard

- Attach BPPE Annual Report (the Performance Fact Sheet for an individual campus does not meet this requirement).

Those private postsecondary education providers not subject to BPPE oversight (e.g. Western Association of Schools and Colleges (WASC) Junior or Senior Colleges) must attach evidence of their reported outcomes.

Private Postsecondary Training Programs must meet a 70% placement rate for all eligible graduates. California Community College Programs must achieve and maintain a 70% certificate or credential attainment rate overall, and a 70% Placement Rate in training-related employment for WIOA enrolled students in that program. Training Providers with programs that have been exempted from BPPE must post their performance on their website and submit a BPPE Exempt Provider Program Performance Report.

Availability of Records

- We agree to maintain sufficient records and to make records available for monitoring or audit by either the Local Board or the State of California (no attachment required).

Proof of Compliance

- Attach appropriate approval criteria (BPPE, WASC, CCCCCO, California DOE, etc.).



Career Pathways

Training programs support a career pathway for students in growing, in-demand, and/or priority sectors. Attach a sample of career pathways, including occupations and earnings, that students will have access to through the trainings.

Pre-Apprenticeship (if applicable)

Attach a letter of commitment from an approved apprenticeship program

Market Review

Tuition and fees for each course are similar/competitive to those in the Orange County area. Attach backup for each course comparison.

Name of Staff Completing:

Phone Number:

E-mail:

Submit the completed checklist and attachments in one PDF packet to: ocdb@occr.ocgov.com with the subject "Initial Eligibility – PROVIDER NAME"



ORANGE COUNTY DEVELOPMENT BOARD ETPL SUBSEQUENT ELIGIBILITY CHECKLIST

The Orange County Development Board evaluates all programs on the 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. Failure to meet Subsequent Eligibility results in delisting from the ETPL.

Provider Name:

Date Submitted:

Performance Scorecard

- Program / Service Performance Updated on CalJOBS for each course. Attach CalJOBS screenshots for each.

Private Postsecondary Training Programs must meet a 70% placement rate for all eligible graduates. California Community College Programs must achieve and maintain a 70% certificate or credential attainment rate overall, and a 70% Placement Rate in training-related employment for WIOA enrolled students in that program.

Proof of Compliance

- Attach appropriate approval criteria (BPPE, WASC, CCCCCO, California DOE, etc.).

School Program Information

- Attach catalog or screenshots from institution website for each ETPL course. Tuition costs must be equal to or less than the published rate.

CalJOBS Program Information

- All program information (cost information, description, locations, etc.) has been updated and entered correctly in CalJOBS.

Customer Satisfaction

- Attach recent customer satisfaction of students who completed their program.

America's Job Center of California / One-Stop Center Feedback

- Attach letter of recommendation or support from America's Job Center of California/One-Stop Center.

OCDB Site Visit

Date of last OCDB site visit (must be within the last 3 months):

Market Review

- Tuition and fees for each course are similar/competitive to those in the Orange County area. Attach backup for each course comparison.

Submit the completed checklist and attachments in one PDF packet to: ocdb@occr.ocgov.com with the subject "Subsequent Eligibility – PROVIDER NAME"