

## New Jersey's Eligible Training Provider List Procedures

### **1. Background**

The Eligible Training Provider List (ETPL), as envisioned by state and federal law, is critical to ensure that the highest level of training services is available to the citizens of New Jersey. Additionally, the Consumer Report Card (CRC), which contains provider and program performance data, is an essential tool not only to the workforce system but to all New Jerseyans making an informed customer choice about available training opportunities.

New Jersey State Law (C:34:15C-10.2) requires the creation of the ETPL and states that “[n]o training provider who is not an approved training provider included on the [ETPL] shall receive any federal job training funds or State job training funds.” Federal job training funds include, but are not limited to: Workforce Innovation and Opportunity Act (WIOA) titles I, II and IV; WorkFirst; Temporary Assistance for Needy Families; General Assistance; and SNAP Employment and Training. State job training funds include, but are not limited to: the Workforce Development Partnership Fund and the Supplemental Workforce Fund for Basic Skills. Job training is defined as occupational training, remedial instruction or occupational safety and health training. New Jersey State law (C:34:1A-86) also mandates the collection and display of specific provider and program performance data on the Consumer Report Card.

WIOA provides that participants in need of training services to enhance their job readiness or career pathway may access career training through a list of state-approved training providers and their state-approved training programs, known as the ETPL. WIOA requires each state to maintain an ETPL which must be accompanied by relevant performance and cost information, known as the Consumer Report Card, and must be made publically available in an easy to understand format in order to maximize informed customer choice and serve all significant population groups. WIOA requires the Governor to establish eligibility procedures for the ETPL. WIOA allows the Governor to designate a state agency to administer all aspects of the ETPL. The [Center for Occupational Employment Information \(COEI\)](#) within the [New Jersey Department of Labor & Workforce Development](#) shall administer New Jersey's ETPL and Consumer Report Card, which are located online at [www.njtopps.com](http://www.njtopps.com).

These procedures are effective as of August 1, 2016 and apply to all training providers seeking placement on the ETPL in order to obtain federal or state job training funds. These procedures are subject to change as additional federal or state regulations are codified or amended.

### **2. Training Providers Eligible for ETPL Placement**

All training providers seeking ETPL placement must first obtain approval from a qualified government agency in order to offer training programs. Only after this approval is obtained can a training provider apply for ETPL placement. A qualified government agency is an agency authorized by law or regulation to approve a training program. Currently the following agencies are qualified to approve providers and training programs for schools located in the state of New Jersey:

[Board of Cosmetology](#)

[Board of Nursing](#)

[Commission on Higher Education](#)

[Department of Banking and Insurance: Insurance Licensing](#)

[Department of Banking and Insurance: Real Estate Commission](#)

[Department of Labor & Workforce Development, Training Evaluation Unit \(TEU\)](#)

Department of Labor & Workforce Development (grantees for customized training, youth and DVRS programs)\*

[Department of Education, Public Schools](#)

[Department of Environmental Protection \(Radiology/X-ray Programs\)](#)

[Department of Health - Long Term Care Facilities Licensing](#)

[Department of Health - Indoor Environments Program](#)

[Department of Health - NJ Office of Emergency Medical Services](#)

[Federal Aviation Administration](#)

[Motor Vehicle Commission](#)

[NJ Board of Real Estate Appraisers](#)

[NJ State Police \(Security Officer Training - SORA\)](#)

[ProLiteracy](#)

\* Grantees for Customized Training, Youth and DVRS Programs - Any training provider receiving any state or federal job training funds must be listed on the ETPL. During a grant application, COEI can add a school/organization to the ETPL in “pending” status. This means the account is not yet approved and is not visible to the public. Once the school/organization is awarded the grant, the school/organization must submit an official ETPL application that includes a copy of the grant award letter or contract. The ETPL account will then be switched from pending status to approved status and will be visible to the public.

For more information or to add your school/organization as “pending” during a grant application, please contact COEI at [njtopps@dol.nj.gov](mailto:njtopps@dol.nj.gov).

Out-of State Reciprocity Agreement - An out-of-state training provider that has been determined an eligible training provider under WIOA eligibility procedures in the provider’s home state is considered eligible for ETPL placement in New Jersey. Out-of-state eligible training providers must still submit an ETPL application to COEI and include proof of ETPL eligibility in the provider’s home state.

All training providers seeking placement on the ETPL under WIOA or State law are required to submit a formal application to COEI. An application will not be considered complete unless the provider has submitted up to date performance data or provided a certification that no such data exists (applicable only for new providers). New providers will be added to the ETPL on a continuing basis as they are determined eligible. ETPL eligibility is valid for one year from the date of approval. All providers are required to submit a renewal application to maintain ETPL listing past the initial year. See sections 5-7 of these procedures for additional information regarding the ETPL application process.

### **3. Programs of Training Services Eligible for ETPL Placement**

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential. A program of training services may be delivered in person, online, or both.

### **4. Training Services Exempt from ETPL Eligibility Procedures**

#### **a. Registered Apprenticeship Programs**

Registered Apprenticeship programs registered under the National Apprenticeship Act are not subject to the same application requirements as all other training providers. Registered Apprenticeship program sponsors that request to be listed on the ETPL are automatically included on the list and will remain as long as the program is registered

or until the program sponsor notifies the State that it no longer wants to be included on the list. Registered apprenticeship programs may also be removed from the ETPL if COEI determines a program has intentionally supplied inaccurate information or substantially violated any provision of title I of WIOA.

COEI shall work directly with the federal Office of Apprenticeship State Director to semiannually obtain a listing of all newly Registered Apprenticeship programs in New Jersey. COEI shall contact all Registered Apprenticeship programs on the list to obtain the programs' interest in ETPL placement. Contacted Registered Apprenticeship programs who wish to be listed on the ETPL must provide the following information to COEI using the [Registered Apprenticeship application](#):

- a. Occupations included within the Registered Apprenticeship program;
- b. The name and address of the Registered Apprenticeship program sponsor;
- c. The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
- d. The method and length of instruction;
- e. The cost of instruction; and
- f. The number of active apprentices.

Although WIOA does not require Registered Apprenticeship programs to submit program performance information in order to be placed on or remain eligible for ETPL placement, the submission of student information is required pursuant to New Jersey state law. Any Registered Apprenticeship program electing to be added to the ETPL must agree to and adhere to the student record reporting requirements contained in N.J.S.A. 34:15C-10.2.d.

COEI shall work directly with the federal Office of Apprenticeship State Director to obtain a listing of all deregistered apprenticeship programs and verify the registration status of all currently registered apprenticeship programs at least every two years. Any programs actively listed on the ETPL that are no longer registered with the federal Office of Apprenticeship will be removed from the ETPL.

Pre-apprenticeship programs do not have the same automatic ETPL status under WIOA as do Registered Apprenticeship programs and must follow the initial eligibility procedures in order to obtain ETPL placement.

#### **b. Employer-Led Customized Training**

Pursuant to State law (C:34:15D-5), "[a]n employer who directly provides training and employment services to his own employees shall not be regarded as a service provider and shall not be subject to any requirement to obtain approval by the State as a service provider, including the requirements of section 13 of P.L.2005, c.354 (C.34:15C-10.1) to be approved as a qualifying school or the requirements of section 14 of P.L.2005, c.354 (C.34:15C-10.2) to be included on the State Eligible Training Provider List." Training providers that are contracted by employers to provide customized training services must be listed on the ETPL.

### **5. Initial Eligibility Procedures**

The initial eligibility procedures apply to all new training providers, defined in Section 2 of these procedures, seeking ETPL placement on or after August 1, 2016 that were not previously ETPL approved under the Workforce Investment Act (WIA).

Training providers seeking ETPL placement under the initial eligibility procedures must submit a completed [ETPL Initial Eligibility Application Packet](#) for each campus location to COEI per the mailing instructions included in the packet.

COEI will make a determination regarding the provider's eligibility for ETPL placement on a program-by-program basis within 60 calendar days from the date of receipt of a completed application.

In making a determination, COEI will consider the following:

- a. The performance of the training provider, taking into consideration the characteristics of the population served and relevant economic conditions and information specifying the percentage of participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;
- b. The need to ensure access to training services throughout the State, including in rural areas and through the use of technology;
- c. Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under the ETPL) including one-stop partner programs;
- d. The degree to which the training programs relate to in-demand industry sectors and occupations in the State;
- e. The requirements for State licensing of providers of training services and the licensing status of providers of training services;
- f. The ability of the provider to offer programs that lead to recognized postsecondary credentials;
- g. The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential;
- h. The ability of the provider to provide training services to individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- i. Information on recognized postsecondary credentials received by such participants;
- j. Information on cost of attendance, including costs of tuition and fees, for participants in the program; and
- k. Information on the completion rate for such participants.

Providers COEI deems eligible for ETPL placement will be notified in writing of such approval and added to the ETPL within 14 calendar days from the date of approval.

Providers COEI deems ineligible for ETPL placement will be notified in writing of such denial, including the reasons for ineligibility. Ineligible providers may be required to produce supplemental documentation to COEI to gain eligibility for the ETPL. Providers denied eligibility status may also appeal such a determination pursuant to Section 8 of these procedures.

New providers will be added to the ETPL on a continuing basis as they become eligible. Initial eligibility is valid for one year from the date of approval.

The provider must reapply for ETPL placement under the renewal eligibility procedures (see Section 7 of these procedures) no later than 60 calendar days prior to the expiration of the initial eligibility period.

Providers who wish to add new programs or modify existing programs on the ETPL during an initial approval period must submit to COEI an [ETPL Program Addition/Modification Form](#).

COEI will make a determination regarding program approval within 30 calendar days from the date of receipt of a completed form.

Program additions or modifications approved by COEI will be added or updated on the ETPL within the 30 day time period and providers will be notified in writing of such approval.

For programs COEI deems ineligible for ETPL placement, providers will be notified in writing of such denial, including the reasons for ineligibility. Ineligible programs may be required to produce supplemental documentation to COEI to gain eligibility for the ETPL. Programs denied eligibility status may also appeal such a determination pursuant to Section 8 of these procedures.

Private Career Schools and Training Providers who must submit program additions and modifications to the NJ Department of Education (DOE) and/or the NJ Department of Labor & Workforce Development (LWD) on a Section J form are exempt from submitting the Program Addition/Modification Form. Approved Section J forms will be used for program additions or modifications on the ETPL and are automatically forwarded to the ETPL office after DOE or LWD approval. COEI will update these approved programs on the ETPL within 30 calendar days of receipt of an approved Section J form and notify the provider in writing once the update is complete.

Statewide minimum performance standards will not be set during the implementation year as eligibility criteria for training programs to be placed on the ETPL. In subsequent years, COEI will report to the State Employment and Training Commission on the status of the performance data available and submit a recommendation regarding whether statewide minimum performance standards should be set for ETPL eligibility. However, the local areas may establish additional criteria for program eligibility within a local area, including the establishment of minimum required levels of performance as criteria for training providers to become or remain eligible to provide services in that particular local area. Training providers should be aware that programs may be approved for some local areas and denied for others based on local criteria and the approved local areas for each training provider will be listed as part of the ETPL.

Local areas electing to establish additional eligibility criteria shall submit their written eligibility criteria to COEI via email at [njtopps@dol.nj.gov](mailto:njtopps@dol.nj.gov) for publication on the ETPL.

## **6. Transitional Eligibility Procedures**

Training providers who were eligible for ETPL placement under WIA are not subject to the initial eligibility procedures and shall remain eligible for ETPL placement under WIOA until November 30, 2016.

In order for training providers covered under the transitional eligibility procedures to retain their ETPL eligibility after November 30, 2016, providers must apply for renewal using the renewal eligibility procedures (see Section 7 of these procedures).

Renewal applications must be received by COEI no later than September 15, 2016 to avoid a lapse in ETPL approval, but providers may submit their applications beginning August 1, 2016. COEI will take into account exceptional circumstances beyond the provider's control when determining timely application submissions, such as natural disasters, unexpected personnel transitions and unexpected technology-related issues.

COEI will make a determination regarding the provider's eligibility for ETPL renewal on a program-by-program basis within 60 calendar days from the date of receipt of a completed application.

## 7. Renewal Eligibility Procedures

The renewal eligibility procedures apply to training providers who were previously listed on the ETPL under WIA and follow the transitional eligibility procedures through November 30, 2016, as well as new training providers who obtained initial eligibility for one year under the initial eligibility procedures.

Training providers seeking ETPL placement under the renewal eligibility procedures must submit a completed [ETPL Renewal Eligibility Application Packet](#) for each campus location to COEI per the mailing instructions included in the packet. Training providers must submit renewal applications no later than 60 calendar days prior to their ETPL approval expiration date to avoid a lapse in approval. COEI will take into account exceptional circumstances beyond the provider's control when determining timely application submissions, such as natural disasters, unexpected personnel transitions and unexpected technology-related issues.

COEI will make a determination regarding the provider's eligibility for ETPL renewal on a program-by-program basis within 60 calendar days from the date of receipt of a completed application.

In making a determination, COEI will consider the following:

- a. The performance of the training provider, taking into consideration the characteristics of the population served and relevant economic conditions and information specifying the percentage of participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;
- b. The need to ensure access to training services throughout the State, including in rural areas and through the use of technology;
- c. Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under the ETPL) including one-stop partner programs;
- d. The degree to which the training programs relate to in-demand industry sectors and occupations in the State;
- e. The requirements for State licensing of providers of training services and the licensing status of providers of training services;
- f. The ability of the provider to offer programs that lead to recognized postsecondary credentials;
- g. The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential;
- h. The ability of the provider to provide training services to individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- i. Information on recognized postsecondary credentials received by such participants;
- j. Information on cost of attendance, including costs of tuition and fees, for participants in the program; and
- k. Information on the completion rate for such participants.

Providers COEI deems eligible for ETPL renewal will be notified in writing of such approval and updated in the ETPL within 14 calendar days from the date of approval.

Providers COEI deems ineligible for ETPL renewal will be notified in writing of such denial, including the reasons for ineligibility. Ineligible providers may be required to produce supplemental documentation to COEI to regain eligibility to the ETPL. Providers denied renewal status may also appeal such a determination pursuant to Section 8 of these procedures.

Renewal eligibility is valid for one year from the date of approval.

Providers who wish to add new programs or modify existing programs on the ETPL during a renewal approval period must submit to COEI an [ETPL Program Addition/Modification Form](#).

COEI will make a determination regarding program approval within 30 calendar days from the date of receipt of a completed form.

Program additions or modifications approved by COEI will be added or updated on the ETPL within the 30 day time period and providers will be notified in writing of such approval.

For programs COEI deems ineligible for ETPL placement, providers will be notified in writing of such denial, including the reasons for ineligibility. Ineligible programs may be required to produce supplemental documentation to COEI to gain eligibility for the ETPL. Programs denied eligibility status may also appeal such a determination pursuant to Section 8 of these procedures.

Private Career Schools and Training Providers who must submit program additions and modifications to the NJ Department of Education (DOE) and/or the NJ Department of Labor & Workforce Development (LWD) on a Section J form are exempt from submitting the Program Addition/Modification Form. Approved Section J forms will be used for program additions or modifications on the ETPL and are automatically forwarded to the ETPL office after DOE or LWD approval. COEI will update these approved programs on the ETPL within 30 calendar days of receipt of an approved Section J form and notify the provider in writing once the update is complete.

Statewide minimum performance standards will not be set during the implementation year as eligibility criteria for training programs to be placed on the ETPL. In subsequent years, COEI will report to the State Employment and Training Commission on the status of the performance data available and submit a recommendation regarding whether statewide minimum performance standards should be set for ETPL eligibility. However, the local areas may establish additional criteria for program eligibility within a local area, including the establishment of minimum required levels of performance as criteria for training providers to become or remain eligible to provide services in that particular local area. Training providers should be aware that programs may be approved for some local areas and denied for others based on local criteria and the approved local areas for each training provider will be listed as part of the ETPL.

Local areas electing to establish additional eligibility criteria shall submit their written eligibility criteria to COEI via email at [njtopps@dol.nj.gov](mailto:njtopps@dol.nj.gov) for publication on the ETPL.

## **8. Removal from ETPL and Appeal Process**

A training provider and/or its program(s) may be deemed ineligible for ETPL placement, or removed from the ETPL for the following reasons:

- a. A training provider does not possess; fails to submit; or loses its certificate/letter of approval from a qualified government agency;

- b. The initial and/or renewal application was not completed, was not completed by the established due date, or failed to contain all the required information;
- c. A training provider failed to submit timely and accurate performance data;
- d. A training provider failed to meet required performance outcomes (if established);
- e. A training provider intentionally supplied inaccurate or false information; or
- f. A training provider substantially violated a provision of title I of WIOA or its implementation regulations.

A provider COEI deems ineligible during the initial or renewal application process will be notified in writing within the specified determination time period, including the reasons for ineligibility.

If COEI revokes a training provider's eligibility status during a period of initial, transitional or renewal approval, COEI must notify the provider in writing within 14 calendar days of the decision, including the justification for the removal from the ETPL.

WIOA students currently enrolled in a program removed from the ETPL will be allowed to complete the program unless the provider or program has lost state licensing, certification or authorization to operate by the appropriate qualified government agency.

If a training provider appeals COEI's decision to remove the provider or program from the ETPL, the listing shall remain active until the appeal is concluded.

If a provider is removed from the ETPL pursuant to items a-d above, the provider may be reinstated upon COEI's receipt of all required information.

If a provider is removed from the ETPL pursuant to items e-f above, the provider shall be removed for a period of not less than 2 years. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.

No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETPL.

A provider may appeal COEI's denial or removal of ETPL eligibility within 30 calendar days of the issuance of said denial or removal. The provider must submit written notification to COEI using the [Application for Appeal Form](#) and must include the following:

- a. A statement of the training provider's desire to appeal;
- b. Specification of the program in question; and
- c. Grounds on which the denial or removal of ETPL eligibility was erroneous.

COEI will not consider any facts or arguments not set forth in the appeal documentation. COEI will determine whether a fact finding hearing is necessary. The hearing board will consist of, at a minimum, a COEI staff member, a representative from the State Employment and Training Commission and a representative from the local workforce investment board. COEI may request additional members of the hearing board as it deems necessary.

COEI will render a final decision within 30 calendar days from date of receipt of the appeal if no hearing is required, or within 30 calendar days from the date of the hearing.

## **9. Roles and Responsibilities**

The Center for Occupational Employment Information within the New Jersey Department of Labor and Workforce Development is responsible for carrying out the requirements of the ETPL. This includes:

- a. Ensuring the development and maintenance of the ETPL, including initial eligibility, continued eligibility and performance and cost information reporting requirements;
- b. Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information;
- c. Removing programs that do not meet the State-established program criteria or performance levels;
- d. Taking appropriate enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA; and
- e. Disseminating the ETPL, accompanied by performance and cost information relating to each program, to the public and Local Workforce Development Boards throughout the State.

Local Workforce Development Boards are responsible for:

- a. Working with the State to ensure there are sufficient numbers and types of providers of career services, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities, servicing the local area;
- b. Ensuring that the ETPL is disseminated publicly through the local one-stop system and its partner programs, including formats accessible to individuals with disabilities;
- c. Giving priority consideration for programs that lead to recognized post-secondary credentials that are aligned with in-demand industry sectors or occupations in the local area;
- d. If desired, establishing additional eligibility criteria, including performance levels, for training providers to become or remain eligible in the local area, with the exception of registered apprenticeship programs;
- e. If a Local Board established minimum performance levels, the Board may direct the removal of a provider program from the eligible programs in that local area for failure to meet established criteria.

## **10. Performance Reporting Requirements**

All providers seeking initial ETPL placement or renewal are required to submit student record data or certify that no student record data exists (applicable only for new providers).

### New Providers Seeking Initial Eligibility

New providers seeking initial eligibility must provide a certification (included in the Initial Eligibility Application) indicating whether student record data pertaining only to the programs included in the ETPL application exists for the provider's last enrollment cycle. If student record data is available and COEI determines that the provider meets all other eligibility criteria, the provider will be granted provisional placement on the ETPL for a period of 30 days. The provider is required to upload the available student data within the 30 day time period in order to be granted final ETPL approval. If the provider fails to upload the student records within the 30 day time period, the provider's provisional placement on the ETPL will be revoked.

If the provider certifies that no student record data is available because the provider has not previously offered the courses included in the ETPL initial application packet, the initial student record reporting requirement is

waived and COEI will determine ETPL eligibility based on the remainder of the provider’s application. If approved, the provider will be required to report student record data for all students enrolled in the programs listed on the ETPL, regardless of funding source, according to the reporting deadlines listed below. All student records must be up to date at the time of the provider’s renewal application. Failure to do so will result in a denial of an ETPL renewal application.

#### Existing Providers Seeking Renewal

Providers that are already listed on the ETPL and are seeking ETPL renewal are required to have up to date student records uploaded into the ETPL system ([www.njtopps.com](http://www.njtopps.com)) at the time the renewal application is submitted. Failure to do so will result in the denial of the ETPL renewal application. Providers are required to report student record data for all students enrolled in the programs listed on the ETPL, regardless of funding source, during the enrollment cycles covered in the provider’s ETPL approval period. If renewed, the provider will be required to report student record data for all students enrolled in the programs listed on the ETPL, regardless of funding source, by the end of the provider’s renewal time period.

#### Alternate Reporting Systems

Some providers such as colleges, universities and Title II providers report student records into systems other than [www.njtopps.com](http://www.njtopps.com). Providers reporting student records into the systems listed below are considered to meet the ETPL reporting requirement:

- a. NRS reporting system on completers of adult education programs
- b. New Jersey Higher Education (NJHE) degrees conferred files (SURE reporting system)
- c. New Jersey Department of Education (NJDOE) Vocational Education Data System (VEDS)

#### Community College Pilot Program

All training providers, with the exception of Community Colleges, are required to report student record data using a student’s Social Security Number (SSN). During the initial implementation year of these procedures, COEI will conduct a pilot reporting program with New Jersey Community Colleges in which the Community Colleges are not required to report a student’s actual SSN, but rather use an alternate nine digit unique identifier combined with the student’s full name and date of birth. At the conclusion of this program COEI will determine whether this reporting structure yields adequate results on the Consumer Report Card and should be continued, expanded to include other training providers, or discontinued.

#### Reporting Deadlines

All training providers submitting student records into the ETPL system ([www.njtopps.com](http://www.njtopps.com)) must do so on a quarterly basis following the schedule outlined below:

<b>Time Period</b>	<b>Reporting Deadline</b>
January 1 – March 31	April 15
April 1 – June 30	July 15
July 1 – September 30	October 15

October 1 – December 31	January 15
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### Consumer Report Card

The student record data submitted by providers populates the Consumer Report Card (CRC). The CRC allows students to search for information and program outcomes for training providers. The search results provide information on the various programs offered by each approved training provider, and allow the user to compare programs and providers based on information such as the location and length of training, the costs and any special services that may be offered, as well employment outcomes and student comments.

#### **11. Public Comments**

All public comments regarding these procedures must be submitted via email to [njtopps@dol.nj.gov](mailto:njtopps@dol.nj.gov) or via facsimile to 609-292-6692 within 30 calendar days from the date of issuance of said procedures to be considered by COEI.

#### **12. Effective Date**

These procedures are issued on June 20, 2016 and are effective as of August 1, 2016.