

EXECUTIVE SUMMARY

The purpose of this guidance is to summarize the appeal process for denial or delisting of an eligible training provider and a training program after the initial and continued eligibility evaluation for the Statewide California and the local work2future Eligible Training Provider List (ETPL).

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) Sections 122(f)(1)(B)) and 133(b)
- Title 5 California Code of Regulations Division 7.5
- Workforce Service Directive WSD25-02, *California Eligible Training Provider List* (February 23, 2026)

POLICY AND PROCEDURES

1. Appeal of work2future's (San José Silicon Valley Workforce Development Board) Denial
 - If work2future denies a training provider for listing on the local work2future ETPL after an initial eligibility consultation, work2future will notify the training provider in writing within 30 days. The written notification will include the detailed reasons for the denial and the information about the appeals process.
2. Reasons for the Denial after Initial Eligibility Consultation
 - work2future may deny eligibility if the data entered into the CalJOBS system by a training provider is not complete or not submitted within the required timeframe.
 - work2future may deny eligibility if a training provider fails to meet the minimum criteria for initial listing.
3. Reasons for Delisting of a Training Provider or Program
 - work2future or the State of California Employment Development Department (State EDD) may deny eligibility if it is determined that the training provider intentionally supplied inaccurate information.

- work2future or the State EDD may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements and/or requirements of the Statewide California Eligible Training Provider List (Statewide CA ETPL).
- The training provider previously approved by the Bureau for Private Postsecondary Education (BPPE) has not complied with the BPPE requirements.
- A WIOA participant has not enrolled in the training program during the previous two (2) Program Years (July 1 through June 30), and/or a program is on the Statewide CA ETPL solely for other purposes, such as the use of Workers' Compensation Supplemental Job Displacement Benefit vouchers. work2future determination to retain a training provider for local workforce development programs will be given priority over this provision for delisting.
- The training provider has lost or is unable to provide proof of its regional school accreditation.
- The training provider or an executive staff (e.g., owner, president, etc.) is criminally charged with crimes related to the operation of the institution by any federal, state, or local agency.
- The training provider has not achieved the minimum performance criteria for continued eligibility and has not been approved for a waiver of continued eligibility by work2future.
- The training provider fails to provide timely and correct data to be included in the WIOA Eligible Training Provider (ETP) Report.
- The training provider has not met work2future/City of San Jose contractual agreement to provide proof of comprehensive liability insurance for new and existing training providers.

4. Reactivating Programs Removed from the List

- Per request from the training provider, the State ETPL Coordinator has the discretion to reactivate a program after the program was removed from the Statewide CA ETPL.

5. Penalties

- If it is determined that an eligible training provider substantially violated any WIOA requirement(s), the State EDD and/or work2future shall terminate the eligibility of the training provider and remove the training provider from the Statewide CA and the local work2future ETPL for at least two (2) years or take other such action as deemed appropriate to include repayments of liability.

6. Appeals to work2future

- Any training provider wishing to appeal a decision by work2future must submit a written appeal within 30 days of the denial or delisting notice. The appeal must be addressed to the work2future Director and delivered via electronic mail to work2future.MIS@sanjoseca.gov.
- The appeal must include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e., grounds), and the signature of the appropriate training provider official. The training provider may choose to rely on the written appeal or an

in-person appeal hearing can be scheduled.

- There will be an initial informal meeting between work2future staff and the training provider. The purpose of this meeting is to identify if there is a simple solution to resolve the dispute.
- If no resolution results from the initial informal meeting, there will be an opportunity for the training provider to have a hearing. The hearing officer shall be an impartial person. The hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days in advance of the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to request documents relevant to the proceedings; and to have legal representation.
- The local final decision will be made within 60 days of receipt of the appeal, and the training provider and work2future will be notified in writing of the final decision.

7. Appeals to the State EDD

- A training provider may appeal to the State EDD if it has exhausted the work2future's appeal process and is dissatisfied with the local final decision.
- A training provider wishing to appeal a local final decision to the State EDD must submit a written appeal for review by the State ETPL Coordinator to wsbetpl@edd.ca.gov within 30 days of work2future's final decision.
- A training provider can appeal the State EDD decision for denying or delisting a program, and the request for the State appeal must include a statement of the desire to appeal, the specification of the program in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate training provider official. The appeal should be addressed to the State EDD's Compliance Review Office at LDCBCROIncidentReports@edd.ca.gov.
- The State EDD will administratively review an appeal and notify the training provider regarding a hearing on the State appeal. A final decision will either uphold or reverse the prior decisions.

Exceptions

Any exceptions to this policy must be approved by the work2future-Director, Program Manager, or an authorized representative.

INQUIRIES

Please contact the work2future Administrator on duty, work2future.MIS@sanjoseca.gov, for any questions regarding this policy.