



THE CITY OF NEW YORK
DEPARTMENT OF SMALL BUSINESS SERVICES

ROBERT W. WALSH
COMMISSIONER

Date: September 20, 2004

Dear Training Provider:

Recently, the Training Committee of the New York City Workforce Investment Board (“WIB”) reviewed and made recommendations for changes in specific policies and procedures related to Individual Training Accounts (“ITA”) and the New York City Workforce Training Provider List (“WTPL”).

The New York City Department of Small Business Services (“SBS”) administers the WTPL on behalf of the WIB. The Training Committee of the WIB reviewed training provider licensing requirements under New York State law. In particular, Section 5001 of New York State Education Law states:

“Licensed private schools and registered business schools / computer training facilities. 1. Schools required to be licensed or registered.

No private or computer training facility which charges tuition or fees for instruction and which is not exempted hereunder shall be operated by any person or persons, firm, corporation, or private organization for the purpose of teaching or giving instruction in any subject or subjects, unless it is licensed or registered by the [New York State] department [of education] . . . ”

The Training Committee recognized that training providers who operate in New York City are subject to the New York State law, and therefore must be in compliance with (or exempt from) such New York State Education law licensing requirements in order to be eligible for inclusion on the WTPL.¹

However, the Training Committee and SBS recognize that the licensing process can be time consuming and involved. Therefore, the enforcement of New York State licensing requirements for purposes of the WTPL is being phased in by the WIB and SBS over a 24 month period, giving unlicensed providers a substantial period of time to come into compliance. Specifically, the Training Committee established the following policies:

¹ In recognition of the WIA mandate that States and local Workforce Investment Areas should administer their WTPL in a manner that maximizes customer choice, it was decided that a training provider’s acceptance of ITAs shall not be considered as triggering a New York State licensing requirement for such provider if it is otherwise exempt under New York State law on the basis that it does not otherwise charge tuition or fees.

- Unlicensed training providers that are required to be licensed pursuant to New York State law must complete and file an application for licensing with the appropriate New York State licensing body by February 15, 2005. Any training provider in this category that fails to file by February 15, 2005 shall be removed from the WPTL as of March 1, 2005.
- Unlicensed training providers that are required to be licensed and have submitted the required application for licensing on or before March 1, 2005 shall be permitted to be added to and/ or to remain on the WPTL until August 15, 2006.
- As of August 15, 2006, all training providers must be in compliance with (if not exempt from) applicable New York State licensing requirements in order to be included, or continue to be included, on the WTPL.

As part of SBS' administration of these policies, we ask that you complete the Licensing Status Information Form attached to this letter and return it to SBS no later than November 1, 2004.

We urge each non-licensed training provider (who is not otherwise exempt) to initiate the licensing process as soon as possible, so that it can obtain the necessary licenses by August 15, 2006. We suggest that you begin by contacting the Bureau of Proprietary School Supervision (BPSS) at bpss@mail.nysed.gov or www.highered.nysed.gov/bpss/home.html. BPSS handles licensing for business and trade Proprietary Schools, including schools providing training in the fields of Appearance Enhancement Programs, Hospitality, Radio/TV/Film, Labor Trades, Casino Careers, Home Health Aid, Nurse Aid, and others. Some of the other New York State agencies involved in school licensing are NYS Department of State (Real Estate/Sales; WatchGuard or Patrol; Armored Car Services; Private Investigation); NYS Department of Criminal Justice; NYS Department of Health (Home Health Aide and Nurse Aide training at no cost; and NYS Department of Motor Vehicles.

In addition to addressing licensing requirements, the Training Committee also reviewed eligibility policies for ITAs. Current eligibility for ITAs is based upon an individual's income and the number of hours worked. The Training Committee of the WIB has revised this policy to state that employed adults shall be eligible to access ITAs regardless of the number of hours worked, provided that their income is below the self sufficiency standard of \$56,000 per year, as established by the NYC Workforce Investment Board.

If you have questions please e-mail nycwtpl@doe.nyc.gov or call the hotline at (212) 618-8937.

Sincerely,

Vicki Dawson
Executive Director, Workforce Training
Business/Workforce Partnerships (B/WP)