



WIOA Waiver Request: Requirement to collect and report performance data on all students in programs on the state's Eligible Training Provider List

The State of Oregon

The State of Oregon's Higher Education Coordinating Commission Office of Workforce Investments (HECC-OWI) is seeking a waiver of the required collection and reporting of performance data on all students participating in training programs listed on the state's Eligible Training Providers List (ETPL), as outlined in the Workforce Innovation and Opportunity Act (WIOA) Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 through 680.530.

Specifically, HECC-OWI requests waiver authority to report a "0" in the eligible training provider performance report for the nine data elements related to all individuals in training (data elements 120 through 128 on form EA 9171) for programs of study where the data is not currently available.

Under WIOA Section 116(d)(4)(A) and 20 CFR 677.230(a)(5), Eligible Training Providers (ETP) must report performance data with respect to all individuals engaging in a program of study (or the equivalent). While HECC-OWI recognizes the value and importance of monitoring provider performance, requiring ETPs to produce data on all students above and beyond WIOA-funded participants will discourage training provider participation, which is a critical component of the workforce development system. Reporting becomes especially burdensome when:

- ETPs have many students of whom only a small percentage are WIOA participants, and; ETPs do not have the existing staff to perform the required data gathering process, and cannot hire the additional staff.
- Many providers express a concern regarding the protection of personally identifiable information, especially social security numbers, which would have to be collected by the providers themselves.
- Questionable accuracy of student records based on self-reported data from ETPs
- HECC-OWI does not currently have the necessary data collection and validation tools to comply with this requirement.

The federal requirements would create a hardship for many training providers resulting in a decreased number of programs applying for inclusion on the ETPL. This would lead to Oregon having a less robust list of training providers, thereby limiting consumer choice. As well as developing new submission processes, the HECC-OWI has been working to create a new interface and data warehouse for use by training providers and state agencies when submitting and utilizing data.

Under this waiver, ETPs will continue to collect and report performance data for all WIOA-funded participants in accordance with WIOA section 116(d)(4)(A) and as specified at 20 CFR 677.230. This request is submitted in accordance with the Secretary's waiver authority outlined in Section 189(i)(3)(B) of WIOA and 20 CFR 679.620.

It is HECC's goal to use performance-related outcomes, collected in a variety of HECC-managed management information systems in an attempt to track the outcomes of all students in an ETP program of study, with respect to their employment and earnings, as required for the demonstration of continued eligibility in 20 CFR 680.460(f)(1)(iii) and WIOA Section 122.

Actions to Remove Barriers:

There is currently no state or local statutory or regulatory barrier to implementing the requested waiver. The State of Oregon regulations and policy statements are in compliance with current federal law.

Strategic Goals of Requested Waiver:

State strategic goals supported by the waiver include:

- More numerous and varied training offerings for individuals utilizing individual training accounts (ITA) via the public workforce system leading to greater consumer choice.
- Increased participation among training providers which may lead to lower cost and more robust demand-driven training options.
- Greater utilization of the ETPL by individuals pursuing training in Oregon related to jobs that are in-demand by employers.
- Stronger partnerships between training providers and the public workforce system.

Programmatic Outcomes from Implementation of the Waiver:

The reduction of the reporting burden fosters a wider variety of training offerings for individuals utilizing Individual Training Accounts (ITAs) via the public workforce system. A wider variety of training programs can lead to lower cost and more robust demand-driven training options, and greater utilization of the ETPL by individuals pursuing training via ITAs in Oregon related to jobs that are in-demand by employers now and in the future. Reducing the reporting burden also creates stronger partnerships and relationships between training providers and the public workforce system.

Individuals, groups or populations impacted by the Waiver:

The reduction of reporting burden on ETPs will have a significant impact on multiple populations of the public workforce system, including, but not limited to:

1. Individuals who access training services in Oregon via ITAs
2. Oregon HECC-OWI staff
3. Local Workforce Development Boards
4. American Job Center staff
5. Staff and administrators of ETPs

Monitoring Waiver Implementation:

Annual WIOA on-site programmatic reviews will include an evaluation of the impact of the waiver on local programs to ensure programmatic goals and outcomes are being met. Additionally, State staff involved with the administration of the ETPL and performance reporting will periodically examine the effectiveness of this waiver. This strategy ensures that the goals described above, as well as those outlined in Oregon's WIOA State Plan, are consistent with established objectives of the WIOA and federal and state regulations.

Notice to Local Boards and Public Comment:

This waiver is to be posted at www.wioainoregon.org for thirty (30) days, beginning August 13, 2019, during which time public comment will be collected and reviewed. Public comments can be submitted to EligibleTrainingProviderList@oregon.gov.

The State will notify all nine local Workforce Development Board directors of the state's intent of this request. Upon approval of the waiver, HECC-OWI will issue a Policy Statement notifying all Local Workforce Development Boards that this practice will be implemented effective immediately. Local Workforce Development Boards will be provided a copy of this waiver request and given the opportunity to contact the Office of Workforce Investments prior to submission of Oregon's WIOA State Plan modification to discuss and have input on the waiver request. All local boards will also have access to the draft State Plan and opportunity to comment during the public review and comment period. This waiver request will be included in the Oregon's WIOA State Plan submission and subject to public comment within the Plan guidelines and the WIOA requirements outlined in WIOA regulations at 20 CFR 676.130(d). Oregon will collect and report information about waiver outcomes in the State's WIOA Annual Report.

Respectfully submitted on (date TBD).

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HIGHER EDUCATION COORDINATING COMMISSION

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