

TRAINING AND EMPLOYMENT NOTICE	NO. 7-21
	DATE September 23, 2021

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
AMERICAN JOB CENTER DIRECTORS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE APPRENTICESHIP AGENCIES
STATE DIRECTORS OF THE OFFICE OF APPRENTICESHIP
STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT

FROM: LENITA JACOBS-SIMMONS /s/
Acting Assistant Secretary

SUBJECT: Expiration of the Workforce Innovation and Opportunity Act (WIOA) Waiver of the Obligation of Eligible Training Providers (ETP) to Report Performance Data on All Students in a Program of Study

1. **Purpose.** To remind states that the waiver of the obligation of ETPs to report performance data on all students in a training program has expired and to provide key information about how this change affects ETP reporting requirements.
2. **Action Requested.** States are to review and update their ETP policies to ensure that ETPs provide all required WIOA performance information to the state and that the state is able to submit this information to ETA through the WIOA annual ETP report (ETA-9171).
3. **Summary and Background.**
 - a. Summary – This notice provides states and ETPs with information regarding:
 - State and ETP reporting requirements now that the waiver of the obligation of ETPs to report performance data on all students within a given program of study (All Students Waiver) has expired;
 - The reporting timetable for submission of the next WIOA annual report, including all student data;
 - The ETP-related data elements required for the WIOA annual report; and
 - Resources available to help states and ETPs provide all required performance data to ETA.
 - b. Background – WIOA Sections 116 and 122 and 20 CFR 677.230 and 20 CFR 680.400 through 680.530 require ETPs and states to collect and report performance data for all students (including both WIOA-funded and non-WIOA-funded students) for each

program of study on the ETP list. For the past few years, ETA waived these requirements for some states, allowing states to report data on WIOA-funded students only. All approved ETP All Students Waivers expired at the end of Program Year (PY) 2020, on June 30, 2021.

4. Eligible Training Provider Data Collection and Reporting Requirements

a. The ETP All Students waiver has expired. What does this mean for states?

The ETP All Students Waiver expired on June 30, 2021. All states must report all required information for WIOA participants and for all students in a program of study to ETA through the WIOA annual ETP report (ETA-9171) beginning with reporting for PY 2021.

b. Why did ETA allow the ETP All Students waiver to expire?

ETA is committed to supporting open government and maximizing consumer choice for WIOA participants through greater data transparency. For years, ETA has made investments and provided technical assistance to states to develop and enhance the use of workforce performance data to demonstrate the effectiveness of WIOA-funded training programs and to ensure that WIOA participants are positioned to make informed training decisions. In 2020, ETA launched [TrainingProviderResults.gov](https://www.trainingproviderresults.gov) to allow the public to explore training program outcomes and compare results of state-approved training programs across fields of study and geographic areas. Maximizing consumer choice through greater transparency relies on obtaining comprehensive and high quality ETP data. Therefore, all students' data is critical for successful implementation.

ETA understands that data collection may present a challenge for ETPs that were not previously providing data on all students. ETA will deliver technical assistance as states transition to full reporting and ETPs work to meet continued eligibility data requirements to maintain robust ETP lists nationwide. ETA is also committed to working with states on solutions that maximize ETP list participation and data availability. ETA strives to ensure that state ETP lists are comprised of sufficient training options so that customer choice is maximized rather than reduced. Workforce system customers deserve high-quality training with proven success for positive outcomes, and the information WIOA requires is one of the few mechanisms available to differentiate between training provider program results.

c. What is the mechanism for reporting ETP outcomes to ETA?

States submit the annual ETP performance report to ETA via the Workforce Integrated Performance System using the ETA-9171 layout as described in Training and Employment Guidance Letter (TEGL) No. 03-18. The annual ETP performance report is comprised of performance information supplied by the state directly (either from the ETP eligibility determination or state records such as wage matching), and data elements collected and reported by ETPs to the state.

ETPs are required to report the data to the state, which the state uses for this submission and as criteria for continued eligibility on the state's ETP list, as described in TEGL 08-19. In accordance with WIOA section 116(d)(4)(a) and 20 CFR 677.230(a)(5), states and ETPs must report data on the primary indicators of performance for all individuals in the approved program of study, regardless of WIOA participation.

d. When is the next report due to ETA, and what information must it contain?

The PY 2020 report is due to ETA on October 1, 2021. ETA encourages states that were approved for the ETP All Students Waiver to provide any available all students data in this report. States that were approved for the All Student Waiver through June 30, 2021, are not required to include all students data for PY 2020, but all other data required by the ETA-9171 report must be included, as described in TEGL 03-18.

e. If a state had an ETP All Student Waiver in PY 2020, when will states need to submit the all student data?

States that were approved for the All Student Waiver through June 30, 2021, are not required to include all students data until the PY 2021 report, which is due on October 1, 2022. Regardless of the year or waiver status, all states' ETP reports must include data on the WIOA participants served by those programs. Additionally, the reports must include information about all ETP programs on the state ETP list, even if the program did not serve any WIOA participants during the reporting period.

f. What information must states include in the PY 2021 ETP annual performance report (due October 1, 2022)?

In accordance with WIOA Section 116, and further defined in ETA-9171 and TEGL 03-18, the following information must be included in the ETP annual performance report on all WIOA title I core program participants receiving training from an ETP:

- The total number of participants who received training services through a WIOA title I core program, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
- The total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
- The average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years; and
- The number of participants with barriers to employment served by the WIOA title I core programs, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.

For all individuals receiving training provided by an ETP:

- The levels of performance achieved for all individuals engaging in the program of study (or the equivalent), specifically:

- The percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program; and
- The percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program;
- The median earnings of individuals who are in unsubsidized employment during the second quarter after exit from the program;
- The percentage of individuals who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within one year after exit from the program; and
- The total number of individuals exiting from the program of study (or the equivalent).

g. What resources are available to help states and ETPs provide all required performance data to ETA?

ETA acknowledges that collecting and reporting data on all students presents a burden to providers, as individual training account (ITA)-funded students may account for a small portion of learners in a given program of study on a state ETP list. Since the enactment of WIOA, ETA has worked with states to provide technical assistance to help states overcome these reporting challenges with the end goal of ensuring that all states have systems in place to report on all required data elements. Please see Attachment I for ETA’s available technical assistance.

h. What happens when training providers cannot or will not provide information WIOA requires for the “all students” reporting?

ETA appreciates that the data collection and reporting burden for ETPs constitute a challenge for states and providers and is available to provide technical assistance during the transition to the full continued eligibility data requirements. ETA is also committed to working with states on solutions that maximize ETP participation and availability of data. States should address failures by ETPs to report required data in accordance with the state’s ETP eligibility policies and procedures, as described in TEGL 08-19.

5. Inquiries. Please direct inquiries to the appropriate Regional Office.

6. References.

- WIOA Sections 116(d)(4)(A) and 122;
- 20 CFR 677.230(a)(4) and (5) and 20 CFR part 680;
- TEGL No. 08-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs* (January 02, 2020); and
- TEGL No. 03-18, *Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)* (August 31, 2018).

7. Attachment(s). Please review the following:

- Attachment 1: ETP Performance Reporting Resources