

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 North Dakota

The Eligible Training Provider List (ETPL) federal requirements are creating a hardship for many training providers, including the technical colleges, resulting in decreased numbers of providers adding their programs to the ETPL. Many training providers do not have existing staff to perform the data gathering processes required to submit program information and performance data and cannot justify hiring additional staff. The regulations and related performance measures requiring providers to include an "all students" cohort also interfere with FERPA laws. Providers do not currently have students complete a waiver for data gathering purposes. These issues are leading to North Dakota having less training providers on the list. JSND has a workforce support staff that is providing individualized technical assistance to training providers in an effort to reduce hardships relating to collecting provider and program data.

The State of North Dakota seeks approval of the following statutory and regulatory waiver in accordance with the Secretary's waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) and 20 CFR and 679.600. This waiver request will assist North Dakota to further develop its workforce while continuing to focus on innovative strategies for a demand-driven workforce.

1. Waiver from the Eligible Training Provider data collection and reporting requirements

North Dakota is seeking a waiver from the requirements outlined in the WIOA at Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 thru 680.530, which require the collection and reporting of performance related data on all students participating in training programs listed on the state's Eligible Training Provider List (ETPL).

While JSND recognizes the value and importance of monitoring provider performance, requiring ETPs to produce data on all individuals instead of just WIOA-funded participants places an undue burden on ETPs to collect, enter and report excessive data. This is especially burdensome when ETPs have many students of whom, only a small percentage are WIOA participants.

2. Actions Taken to Remove Barriers

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver. State of North Dakota regulations and policy statements are in compliance with current federal law.

The state is working to leverage existing systems to assist with meeting the WIOA ETP performance reporting requirements.

Despite these efforts, the state has faced several challenges while working to implement the WIOA ETP requirements, which include:

- Ensuring that local areas have sufficient members of, and diversity of, training providers necessary to create an effective marketplace of training programs for WIOA participants utilizing ITAs.
- Ensuring fairness in the process of determining training provider eligibility.
- Reducing the burden on training providers to submit performance information to the state which may not be readily accessible to the provider.

3. Goals, Outcomes and Benefits Related to this Waiver Request include:

More numerous and varied training offerings for individuals utilizing ITAs via the public workforce system (greater consumer choice).

North Dakota's workforce has a skills gap. This was illustrated by 21st Century Tactical Workforce Plan presented by the College Technical Education Council (CTEC) in the Summer of 2018. The CTEC presented this document to help guide the decision-making process related to workforce training, and to demonstrate the CTEC's acknowledged role and responsibility in moving the state's workforce initiatives regarding skill development. The requirement for providers to report on all students in a program, contributes to the challenge of meeting the state's skills gap. This is amplified by the low unemployment rate in our state. Increasing post-secondary offerings, that are convenient will assist us in meeting employer demand.

More training providers may lead to lower cost and more robust demand-driven training options.

Stronger partnerships and relationships between providers and the public workforce system.

Greater utilization of the ETPL by individuals pursuing training in North Dakota related to jobs that are in-demand by employers now and in the future.

4. Individuals Impacted by the Waiver

Individuals who access training services in North Dakota via ITAs, JSND staff, AJCs and training providers will benefit from this waiver.

5. Monitoring and Implementation

Annual WIOA reviews will include an evaluation of how waivers are impacting local programs to ensure programmatic goals and outcomes are being met. North Dakota will collect and report information about waiver outcomes in the State's WIOA Annual Report.

6. Notice to Affected Local Boards

North Dakota is a single workforce area state. The individuals who are involved with the ETP performance requirement were involved in the development and finalization of this waiver request.

7. Public Comment

This waiver request was posted on the Job Service North Dakota website for comment and reviewed by interested stakeholders.