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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 3-18 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES

FROM: ROSEMARY LAHASKY /s/
Deputy Assistant Secretary

SUBJECT: Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)

1. **Purpose.** To provide guidance to states on performance reporting on ETPs. Under WIOA, all states must collect and report performance information on all individuals and WIOA title I core program participants (of Adult, Dislocated Worker, and Youth programs) served by each program of study on the state list of Eligible Training Providers (ETP list). The requirements for ETP reporting can be found at WIOA section 116(d)(4) and 116(d)(6)(B) and in the WIOA Joint and Department of Labor (DOL)-only final rules at 20 CFR 677.230 and 20 CFR 680.490.
2. **References.** See Attachment III.
3. **Background.** States must report performance information about ETPs to the DOL Employment and Training Administration (ETA) in accordance with WIOA section 116 and regulations at 20 CFR 677.230 and 20 CFR 680.490. Section 116(d)(4) of WIOA, regarding contents of ETP Reports, mandates the collection of specific information for each program of study for each eligible provider of training services under title I Adult and Dislocated Worker programs. Additionally, ETA allows states to use individual training accounts (ITAs) for out-of-school youth WIOA participants ages 16 to 24 (20 CFR 681.550). Therefore, for purposes of the annual ETP Performance Report, WIOA out-of-school youth participating in a program of study using an ITA must be reported like a WIOA adult in all student and WIOA participant categories. Likewise, references to the WIOA Adult Program for purposes of reporting on the ETP Performance Report include out-of-school youth participating in a program of study using an ITA.

These reports, which include some of the data needed by states and Local Workforce Development Boards (WDBs) to determine ETP eligibility based on the requirements in

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WIOA section 122, must be submitted annually for each approved program of study on the ETP list. These reports also must contain the performance information for all individuals served by that program of study, in addition to the performance information on the WIOA participants being served by the program of study. This guidance provides additional details on who must submit these ETP reports to ETA, how they must be submitted, and when they must be submitted.

- 4. State Reported and Provider-Reported Elements.** States submit the annual ETP performance report to ETA, via the Workforce Integrated Performance System, using the ETA-9171 report (see attachment I). 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 providers to the state. States should indicate to providers the data elements providers are required to report to the state and the mechanism for submitting that information.

ETA encourages states to adopt approaches to data collection, like leveraging the state ETP application and continued eligibility processes, to lessen the annual reporting burden on eligible training providers.

States must establish processes to work with ETPs in the state to ensure states have the necessary information to complete the ETA-9171 report. ETPs are required to report the data the state requires for this submission as a criteria for continued eligibility on the state's ETP list, as provided in 20 CFR 680.460.

In accordance with WIOA section 116(d)(4)(a) and 20 CFR 677.230(a)(5), states and providers must report data on the primary indicators of performance for all individuals in the approved program of study, regardless of WIOA participation, as addressed in **Section 7 - Reporting on Non-WIOA program participants.**

The state will provide all of the data related to WIOA participants including WIOA participant levels, demographics, WIOA participant outcomes, and WIOA related costs, as this data can be generated from the data collected for the state's Annual Performance Report.

Attachment II identifies, for each element, the recommended data collection entity and whether that element is required or optional.

- 5. ETP Performance Reporting Requirements vs. ETP Eligibility Requirements.** WIOA contains two different sections that set forth requirements for reporting that relate to performance information for ETPs—one for determining eligibility of training providers, and the other for reporting on outcomes of individuals served by the program of study. WIOA section 122(b) identifies requirements and criteria that states must establish for use in determining the eligibility of training providers and programs of study, and includes certain performance information. Many of the requirements for ETP eligibility mirror the requirements for ETP reporting set forth in WIOA section 116(d)(4) and 116(d)(6)(B). The

WIOA final rule at 20 CFR 677.230, the ETA-9171, and this guidance provide additional information for the ETP performance reporting.

The reporting requirements of the ETA-9171 (see Attachment I) have been designed to meet the WIOA ETP performance reporting requirements, and may also be used to meet many of the eligibility requirements of WIOA section 122(b)(1) and 122(b)(2). Note also that many of the required elements in the ETA-9171 (specifically elements #101 – 119) can be taken directly from the initial eligibility determination of the training provider, as noted in Attachment II. States are encouraged to develop methods to reduce the burden on ETPs to meet the requirements of the ETP performance reports, such as using information (when it is available from the ETP's initial application) to complete other components of the ETA-9171, or exploring the possibility of conducting wage matches on behalf of the ETP.

States are also required to make their ETP performance reports available (including by electronic means) in an easily accessible format. The ETP report must include:

For WIOA title I core program participants receiving training from an ETP (see elements #133 – 169 in Attachment I):

- 1) 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;
- 2) 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;
- 3) 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,
- 4) 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 (see elements #120-128 in Attachment I):

- 1) the levels of performance achieved for all individuals engaging in the program of study (or the equivalent), specifically:
 - a. the percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program¹;
 - b. the percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program;

¹ For the purposes of ETP performance reporting, states will be including WIOA Youth participants in the two Employment Rate indicators (indicators 5(1)(a) and 5(1)(b) of section 5) using the same definition as the WIOA Adult and WIOA Dislocated Worker programs.

- c. the median earnings of individuals who are in unsubsidized employment during the second quarter after exit from the program; and
 - d. the percentage of individuals who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent; during participation in or within 1 year after exit from the program.
- 2) the total number of individuals exiting from the program of study (or the equivalent).

All of these required reporting elements are in ETA-9171, shown in Attachment I.

The Program Year (PY) 2018 report, due October 1, 2019, will require only data collected in PY 2018 and each subsequent program year will add another year of data to the report until the requirement for three previous program years is met. States are not required to collect performance information retroactively to meet the requirement to report performance data for the most recent program year and the previous three program years. This means that the PY 2021 report and each of the subsequent years' reports will all contain the most recent program year data as well as the previous three program years.

Public Availability and Personally Identifiable Information. WIOA section 116(d)(6)(B) requires that the state make these ETP performance reports available (including by electronic means) in an easily understandable format. The WIOA final rule at 20 CFR 677.230 requires that these reports must be made available annually. 20 CFR 680.500 requires that the performance information from these reports be accessible as a part of the state ETP list information that is made available to the public through whatever means the state uses to disseminate such information to consumers. This means including such information as public websites and searchable databases. This information must be made available in a manner that does not reveal personally identifiable information (PII) about any individual participant. In developing the information to accompany the state ETP list, disclosure of PII from an education record must be carried out in accordance with the Family Educational Rights and Privacy Act (FERPA), including the circumstances relating to prior written consent. The Department notes that the standards relating to the suppression of data apply to data made publicly available. All data, regardless of the ultimate application of suppression standards for the protection of PII, still must be reported to DOL to comply with the statute. States may provide additional information that they determine to be useful. This is to ensure that informed consumer choice is a part of these reports, and may include providing additional information on variations in costs to consumers or on additional occupations associated with the program of training services, as well as other information the State determines to be useful.

Registered Apprenticeship Reporting Requirements. While Registered Apprenticeship programs are automatically eligible to be included on the ETP list for the related technical instruction (RTI) portion of the program, they are not required to follow the performance reporting requirements that apply to other ETPs. In accordance with 20 CFR 680.470(e), ETA encourages voluntary reporting of performance information for Registered Apprenticeship programs. As required by 20 CFR 677.230(b), states must include

performance information voluntarily submitted by Registered Apprenticeship programs in the ETP report. In addition, outcomes for WIOA participants enrolled in Registered Apprenticeship programs will be reported in the local and state performance reports.

Other Work-Based Learning Reporting Requirements. Employers and other providers of work-based learning who do not receive funding through individual training accounts but may be funded through a contract to provide these services as explained in 20 CFR 680.530 and 680.320 are not included in the ETP performance report. Specifically, the types of work-based learning providers² who are not ETPs and are not included in the ETP performance report are providers of:

- On-the-Job Training (OJT);
- Customized Training;
- Incumbent Worker Training;
- Internships;
- Paid or unpaid Work Experience; and
- Transitional Jobs.

While states are not required to report on these work-based learning service providers to ETA through the ETP performance report, Governors may set criteria for providers of work-based learning to be eligible to provide those services. If the Governor chooses to set criteria for work-based learning providers, the local WDB must collect the information needed to meet those requirements. Work-based learning providers who do not meet those requirements cannot provide training services. The information the Governor may use to set the criteria may include the information required for the ETP reports or may be different criteria.

- 6. Reporting by Program of Study.** As outlined in WIOA section 122 and 20 CFR part 680, the Governor establishes a process for approving programs of study. The state may approve a provider for more than one program of study. The state must submit the ETA-9171 ETP performance report to ETA, which must include a separate record for each approved program of study. Providers with more than one approved program of study must submit data to the state for all of their approved programs in a manner that allows the state to generate and report separate records for each program of study. The reporting requirements established in 20 CFR 677.230(a) apply to all programs of study on the state ETP list, including programs of study that did not serve any WIOA participants during the reporting period.

Therefore, the ETP performance report collects information regarding the approved provider institution and program of study, as outlined in the specifications in ETA-9171.

Providers are responsible for reporting these data elements to the state. Elements in this section include:

²Not all of these work-based learning services are considered to be “training services” for each program, but the Governor may set criteria for these providers, as described in this section.

- the name of the provider;
- the description of the training provided;
- the address of the provider;
- the type of entity;
- the name;
- description of the training program;
- the URL of the training program;
- the program of study by potential outcome;
- the name of the associated credential;
- the program of study's classification of instructional programs (CIP) code;
- costs related information for non-WIOA participants;
- program length;
- program pre-requisites; and
- program format.

7. **Reporting on non-WIOA Program Participants.** In addition to the data that must be provided on the WIOA participants being served by that program, WIOA section 116(d)(4) requires that ETPs provide the necessary information to the state on all individuals being served in the approved program of study so that the state may submit the required information on "All Individuals" in the ETA-9171 report. In the ETA-9171, these requirements are in the section titled "All Individuals" and include the following elements:

- 120 the number of individuals served;
- 121 number exited (includes students who completed, withdrew or transferred out of the program);
- 122 number who completed the program;
- 123 number of exiters employed in the 2nd quarter after exit;
- 124 number of exiters employed in the 4th quarter after exit;
- 125 median earnings of exiters in the 2nd quarter after exit;
- 126 number of exiters who attained a credential during participation or within one year after exit;
- 127 average earnings in the 2nd quarter after exit; and
- 128 average earnings in the 4th quarter after exit.

States are encouraged to develop methods to reduce the burden on ETPs to meet this requirement, such as exploring the possibility of conducting wage matches on behalf of the ETP. Attachment II includes suggestions about which entities could be responsible for collecting which elements, and section 11 also provides additional tools that should assist states in creating and submitting the ETA-9171 ETP reports.

ETA notes that WIOA requires that this information is reported for all approved programs of study on the state ETP list, and therefore this information still must be reported for programs of study that are on the ETP list but have not served WIOA participants during the reporting period.

8. Optional Elements in the ETA-9171. Within the ETA-9171 ETP reports, there are certain elements that are required to be reported and others that are optional. States are required to report most of the elements that are on the report for every program of study in order to meet the statutory requirements of WIOA Section 116(d)(4), but there are some elements that may be left blank in certain situations. Below is a list of the elements that may be left blank, and a description of the conditions under which they may be left blank.

- 100 Reciprocal Agreements with Other States (to be completed by states)
 - This may be left blank when the state does not have any reciprocal agreements with other states that pertain to ETPs.
- 107 URL of Training Program
 - This may be left blank when there is no URL available for the specific program or the program provider more generally.
- 111 Out-of-Pocket Cost for a non-WIOA Participant: Tuition and Required Fees
 - This may be left blank when there are no tuition or required fees applicable to a non-WIOA participant in the program.
- 112 Out-of-Pocket Cost for a non-WIOA Participant: Books and Supplies
 - This may be left blank when there are no book or supplies costs applicable to a non-WIOA participant in the program.
- 118 O*NET-SOC Code Associated with Program – Occupation #2
 - This may be left blank when there is only one O*NET-SOC Code Associated with Program.
- 119 O*NET-SOC Code Associated with Program – Occupation #3
 - This may be left blank when there is only one or two O*NET-SOC Codes Associated with Program.

9. Submitting ETP Performance Reports to DOL ETA.

Frequency. States must submit the ETP performance report to ETA on an annual basis. The ETP performance report must be prepared annually, and states must provide electronic access to this report in their state annual performance report, pursuant to §677.160(c). The ETP is part of the state annual performance report and will follow the required submission date of October 1 of each year unless otherwise directed. States may voluntarily submit ETP performance reports for PY 2017, if the data elements were collected through PY 2017, but required submission of ETP performance reports will begin with PY 2018. States that choose to report for PY 2017 should contact their appropriate ETA Regional Office to notify the Department of their intent and obtain additional information. Therefore, the first required ETP performance reports are to be submitted by October 1, 2019.

Uploading in the Workforce Integrated Performance System (WIPS). States must provide electronic access to the annual ETP performance report in their state annual performance report pursuant to §677.160(c).

WIPS is ETA's performance reporting portal, and states must submit their ETP annual performance reports through this portal. Submissions should be uploaded in .csv or .txt format using the ETP report schema. WIPS will populate the state report for certification.

- 10. Performance Indicator Cohorts.** Reporting periods for the indicators of performance (Employment 2nd and 4th quarter after exit, Median Earnings, and Credential Attainment) should align to those used in reporting for annual reports submitted for the WIOA Annual report (ETA 9169). This means that the data are reported in accordance with the availability of each indicator. ETA has provided a chart that clarifies the periods for reporting on each of the indicators on the webpage <http://www.doleta.gov/performance>. (See https://www.doleta.gov/performance/pfdocs/Periods%20for%20Reporting%20Annual%20and%20Quarterly%20FINAL_V2_070116.pdf)
- 11. Tools for Reporting.** There are tools available that may be helpful when reporting on ETP performance. One example is the Training Provider Outcomes Toolkit (TPOT), which is an initiative lead by the University of Chicago's Center for Data Science and Public Policy in cooperation with ETA and state/local governments. TPOT includes tools designed to assist states in securely collecting, connecting, analyzing, aggregating, and publishing data on wage and employment outcomes for education and training participants. The University of Chicago has shared the tools that they have developed, as well as other existing resources on their tools page for the project: <http://dataatwork.org/tools/>.
- 12. Action Requested.** These requirements for WIOA ETP Reporting are effective at the start of PY 2018, July 1, 2018. The first state report to ETA is due after the conclusion of PY 2018, on October 1, 2019. States are requested to distribute this information to the appropriate state and local staff as well as their training institutions on their ETP list. Please make this information available to the appropriate program, reporting, performance accountability, and technical staff.
- 13. Inquiries.** Questions regarding this guidance should be directed to the appropriate Regional Office or ETAPerforms@dol.gov.
- 14. Attachments.**

Attachment I – ETA-9171 – ETP reporting template
Attachment II – Guide to Reporting on the ETA-9171
Attachment III – References