

## **Statutory and/or Regulatory Requirements to be Waived Eligible Training Provider List Requirements**

### **MASSACHUSETTS**

The Commonwealth of Massachusetts 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 through 680.530, which require the collection and reporting of performance related data on all students participating in training programs listed on the state's ETPL.

#### **Background**

With the passage of WIOA, the Commonwealth of Massachusetts implemented the new law's Eligible Training Provider List (ETPL) provisions. In July 2016, the state launched its new ETPL requirements and some new features for providers related to data entry. MA's revised ETPL requirements provide an improved and enhanced vendor experience compared to the state's former requirements. Massachusetts is currently working to leverage existing data systems and data sources to assist with meeting the WIOA ETPL performance reporting requirements.

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

- Ensuring that local areas have sufficient numbers 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 of the requirement for training providers to submit performance information to the state, which may not be readily accessible.
- Much of the performance information is self-reported through surveys, etc., which makes it difficult to get accurate performance data since students may not respond to surveys and, as a result, schools may just provide performance information previously collected without resurveying students.
- Proprietary schools do not currently have a statewide system to report student data, and as such, there is no way to automatically match students with other data sources to calculate outcomes. This results in a large burden on what tends to be the smaller training providers.
- Proprietary schools would have to collect sensitive information, such as social security numbers, etc., on all students for the state to match wage and earnings information on students utilizing ETPL programs, which may leave students open to identity theft, privacy considerations, etc.
- The burden on training providers to collect and provide information on all students once they leave or graduate from the program, results in certain providers electing not to be on the ETPL, which limits consumer choice, especially for proprietary schools.
- WIOA-paid students at Community Colleges represent a small portion of their enrollment. Non-WIOA paid students are more likely to be planning to enter training-related employment after an entire suite of courses over a longer period of time. Therefore including these (non-WIOA) students in the cohort that counts toward that course's performance unfairly skews the outcome in a negative direction.
- Providing information on eligible training programs to WIOA participants in a way that helps make informed decisions about how to use their ITAs is challenged by the inclusion of non-WIOA students in performance calculation

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### **Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers**

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

### **Waiver Goals and Outcomes**

Goals and outcomes related to this waiver request include:

- Remove the most significant disincentive for schools and training providers to participate in the ETPS, in anticipation of maximizing the available marketplace of training curriculum.
- More numerous and varied training offerings for individuals utilizing ITAs via the public workforce system (in other words, greater consumer choice).
- More training providers can lead to lower cost options.
- Greater utilization of the ETPL by individuals pursuing training in the Commonwealth related to jobs that are in-demand by employers now and in the future.
- Improved overall performance outcomes for individuals pursuing training via ITAs.
- Strengthen partnerships and relationships between training providers and the public workforce system.
- Enhanced ability of local boards to respond quickly and efficiently to immediate local job seeker and employer needs.

### **Individuals Impacted by the Waiver**

Individuals who access training services in Massachusetts via ITAs, Commonwealth of Massachusetts staff and partner staff, AJCs, subcontracted service provider staff, and training providers will benefit from this waiver.

### **Monitoring Progress and Implementation**

Annual WIOA on-site programmatic reviews will include an evaluation of how waivers are impacting local programs to ensure programmatic goals and outcomes are being met.

State staff involved with the administration of the ETPL and performance reporting will periodically examine the appropriateness and the effectiveness of this waiver. This strategy ensures that the goals described above, as well as those outlined in the State's Combined Plan, are consistent with established objectives of the WIOA and federal and state regulations.

### **Notice to Local Boards and Public Comment**

In accordance with the WIOA Regulations at 20 CFR 676.135, Massachusetts is submitting a Massachusetts' waiver request that is currently posted on our website for comment and review by required parties and the general public:

<https://www.mass.gov/service-details/massworkforce-draft-policy-issuances-for-review-and-comment>. Please submit comments or questions to the following link by September 28, 2018: [PolicyQA@Detma.org](mailto:PolicyQA@Detma.org).