

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



August 20, 2021

The Honorable Gavin Newsom
Governor of California
1302 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver request was received on April 16, 2021. This letter provides a correction to the official response to your request, dated July 7, 2021 (enclosed), from the Department's Employment and Training Administration's (ETA). This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of the obligation of eligible training providers (ETP) to report performance data on all students in a training program at WIOA Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680.

ETA Response: The State's request to waive the obligation of ETPs to report performance data on all students in a training program is approved only for Program Year (PY) 2020 (July 1, 2020, through June 30, 2021). ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of California to implement its plan to improve the workforce development system for the specified PY. The State must provide information regarding how the Governor will take into account 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. The State will continue to collect and report data for all WIOA-funded participants in accordance with all statutory and regulatory requirements, including WIOA Sections 116 and 122, and as specified at 20 CFR 677.230 and 680.460. While ETA recognizes the importance of informing consumer choice through the provision of quality data on training outcomes, we also recognize that the systems to collect the required performance data from providers take time to develop and implement in a way that maximizes training provider participation, which is a critical component of the workforce development system.

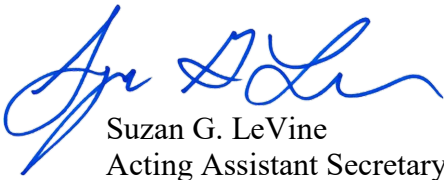
As communicated in the letter ETA issued on July 7, 2021, and Training and Employment Guidance Letter (TEGL) No. 08-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and*

Programs,¹ ETA is discontinuing state use of this waiver for PYs after 2020. Therefore, ETA does not approve this waiver for PY 2021, 2022, and 2023, as requested by the State. ETA acknowledges that collecting and reporting data on all students creates additional reporting responsibilities for training providers; however, public workforce system customers deserve quality training that has proven success of positive outcomes. The information WIOA requires is one of the few mechanisms available to identify which training provider programs truly make a difference. The State must report all student performance information in the PY 2021 report, which is due to ETA on October 1, 2022.

ETA staff will continue to work with California to provide technical assistance to help overcome any data collection and reporting challenges, with the end goal of ensuring that the State has systems in place to report on all required data elements. ETA guidance issued in TEGL No. 08-19, and TEGL No. 03-18, *Eligible Training Provider (ETP) Guidance under the Workforce Innovation and Opportunity Act*,² provides implementation suggestions for building a quality ETP list and recommendations for reporting.

ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,



Suzan G. LeVine
Acting Assistant Secretary

Enclosures

cc: Dennis A. Petrie, Deputy Director, Employment Development Department
Tim Rainey, Executive Director, California Workforce Development Board
Nicholas Lalpui, Dallas/San Francisco Regional Administrator, ETA
Latha Seshadri, Federal Project Officer, ETA

¹ Employment and Training Administration. 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. https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5389. Published January 2, 2020.

² Employment and Training Administration. TEGL No. 03-18, *Eligible Training Provider (ETP) Guidance under the Workforce Innovation and Opportunity Act*. https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3527. Published August 31, 2018.

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July 7, 2021

The Honorable Gavin Newsom
Governor of California
1302 10th Street, Suite 1173
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Dear Governor Newsom:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver request was received on April 16, 2021. This letter provides the Department's Employment and Training Administration's (ETA) official response to your request. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of the obligation of eligible training providers (ETP) to report performance data on all students in a training program at WIOA Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680.

ETA Response: ETA does not approve this waiver. As communicated in the previous approval for this waiver, dated June 9, 2020, and Training and Employment Guidance Letter (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*,¹ ETA is discontinuing state use of this waiver effective June 30, 2021. ETA acknowledges that collecting and reporting data on all students creates additional reporting responsibilities for training providers; however, public workforce system customers deserve quality training that has proven success of positive outcomes. The information WIOA requires is one of the few mechanisms available to identify which training provider programs truly make a difference. The State must report all student performance information in the Program Year (PY) 2021 report, which is due to ETA on October 1, 2022.

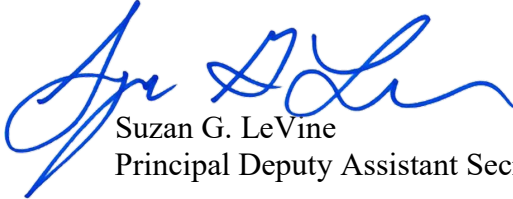
ETA staff will continue to work with California to provide technical assistance to help overcome any data collection and reporting challenges, with the end goal of ensuring that the State has systems in place to report on all required data elements. ETA guidance issued in TEGL No. 08-19, and TEGL No. 03-18, *Eligible Training Provider (ETP) Guidance under the Workforce*

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Innovation and Opportunity Act,² provides implementation suggestions for building a quality ETP list and recommendations for reporting.

ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,



Suzan G. LeVine
Principal Deputy Assistant Secretary

Enclosure

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