

STATE OF MINNESOTA
WAIVER REQUEST
WORKFORCE INVESTMENT ACT:
SUBSEQUENT ELIGIBILITY OF TRAINING PROVIDERS

The Minnesota Department of Economic Security (MDES), the state administrative entity for the the Workforce Investment Act (WIA), is requesting a waiver to postpone the “Subsequent Eligibility of Training Providers” until January 1, 2003. The reason for this request is to give Minnesota more time to effectively implement the process. This will give the state’s program customers more and better choices among training providers. Ongoing work in implementing the subsequent eligibility process would continue with full implementation by January 1, 2003. Minnesota fully believes in the WIA concepts of consumer choice and accountability. This waiver will enhance the implementation of these concepts in the state.

This waiver request is being written in the format identified in WIA Section 189(i)(4)(B) and WIA Regulations 661.420 (c)

A. Statutory Regulations to be Waived: WIA Section 122 (c)(5) and WIA Regulations 663.530 dealing with the time limit for initial eligibility would be waived with an extension for an additional year.

B. Goals to be Achieved by the Waiver: The goals to be achieved by the waiver are to:

- Improve efforts of data collection from potential training providers;
- Increase the amount of Workforce Investment Act (WIA) performance information from potential training providers;
- Allow more time to analyze data to set reasonable criteria for “subsequent eligibility”;
and
- Allow local areas to increase their familiarity with the Individual Training Account (ITA) and Eligible Training Provider (ETP) systems.

C. State or Local Statutory or Regulatory Barriers: There are no state or local statutory or regulatory barriers to implementing the requested waiver.

D. Description of Waiver Goal and Programmatic Outcomes: During Program Year 2000 (July 1, 2000- June 30, 2001), Minnesota’s 16 WorkForce Service Areas (WSAs) issued 1621 ITAs. For Program Year 2001 so far , the WSAs have issued 1207 ITAs. Currently, the State List of Initially Eligible Training Providers identifies more than 1,000 training programs. It includes the state’s technical college, community college, and state university system, private for profit and nonprofit schools and training agencies. The complete list is located at:

At present, the local WorkForce Councils do not have sufficient data (either “all student” data or “WIA supported” student data) to make thoughtful decisions about which training providers should be certified. MDES has had difficulty in working within the data privacy frameworks of the Family Educational Rights Privacy Act (FERPA) and the state’s Data Privacy statutes. These efforts have taken a great deal of time not allowing MDES the opportunity, as of yet, to fully populate the data fields on These fields are essential to local WorkForce Councils’ considerations of training provider applications for subsequent eligibility. Without the time requested by the waiver, local WorkForce Councils will be making arbitrary decisions about such applications.

The additional time will allow MDES the opportunity to collect more data allowing more thoughtful decisions. MDES will better be able to set subsequent eligibility thresholds that reflect an emphasis on quality training while not arbitrarily excluding any potential quality trainer.

The waiver will allow the local WSAs to become more familiar with the ETP and ITA processes. Thus, there will be a better opportunity to advertise the Consumer Report/Subsequent Eligibility process to the training provider community to the state. This will cause more providers to ask for the opportunity to become eligible as a WIA trainer providing more choices to the customer.

To accomplish these goals, MDES intends to carry on the following activities:

1. Conduct workshops and provide technical assistance to local WSAs on ITAs and the ETP process. These workshops will begin in January 2002 and will continue throughout the year.
2. Enhance MDES’s website to contain detailed information on the subsequent eligibility process including procedures and definitions and links to the state list of eligible providers and other resources. A fully functioning website will be in place by June 2002. Continued enhancements to the website will be ongoing.
3. Finalize processes for obtaining All-Student information working within Minnesota’s Data Practices Act, and FERPA. All necessary data sharing agreements will be in place no later than June 2002.
4. Finalize processes for incorporating WIA data. This will be done by March 2002.
5. Carry on a public relations effort informing training providers throughout the state of the potential of the Consumer Report and the WIA subsequent eligibility process. Although done in Program Year 2000, efforts will be made to intensify the outreach throughout the year.
6. Analyze customer satisfaction survey results to ascertain reactions to the present state list of eligible providers. Appropriate changes will be made during 2002.

E. Description of the Individuals Impacted by the Waiver: All customers (e.g., training providers, local WorkForce Councils, MDES, ITA users) will be positively affected by the waiver:

- Training providers initially eligible and on the state list of ETP will have an additional opportunity to establish WIA and all-student performance base before subsequent year determinations need to be made.
- Local WorkForce Councils will have additional data on which to make decisions.
- MDES will have additional data and time to do analysis.
- ITA users will have a wider selection of training providers for a longer period of time until subsequent eligibility is determined. (NOTE: This is especially important given the recent layoffs in the airline industry and the receipt of DOL national discretionary money to deal with them.)

F. Description of the Process to Monitor Progress: MDES' Assistant Commissioner Jim Korkki and his management staff will monitor progress being made on the activities and time frames identified in "D."