



STATE OF MISSISSIPPI
RONNIE MUSGROVE, GOVERNOR
MISSISSIPPI DEVELOPMENT AUTHORITY
ROBERT J. ROHRLACK, JR., CEO
EXECUTIVE DIRECTOR

April 1, 2002

Ms. Anna W. Goddard
Regional Administrator
United States Department of Labor
Employment and Training Administration
Atlanta Federal Center
61 Forsyth Street, S.W.
Room 6M-2
Atlanta, Georgia 30303

RECEIVED
U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
APR 11 10 27 AM '02

Dear Ms. Goddard:

On behalf of the Mississippi Development Authority, the administrative entity in Mississippi for the Workforce Investment Act (WIA), I am requesting a waiver of the Eligible Training Provider List (ETPL) requirement for subsequent eligibility that all mandated performance items must be submitted, and acceptable levels met, for programs and courses to remain on the List.

Many of the training providers on the ETPL requested extensions through December 31, 2001. The overwhelming reason was the lack of sufficient data to meet the subsequent eligibility requirements, as well as the lack of systems and manpower to produce that data. Some programs have had no WIA participant enrollments to produce WIA performance data. Additionally, insufficient time has elapsed to allow WIA participants to exit training programs and be eligible for follow-up performance measures. Finally, some providers requested extensions because all or some of their performance data items did not meet the minimum performance levels, which the State allowed each local area to set.

We understand the importance of performance information in meeting the WIA principles of consumer choice and provider accountability. However, the removal of courses or programs from the List because a provider cannot produce sufficient subsequent eligibility data or meet minimum performance levels would drastically reduce the size of our ETP List and thus severely limit customer choice.

I am requesting a waiver be granted through June 30, 2003 to allow additional time for:

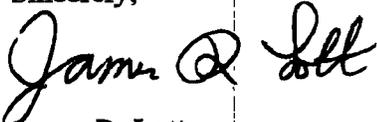
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April 1, 2002
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- The State, local areas, and training providers to collaborate and coordinate to develop data collection systems and/or review alternative sources of data;
- Training providers to compile the required data;
- WIA participants to enter and exit the system and produce WIA performance data; and
- Performance levels to be brought up for new and existing programs.

The challenges faced while implementing the Workforce Investment Act in Mississippi have had a tremendous impact on the delivery of job training, employment services, and educational services in our state. The ability to offer a wide variety of training programs and occupational choices, provided to our customers by competent training providers, is of key importance to the continued success of this new workforce system.

Thank you for your consideration of this matter. If there are questions concerning this request, or if additional information is needed, please contact me at (601) 359-9345 or via email at jlott@mississippi.org.

Sincerely,



James R. Lott
Director
Employment Training Division

JRL:th

Enclosure

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

The Mississippi Development Authority (MDA), the Workforce Investment Act (WIA) state administrative entity, by submission of this document requests a waiver in accordance with provisions included as Section 189(i)(4)(B) of the WIA and Section 661.420 of the implementing regulations until July 1, 2003. This waiver will address the Eligible Training Provider List requirement for subsequent eligibility determination included at Section 122(c)(5) of the WIA and Section 663.535(c)(1-2) of the implementing Regulations.

The State of Mississippi understands that performance information is critical in meeting the WIA principles of consumer choice and program accountability. However, we believe that the requested waiver will allow sufficient time to meet the requirements for data collection while allowing for the time necessary to ensure accurate, complete and useful data. The granting of this waiver will allow the State to continue to offer a wide variety of training program options to meet the needs of Mississippi's job seekers and businesses.

I. Identification of Statutory or Regulatory Requirements Requested to be Waived

A. Workforce Investment Act - Section 122(c)(5)

(5) Requirements.—In establishing the procedure, the Governor shall require that, to be eligible to continue to receive funds as described in subsection (a) for a program after the initial period of eligibility, a provider described in subsection (a)(2) shall—

(A) submit the performance information and program cost information described in subsection (d)(1) for the program annually, additional information required to be submitted in accordance with subsection (d)(2) for the program annually to the appropriate local board at such time and in such manner as may be required; and

(B) annually meet the performance levels described in paragraph (6) for the program, as demonstrated utilizing quarterly records described in section 136, in a manner consistent with section 136.

B. 20 CFR 652 et al. – Section 663.535(c)(1-2)

(c) The procedure must require that:

(1) Providers annually submit performance and cost information as described at WIA section 122(d)(1) and (2), for each program of training services for which the provider has been determined to be eligible, in a time and manner determined by the Local Board;

(2) Providers and programs annually meet minimum performance levels described at WIA section 122(c)(6), as demonstrated utilizing UI quarterly wage records where appropriate.

II. Goals to Be Achieved

This waiver will allow the State adequate time for:

- A. The State, the local areas and the training providers to work together to develop efficient and adequate systems to collect data and/or to investigate alternative sources for data collection;
- B. The training providers to build systems and compile valid data;
- C. The customers needing or desiring training to use the eligible training provider list as intended under the WIA;
- D. Adequate performance levels to be achieved for training providers;
- E. The State to ensure that the fifteen community and junior colleges can develop adequate reporting systems.

III. Actions Undertaken by the State to Remove State or Local Statutory or Regulatory Barriers

There are no State or local statutory or regulatory barriers to implementing the requested waiver.

IV. Goals of the Waiver and Expected Programmatic Outcomes if Waiver Is Granted

A. Performance

1. Eligible Training Providers

a.	Program Year 2000.....	57
b.	Program Year 2001.....	96

2. Individual Training Accounts

a.	Program Year 2000.....	721
b.	Program Year 2001.....	1993

B. The Problem

Many of the training providers on the ETPL requested extensions through December 31, 2001. The overwhelming reason was insufficient data to meet the subsequent eligibility requirements. Most providers have neither the systems nor the manpower necessary to produce the required performance information in the time allotted. Community colleges and proprietary schools alike lack the resources and the inclination to compile data as required. This deficiency is based both on the large numbers of students enrolled in community colleges and the transient nature of individuals attending proprietary schools. Also, many community colleges base program continuation on cost-effectiveness and not the program outcomes of the students as required by the WIA.

Due to the large number of training providers on the ETPL and the local areas' difficulty in engaging WIA customers in training, many of the providers have had no or very few WIA-supported students. Others have not had the time necessary to exit and collect the performance data necessary for subsequent eligibility. Removing providers/offerings from the ETPL due to their inability to produce the data necessary for subsequent eligibility will cut the List in half. This will severely curtail the training options available to WIA training customers and gravely affect the WIA's intent of providing customer choice.

C. Steps Already Taken to Address the Problem

1. The Mississippi Development Authority - Employment Training Division (MDA-ETD) and its partners have worked to develop a customer-oriented performance reporting system. The system, the Workforce Investment Network System (WINS), will track customer action and outcome data for the State's one-stop system, Workforce Investment Network (WIN) in Mississippi. There are more than 60 WIN Job Centers in that system. WINS is a virtual one-stop approach to data collection and customer service. It is our hope that WINS collects the data necessary to better address subsequent eligibility in the future. WINS is scheduled for testing in May 2002. We expect that WINS will be fully operational for data collection by July 1, 2002. Additional reporting systems are to be phased in and should be fully operational by June 2003. WINS will integrate the WIA and Employment Service data collection systems.
2. The MDA has taken steps to work closely with the State's strong system of community and junior colleges, the primary provider of ITAs. We have worked with the State Board for Community and Junior Colleges (SBCJC) to explore options for assisting in the collection of the performance data necessary for subsequent eligibility determination. Due to the political climate in the State exacerbated by dwindling state funds for education, many community/junior colleges view WIA as a threat and are resistant to the changes brought about by the WIA's use of ITAs. However, the MDA-ETD is committed to forging a strong partnership between these key training providers and the WIA. To that end we are participating in the SBCJC's current strategic planning process.

D. The Effect of the Waiver

By granting this waiver, the Department of Labor will provide the State of Mississippi with the additional time necessary to complete the development of the necessary data collection systems and research other possible data sources. In the interim, the MDA-ETD will work with the local areas and training providers to explore various options for data collection.

During this extended period, more WIA customers will enter and exit this training system and thus produce more WIA-specific data and raise performance levels for new and existing providers. Additional time is required to ensure a valid sample of students and an accurate evaluation of program quality. Therefore, the

possibility of faulty data might unfairly remove quality programs from the ETPL. A blow such as this could inhibit the WIA system and reduce its ability to provide true customer service and its chances for continued improvement.

The MDA-ETD has requested reports including partial data available for training providers with available data as well as a list of training providers for which no data is currently available. This exercise will look at what data is available, what data is not available, and reasons why data is not available.

The Executive Committee of the State Workforce Investment Board shares WIA's vision of a totally integrated workforce development system in Mississippi. The Board has directed the staff to include the community college system in building this integrated system. This waiver will support the Board's vision and help to pave the way for a fully integrated system.

V. **Individuals Impacted by the Waiver**

The entire WIA system and all of its customers will benefit from this waiver.

- A. **Job Seeker Customers**
 - 1. Customers in need of training will continue to have a true choice of the types for which WIA assistance is available.
 - 2. In many cases, customers will have a choice of providers for training for in-demand occupations.
- B. **Business Customers**
 - 1. Business will be able to employ trained workers and benefit from the training.
 - 2. Business will be able to select employees from a growing pool of trained and work-ready individuals.
- C. **Training Provider Customers**
 - 1. Training providers will have additional time to learn the benefits of being on the WIA Eligible Training Provider List.
 - 2. Training providers that are providing needed training will have additional time to collect needed data and serve WIA customers.
- D. **WIA Local Area Customers**
 - 1. WIA Local Areas will be able to continue to forge partnerships with training providers and businesses as the result of the allowance of additional time.
 - 2. The continued support of training providers and businesses will nurture the growth of the systemic changes necessary to ensure the success of the WIA.
 - 3. This waiver will provide local areas with the ability to provide true customer service to all of its customers, thereby lending credibility to this still infant employment and training system.
- E. **State WIA Administration**
 - 1. The additional time will allow the State to realize its plan for developing and implementing the customer-oriented WINS.
 - 2. The State will be able to assist the Department of Labor in providing Congress with complete reliable data on the impact of WIA.

VI. Process to Monitor Progress

The MDA-ETD will establish a timetable for the complete implementation of performance reports for the purpose of ETPL subsequent eligibility. The MDA-ETD will work closely with the local areas to gather and review data. The MDA-ETD and/or the local area will monitor progress against the established schedule not less than quarterly. Inconsistencies and incomplete data will be identified. Corrective action plans will be developed to address inconsistent and/or incomplete data. Quarterly progress reports will be completed to show accomplishments, areas of concern and corrective action.

VII. Local Board and Public Review and Input

This request was developed as a result of concerns expressed by local areas. As with all of the major policy and procedural decisions made by the State, we relied heavily on input from local area staff and boards. The problems associated with ETPL subsequent eligibility were discussed with the local areas to gain input on reasons for problem and benefits from the granting of this waiver. The waiver request was provided to the local areas for review and comment prior to its submission. Local areas were encouraged to enlist input from training providers when considering this waiver request. To date, the MDA-ETD has received no comments on the request but will forward to the Department of Labor any comments received after the submission of this waiver to DOL.

The waiver request was provided to the Mississippi Employment Security Commission, the primary agent for administering ITAs, for review and comment. The comments received are attached. No other formal public review process was undertaken. However, the State maintains close ties to required and non-required WIA partners. This relationship allows for ongoing discussions of ways to ensure the success of WIA. The effort to ensure customer choice by allowing for a viable and complete list of eligible training providers is always a part of these discussions.



Mississippi Employment Security Commission

Curtis C. Thompson
Executive Director

Miranda A. Beard, *Commissioner*
Laurel

George E. Powell, *Chairman*
Byhalia

Alfred L. Price, *Commissioner*
Jackson

April 5, 2002

Mr. James R. Lott
Director
Employment Training Division
Mississippi Development Authority
P. O. Box 24568
Jackson, MS 39225-4568

Dear Mr. Lott:

This agency is in receipt of your request for waiver in regard to the Eligible Training Provider List requirement for subsequent eligibility determination.

As a major partner in the Workforce Investment Network (WIN) in Mississippi system, and as the primary provider of referral to training services funded by ITA's, this agency fully supports your request for this waiver. Granting of this waiver would allow sufficient time for the state's community and junior colleges, as well as all other training providers, to develop accurate performance tracking data. The present economic climate in this state has resulted in an increased need for training. Removal of training providers from the ETPL at this time, due to inadequate data, would greatly hinder the provision of training to customers of the WIN in Mississippi system.

If you need additional information, please contact Mary Allen at (601) 961-7593.

Sincerely,

A handwritten signature in cursive script that reads "Curt Thompson".

Curt Thompson
Executive Director

CCT/MCA