



DATE: 9/20/2021
MEMORANDUM FOR: New Hampshire Eligible Training Providers
FROM: Lisa Gerrard, WIOA Program Administrator
SUBJECT: All Student Performance Data

Based on requirements set forth by the US Department of Labor (USDOL), effective July 1, 2018, all training providers are required to collect and report performance data annually in order for their programs to remain on New Hampshire's ETPL. USDOL has stated that training providers must report performance data on all enrollees, not just the Workforce Innovation and Opportunity Act (WIOA) enrollees.

While New Hampshire was previously under a waiver for Program Years 2018-2020, the waiver period has ended. Therefore, beginning with Program Year 2021 (July 1, 2021), all training providers (except for Registered Apprenticeships) are required to submit data on all enrollees to remain in compliance with Federal and State reporting requirements.

In order to comply with federal reporting requirements, the collection of Personally Identifiable Information (PII) (e.g., Social Security Numbers on WIOA and non-WIOA program participants) is required to derive performance outcomes such as employment and earnings. The Office of Workforce Opportunity, New Hampshire Employment Security, and eligible training providers must take the steps necessary to ensure all PII's obtained from participants and/or other individuals is secure to protect such information from unauthorized disclosure. All PII data is processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means.

The Federal Educational Rights and Privacy Act

The Federal Educational Rights and Privacy Act (FERPA) generally applies to postsecondary institutions that are eligible training providers. Most postsecondary institutions are also recipients of federal funds under a program administered by the U.S. Department of Education. However, some private providers of training services may not be recipients of funds administered by the U.S. Department of Education, including Pell Grants or student loans funded under Title IV of the Higher Education Act of 1965. Those providers would generally be excluded from FERPA requirements. Compliance with ETPL reporting requirements does not violate the privacy requirement set forth in FERPA. Per TEGL 7-16, joint guidance issued by the U.S. Departments of Labor and Education, the FERPA audit or evaluation exception permits PII disclosure from education records for WIOA performance accountability purposes.

Should you have any questions regarding this requirement, please contact:

Lisa Gerrard, WIOA Program Administrator
Lisa.d.gerrard@livefree.nh.gov

Marek Rivero, NSCITE Administrator
marek.f.rivero@nhes.nh.gov