

Feds Release Data Matching Guidance

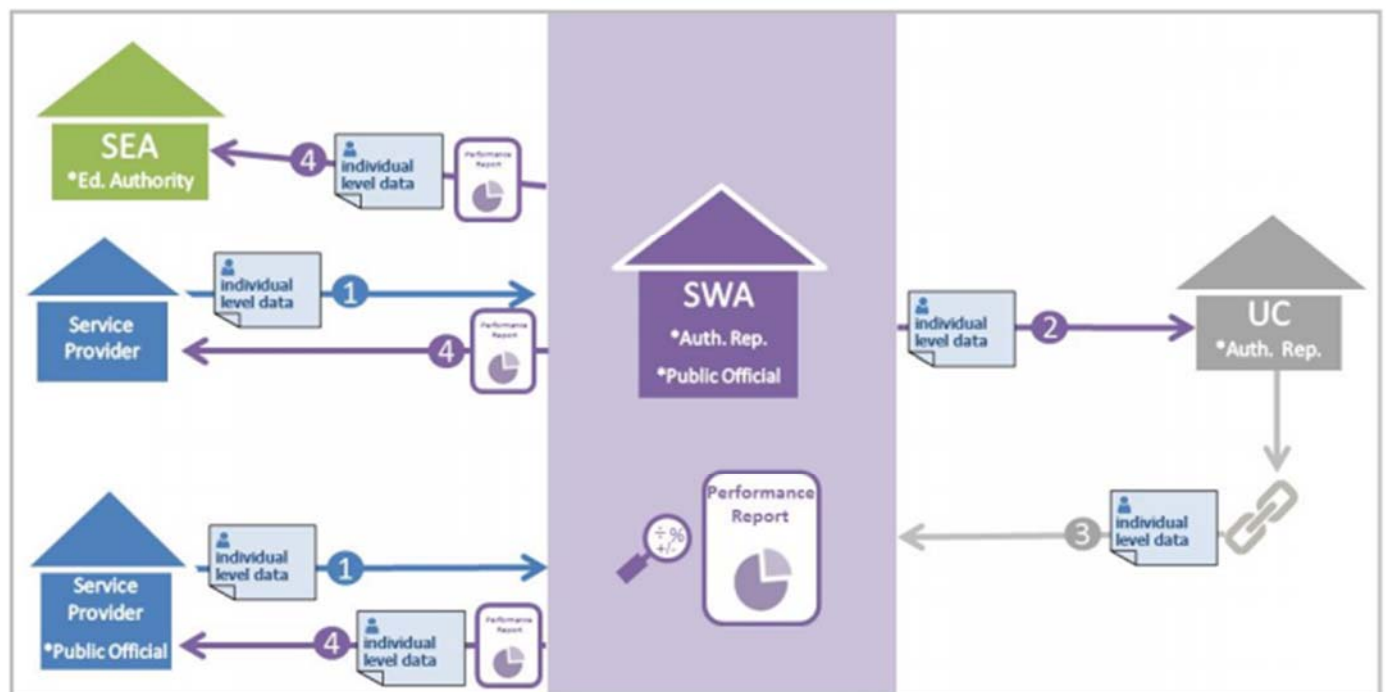
Rachel Zinn, WDQC

August 24, 2016

The U.S. Departments of Labor and Education yesterday released [joint guidance](#) to help states match data for Workforce Innovation and Opportunity Act (WIOA) reporting.

We're giddy over this document here at WDQC. Joint guidance was our top [recommendation for executive action](#) submitted to the Obama Administration in 2014, and we served as a resource to federal agencies as they developed the guidance. It comes at a critical time for states, as they work to meet new WIOA performance reporting mandates and continue progress on longitudinal data systems.

The guidance explains federal confidentiality requirements for education records, wage records, and data on Vocational Rehabilitation (VR) participants. It also outlines options for data sharing in compliance with these rules. (The options even have pictures!)



Information in the guidance is drawn from existing laws and regulations — there are no new interpretations — but the document concisely presents what states need to know for implementation of [WIOA reporting](#) and evaluation. WIOA now requires adult education and VR providers to use wage records for employment outcome reporting, and mandates that training providers report aggregate performance information on all students to remain eligible for WIOA funding.

Main points that are important and sometimes misunderstood in states are summarized below. Further resources are included in the federal guidance, and the agencies plan to offer coordinated technical assistance as questions arise. WDQC also is happy to assist with reviewing the guidance and brainstorming data matching solutions if you contact info@workforcedgc.org. (Note that we are not affiliated with the federal government and defer to the agencies for official decisions on permissible data sharing.)

- ◆ Only educational institutions and education records require compliance with the Family Education Rights and Privacy Act ([FERPA](#)). For example, VR agencies and community-based organizations that deliver adult basic education or training under WIOA do not need to comply with FERPA, except when dealing with education records that originally came from an educational institution.
- ◆ Education entities may disclose individual information (i.e. data that can be traced to a particular person) with written consent, or without consent through the audit/evaluation exception. That exception means a state agency that has authority over the education system can send student records to an "authorized representative" for evaluation. This is how some states arrange for state higher education agencies to share student records with workforce agencies for matching with Unemployment Insurance (UI) wage records.
- ◆ Authorized representatives may redisclose individual information under certain conditions, including recordkeeping requirements and assurance that additional data sharing will comply with the audit/evaluation exception limitations. So student records can go through more than one non-education agency if needed for data matching, if the proper agreements are in place.
- ◆ VR has its own federal regulations that govern sharing of individual information on program participants. VR agencies *must* release individual information when required to do so by federal law, as in the case of WIOA reporting. They *may* release it for evaluation and research if there is a written agreement, and no written consent is required from participants as long as final reports don't contain personal information.
- ◆ UI wage record confidentiality rules don't apply to aggregate data. As long as the information is aggregated in large enough groups so that it cannot be traced back to particular people, state agencies can trade and publicize aggregate wage data all they want.
- ◆ Individual wage records may be shared with a broad range of entities if individuals have given written consent. Without consent, individual records can only go to "public officials" for WIOA reporting and other limited purposes. Public officials include state education agencies and community colleges. Non-public schools and community-based organizations cannot get individual records, so to track WIOA employment outcomes, they should consider partnering with a state education or workforce agency to collect their data and do the matching.
- ◆ Programs likely need access to other states' UI wage records for accurate performance reporting, since participants may cross state lines for work. The Wage Record Interchange System ([WRIS2](#)) can be

used to access multistate wage records for WIOA reporting. State education agencies can access individual data from WRIS2 with the governor's designation and required written agreements.

◆ States have a lot to consider when setting up processes for WIOA performance reporting. Questions to tackle include: Is it feasible to get written consent from individuals for data sharing, and if not, how will we meet the conditions for data sharing set by federal rules? Does the state have its own laws or regulations on data sharing that we must follow, in addition to federal rules? What staff capacity and resources do state agencies need to handle reporting, and how will we fund these activities? Can we use existing infrastructure, such as [longitudinal data systems](#), to facilitate data matching and reporting?