


EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA/Distance Learning
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TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 9-05

TO: ALL STATE WORKFORCE AGENCIES
 ALL STATE WORKFORCE LIAISONS
 ALL STATE TRADE COORDINATORS

FROM: EMILY STOVER DeROCCO 
 Assistant Secretary

SUBJECT: Approval of Distance Learning Under the Trade Adjustment Assistance (TAA) Program

1. **Purpose.** To provide the Department's interpretation, under the Trade Act of 1974, as amended, and the regulations at 20 CFR 617, of the conditions under which distance learning may be a type of training approvable as classroom training under the TAA program.
2. **References.** Trade Act of 1974 (Pub. L. 93-619), as amended; Trade Act of 2002 (Pub. L. 107-210); 20 CFR 617; Training and Employment Guidance Letter (TEGL) 11-02, "Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002"; TEGL 7-00, "Approval of Distance Training Under the Trade Act of 1974."
3. **Background.** States have questioned whether distance learning may be considered classroom training and, thus, approvable training under the TAA program. The regulations describe two types of training: "on-the-job training" (20 CFR 617.21(f)) and "classroom training" (20 CFR 617.21(g)). The discussion of classroom training contained in 20 CFR 617.21(g) describes classroom training as "any training of the type normally conducted in a classroom setting, including vocational education, and may be provided to individuals when the conditions for approval of training are met, as provided in 20 CFR 617.22(a), to impart technical skills and information required to perform a specific job or group of jobs."

RESCISSIONS TEGL 7-00	EXPIRATION DATE: Continuing
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Many states report that an increasing number of training providers, especially community colleges, are requiring that curriculum include distance learning as a learning tool and as the preferred delivery method for many courses. Distance learning is an example of how new, interactive computer technologies have been able to provide, create or replicate the types of training that, in the past, normally took place in a "brick and mortar" classroom setting. Distance learning makes instruction available in locations where training otherwise might not be provided, especially in rural areas where there are few training providers, and can reduce the cost of training by eliminating the need to pay travel allowances to students who live far from campus. Effective use of distance learning has the potential to make a wider range of training options available to trade-affected workers who would otherwise have to travel significant distances to attend class.

TEGL 7-00 provided guidance on approving distance learning. Since the issuance of TEGL 7-00, distance learning has become a more widely utilized method of training delivery. As the use of distance learning has become more prevalent, states have continued to make inquiries seeking guidance about the approvability of distance learning, specifically with regard to the criterion in TEGL 7-00 that requires "students to come onto campus or other approved facility, for tests and meetings with instructors." This requirement restricts the use of distance learning in cases where travel to campus is difficult, precisely the situation in which use of distance learning may be most valuable.

In light of the mainstream use of distance learning, and in an effort to provide trade-affected workers with access to an array of training options that are likely to help them return to employment as quickly as possible, the Department has revised its interpretation of classroom training in 20 CFR 617.21(g) in order to simplify the approval of distance learning for TAA participants.

4. Revised Interpretation Governing Distance Learning for the TAA Program.

Under the TAA program, the Department has determined that distance learning may be considered "classroom training" when the degree or certificate received is equivalent to what would have been received if the training had been conducted on campus. This interpretation expands the types of approvable classroom training to include distance learning, where a participant completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. For distance learning, the final degree or certificate conferred must be equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location. When the above condition is met, the Department will recognize that the training is of the type that normally takes place in an interactive classroom setting; therefore, it satisfies the requirement of the regulations and statutes. This is a new standard that replaces the four conditions in TEGL 7-00.

In addition, in order for distance learning to be approved, all criteria for training approval found at 20 CFR 617.22 must be met in the same way as in any other training program.

Distance learning may, in some cases, be more self-paced than institutional training, which usually requires physical attendance at specific classes. State workforce agencies will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps the agency informed of the student's adherence to those requirements.

The regulations at 20 CFR 617.18(b)(2) make a worker ineligible for TRA for any week in which the worker "ceases to participate" in training without "justifiable cause." Paragraph (b)(2)(ii)(C) of 617.18 defines "justifiable cause" as "such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual...." Paragraph (b)(2)(ii)(B) of that section defines "ceased participation" as when a worker "fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program without justifiable cause." Thus, if a worker who is enrolled in a distance learning program is not meeting all of the training institution's requirements, he or she is considered to have ceased participation in training, and the worker is ineligible for TRA for that week, unless a reasonable individual in the worker's situation would have missed meeting the requirements.

5. **Action.** State administrators should distribute this TEGL to all appropriate staff, including staff responsible for approving TAA and NAFTA-TAA training and local workforce staff, especially One-Stop Career Center managers.
6. **Inquiries.** Inquiries regarding these instructions should be directed to the appropriate ETA Regional Office.