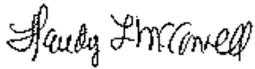


U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION TA/Distance Training
	CORRESPONDENCE SYMBOL OAS
	DATE October 30, 2000

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 7-00

TO: ALL STATE WORKFORCE LIAISONS
 ALL STATE EMPLOYMENT SECURITY AGENCIES
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL STATE ONE-STOP CAREER CENTER SYSTEM LEADS

for
 FROM: LENITA JACOBS-SIMMONS 
 Deputy Assistant Secretary

SUBJECT: Approval of Distance Training Under the Trade Act of 1974

- Purpose.** To provide the Department's interpretation, under the Trade Act of 1974 and its implementing regulations, of the conditions under which distance training may be a type of training approvable as classroom training.
- References.** The Trade Act of 1974, as amended; Title V of the North American Free Trade Agreement Implementation Act (P. L. 103-182); 20 CFR Part 617; and General Administration Letter No. 7-94.
- Background.** States have made inquiries seeking guidance about the approvability of training made possible due to advances in computer technology. Such training, which may make use of the Internet, is often referred to as distance training or distance learning. Many States report that Trade Act participants and an increasing number of training providers are demanding that curriculums use distance training as a learning tool. Distance training 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 classroom setting. Using an online computer connection, distance training can establish a setting for students and instructors where for example, lessons are assigned, completed, and returned, and discussions can be held online.

The Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) programs provide for training as one of the benefits of the Trade Act of 1974, as amended. States have questioned whether

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distance training may be considered classroom training, and, thus, approvable training for the purpose of receiving trade readjustment allowances (TRA).

The definition of classroom training contained in 20 CFR 617.21(g) describes such 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.” In order for the individual to be eligible to receive TRA for any week, 20 CFR 617.19(a)(1) requires that the individual be enrolled in or participating in a training program approved under 20 CFR 617.22(a), unless approved training is completed or waived (waivers are not available under the NAFTA-TAA program). Section 617.22(a) sets forth six (6) criteria for the approval of training.

4. **Distance Training**. In order to make determinations with respect to 20 CFR 617.21(g) and 20 CFR 617.19(a)(1), the ability of the States to monitor attendance in training is the primary concern when determining the approvability of distance training for the workers, as well as their eligibility for TRA. Although the regulations do not give a specific definition of classroom setting, the usual meaning is that the training takes place in a room in a school where students can interact with an instructor. Therefore, the key element to approvability of distance training is based primarily on the interactive nature of the classroom training experience between instructor and student. A means of communication must be established where the instructor can ask questions of the students, and the students can respond and ask questions of the instructor.

Thus, 20 CFR 617.22(a) is interpreted as permitting approval of distance training when it is ***part*** of a curriculum that:

1. leads to the completion of a training program;
2. requires students to interact with instructors;
3. requires students to take periodic tests; and
4. requires students to come onto campus or other approved facility, for tests and meetings with instructors.

Since 20 CFR 617.21(g) defines “classroom training” as “training of the type ***normally*** conducted in a classroom setting . . . ,” when the above four conditions are met, it is interpreted that the training is of the type that normally takes place in an interactive classroom setting and, therefore, satisfies the requirement of the regulation. These conditions ensure actual participation in training and also provide the State with a means

to monitor the student's participation in order to meet the TRA eligibility requirements of 20 CFR 617.19(a)(1).

5. **Action Required.** State Administrators should distribute this TEGL to all State staff responsible for approving TAA and NAFTA-TAA training.

6. **Inquiries.** Questions concerning this TEGL should be directed to the appropriate Regional Office.