

Mass Workforce Issuance

Workforce Issuance No. 06-16

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Susan V. Lawler, Director
Division of Career Services

Date: March 15, 2006

Subject: Approval Policy for Distance Training Under the Trade Adjustment Assistance Program - Revised

Purpose: To transmit policy guidance to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners related to a change in the requirements for approval of Distance Learning under the Trade Adjustment Assistance (TAA) Program.

Background: The U.S. Department of Labor (USDOL) issued Training and Employment Guidance Letter (TEGL) No. 7-00 on October 30, 2000 describing the parameters by which Distance Learning courses may be approved for eligible TAA Program participants. All TAA Program training must meet 6 specific criteria listed in the regulations at 20 CFR §617.22(a). A key element to approvability of distance training described in TEGL 7-00 was the adherence to the *interactive* nature of the training experience between instructor and student in terms of meeting the requirements for classroom training described in the TAA regulations at 20 CFR §617.21(g). Additionally, in order for an individual to be eligible to receive TRA benefits for any week, the regulations at 20 CFR §617.19(a) requires that the individual be enrolled and participating in an approved training program in accordance with the official schedule for the training program. TEGL 7-00 described the States' ability to monitor attendance in training as *the primary concern* when determining approvability of distance training for TAA eligible workers as well as their eligibility for TRA benefits.

In order to meet the regulatory requirements cited above, TEGL 7-00 instructed States that the criteria of 20 CFR §617.22(a) could be interpreted as “permitting approval of distance learning” 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 the issuance of the TEGL, concerns have continually been raised with regard to the highly restrictive nature of the requirement that students come onto campus or other approved facility as such a requirement appears to defeat the primary benefit of the distance learning methodology and in many cases unduly burden the student.

In light of the increasingly mainstream use of distance learning and in an effort to provide TAA eligible workers with access to a broader array of training options to help them return to employment as quickly as possible, USDOL issued Training and Employment Guidance Letter No. 9-05 (12/12/05) revising its interpretation of classroom training in 20 CFR 617.21 (g) in order to simplify the approval of distance learning for TAA participants (see attachment A).

USDOL has determined that distance learning may be considered “classroom training” under the TAA program 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 courses approvable as classroom training to effectively 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, USDOL 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.

Please note: All distance learning programs provided by vendors must be approved via Training Pro just as any other course approved for the TAA program. Refer to WIA Communication No. 04-43 for more information.

DCS will work with distance learning providers to ensure that the provider keeps the agency informed of students’ adherence to course requirements/milestones as well as any attendance requirements in order to maintain TRA eligibility.

Policy:

The new standard for approval of distance learning courses [in addition to the training approval criteria described at 20 CFR 617.22(a)] is:

1. The degree or certificate received is equivalent to what would have been received if the training had been conducted on campus, and

2. 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.

This standard replaces the four (4) conditions described in TEGL 7-00 and listed above.

As cited above, the criteria for TAA training approval found at 20 CFR 617.22(a) must continue to be met in the same way as any other training program. These include:

1. There is no suitable employment (which may include technical and professional employment) currently available for the adversely affected worker;
2. The worker would benefit from appropriate training;
3. There is a reasonable expectation of employment following completion of such training;
4. Training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (which may include vocational education schools and employers);
5. The worker is qualified to undertake and complete such training; and
6. Such training is suitable for the worker and available at a reasonable cost.

Additional Required Attendance Information

For those Trade approved customers participating in approved distance learning programs within a college or university type setting having specific semester calendars/schedules, TAA customers *will be required* to attach a copy of their approved schedule of classes *at the beginning of each semester* to their MA8-58A Form (TRA Weekly Requests for Allowance Form). All schedules must note any distance learning/on-line, etc. courses being taken.

Self-certification of participation in accordance with the official course schedule must still be completed weekly by the customer. DCS and DUA continue to perform periodic, random audits of all students' participation via the training provider.

Training Supplies, Materials and Equipment Information

Please note that the TAA program *will not* supply customers with essential equipment, software, etc. necessary for participation in on-line/distance learning activities. TAA Program funds may not be used to pay for desktop computers, laptops, internet accounts, browsers, general software (WIN98, 2000, MAC, memory, MS Word, Excel, Access, Adobe, etc.) or other items associated with participation in distance learning/on-line training programs.

NOTE: Please refer to MassWorkforce Issuance No. 06-15 for information regarding allowable training-related supplies, materials and equipment under the TAA program.

One-Stop Career Center staff must assist all TAA eligible customers to understand the requirements delineated in this policy with regard to the approval of the purchase of training-related supplies, materials and equipment under the TAA program.

Action

Required: Please assure that all appropriate organizations and staff are informed of the content of this issuance.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.