

# Mass Workforce Issuance

100 DCS 13.109

☒ Policy

☐ Information

**To:** Chief Elected Officials  
Workforce Development Board Chairs  
Workforce Development Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Operations Managers

**cc:** WIOA State Partners

**From:** Alice Sweeney, Director

**Date:** February 15, 2017

**Subject:** **Distance Learning under the Trade Adjustment Assistance Program**

**Purpose:** To notify Local Workforce Development Boards, One-Stop Career Center Operators and workforce partners of Distance Learning under the Trade Adjustment Assistance (TAA) Program. This policy is being amended to ensure alignment, where allowable and applicable, with the enactment of the Workforce Innovation and Opportunity Act (WIOA).

**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 Trade Readjustment Assistance (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 were 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 burdens 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 [TEGL No. 9-05](#), December 12, 2005 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 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. Please refer to [Mass Workforce Issuance No. 100 DCS 14.100.1](#); issued: July 29, 2015 and updated on July 29, 2016 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, the vendor must have a mechanism to track attendance.

All schedules must note any distance learning/on-line, etc. courses being taken and any additional costs associated must be reflected in the requested training budget.

Self-certification of participation in accordance with the official course schedule must still be completed weekly by the customer in Massachusetts UI Online. 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 ability for a customer to participate in an online program should be addressed during the assessment process.

The TAA program *will not* supply customers with essential equipment, software, etc. necessary for sole purpose of participation in on-line/distance learning activities unless no other appropriate training is available. If such an exception is applied, the equipment/software must be approved in advance.

NOTE: Please refer to Mass Workforce Issuance TAA Training Materials Allowed; [100 DCS 13.104](#), issued December 12, 2016 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 Policy 13.104 with regard to the approval of the purchase of training-related supplies, materials and equipment under the TAA program.

**Action**

**Required:** Please distribute copies of this policy to all appropriate individuals in your organization, and take necessary action to ensure compliance with this policy.

**Effective:** Immediately

**References:** Trade Adjustment Assistance Act of 1974, as amended  
The Trade Reform Act of 2002  
The Trade and Globalization Adjustment Assistance Act of 2009  
Trade Adjustment Assistance (TAA) Extension Act of 2011  
The Trade Adjustment Assistance Reauthorization Act of 2015  
Trade Regulations, 20 CFR Part 617  
Training and Employment Guidance Letter (TEGL) No. 09-05 issued December 12, 2005  
Training and Employment Guidance Letter (TEGL) No. 7-00 issued October 30, 2000  
[TEGL 11-02: Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002](#), issued October 10, 2002 and subsequent changes  
[TEGL 22-08: Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#), issued on May 15, 2009  
[TEGL 10-11: Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 \(TAAEA\)](#)  
[TEGL 05-15: Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 \(TAARA 2015\)](#)

**Inquiries:** Please email all questions to [PolicyQA@MassMail.State.MA.US](mailto:PolicyQA@MassMail.State.MA.US). Also, indicate Issuance number and title.