

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section¹. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.

This request is for revision of the approval of the reporting and recordkeeping requirements that are contained in the information collection 1845-0049 for Student Assistance General Provision regulations Subpart J-Approval of Independently Administered Tests; Specification of Passing Score; Approval of State Process. These regulations govern the application for and approval by the Secretary of assessments by a private test publisher or State that are used to measure a student's skills and abilities. The administration of approved ability to benefit (ATB) tests may be used to determine a student's eligibility for assistance for the Title IV student financial assistance programs authorized under the Higher Education Act of 1965, as amended (HEA) when the student does not have a high school diploma or its recognized equivalent.

The HEA, as amended by the Consolidated Appropriation Act, 2012 (Pub. L. 112-74) changed the Federal student aid eligibility criteria for students without a high school diploma or the recognized equivalent of a high school diploma. The statute retained the completion of a homeschool program as an eligibility alternative, but removed the passing of an independently administered Department approved ATB test as an eligibility criteria previously available to aid applicants. This change was effective for students who first enrolled in a program of study on or after July 1, 2012. Official guidance from the Department maintains that for students who previously attended an eligible program prior to July 1, 2012 and need to establish Title IV eligibility after July 1, 2012, the provisions of Public Law 112-74 do not apply and will not prevent those students from using prior ATB alternatives including passing an ATB test.

Because of this change there are a diminishing number of student applicants who could qualify to use the passing an ATB test alternative to determine Title IV eligibility. There has also been a decrease in the number of previously approved ATB examinations as test publishers have notified the Department that they are voluntarily removing their examinations from being used for ATB purposes.

¹ Please limit pasted text to no longer than 3 paragraphs.

The language of the current regulations has not changed. This application will show a decrease in the number of tests and students who may use them from prior burden estimates.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Department of Education is responsible for evaluating the quality of the State plans and private ATB test publisher tests submitted under the provisions articulated by the Secretary. Department staff will read the submitted tests and use psychometrician services to evaluate the submitted ATB tests using the Secretary's guidelines in these established regulations to determine if the tests meet the conditions for approval by the Secretary.

Postsecondary institutions will evaluate the test scores obtained by the student applicants for Federal student assistance to determine whether the student is eligible under the law for Title IV, HEA program assistance.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.

Although there are no legal or technical obstacles to the use of technology in this information collection activity, the process for applicants to submit their tests for approval is generally not conducive to any more sophisticated use of technology. However, over time we have seen ATB test publishers move from "paper and pencil" tests to computer-based testing and expect this trend to continue. As testing moves into computer-based formats, the reporting of the test results by test publishers to the institutions the student plans to attend should be more automated, until then States and test publishers will continue to provide students with a paper output report or electronic output document, and institutions with an electronic output document.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information supplied for State provided plans, for ATB test publisher applications for test approval, and in the students' test score results is not duplicated on any other information collection.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently

owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

No small businesses are affected by this information collection.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If this collection is not conducted it is possible that a student without aid eligibility could receive federal student aid in conflict with the law and in violation of the Department's fiduciary responsibilities to protect the government and taxpayer against loss through fraud and mismanagement. Alternately, without this collection, an otherwise eligible student may be denied a federal benefit for which they are eligible.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This application is consistent with all of the guidelines in 5 CFR 1320.5(d) (2), except for the request for multiple copies of each test. These tests are copyrighted and cannot be duplicated by the Department for review purposes. Therefore, the Department is requesting a waiver for 5 CFR 1320.5(d) (2) (iii). Multiple copies of the tests are required because the tests are reviewed and analyzed by Department staff and several testing experts under agreement with the Department, before any test approval is granted by the Secretary.

8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

This request is for the 30 day Federal Register notice seeking public comment on these burden assessments. The Department previously issued a 60-day Federal Register notice requesting public comment. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

There are no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.² If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

There is no assurance of confidentiality provided to the respondents concerning the application for State plans or test approval and assurance of confidentiality for the submission of test scores.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

² Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this application.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)
- Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Due to changes in the statute regarding availability of ATB tests for new students, there has been a decrease in both the number of students taking the tests as well as the number of approved tests available as test publishers have voluntarily removed certain exams from ATB use.

The request for ATB test approval from independent test publishers or the request for approval of a State process will continue to be as often as the test developers determine it is in their interest to apply for the Secretary's approval or as the agreement reaches its expiration consistent with the regulations in Subpart J. To date, there have been zero State submissions for approval and as noted earlier some previously approved examinations have been voluntarily removed from use by the test publisher as an ATB examination. Therefore there is a decrease in the burden assessed publishers for the submission of the renewal of these examinations.

The submission of the student's test score results from the test publisher to the institution generally, will occur only once. In other cases, where the institution is a two-year or

four-year degree granting institution or a public postsecondary vocational institution and the institution has a qualified assessment center, the center may score the student's ATB test and provide the results to the student's institution. Because of the change in the law, fewer students will have the ability to use an approved ATB examination to meet the general student eligibility criteria for Title IV, HEA program assistance.

Section 668.144 – Application for test approval.

Section 668.144(c) (16) & (d) (7) requires that a test publisher and a State, respectively, as part of its ATB test application describe its process to determine how a test administrator has the necessary training, knowledge, skills, and integrity to test students, as well as how a test administrator has the ability and facilities to keep its test secure against disclosure or release.

We estimate that a test publisher or State will on average take 2.5 additional hours to develop its process to establish that a test administrator has the necessary training, knowledge, skills and integrity to test students. Pursuant to prior regulatory requirements, each test publisher or State was required to have a process for determining the level of training, knowledge, and skills of a test administrator, the new final requirement includes a process to determine the integrity of the test administrator and to report their process to the Secretary in its submission for approval.

AFFECTED ENTITIES and BURDEN:

Current Burden for the For Profit Sector

# of Responses:	# of Respondents:			# of Burden Hours:
8	8	X	2.5 hours	20

Revised Burden for the For Profit Sector

# of Responses:	# of Respondents:			# of Burden Hours:
4	4	X	2.5 hours	10

Section 668.144(c)(17) & (d)(8) requires that a test publisher and a State, respectively, will explain to the Secretary its test anomaly analysis; how it will identify potential test irregularities and make a determination that test irregularities have occurred; an explanation of the process and procedures for corrective action, including decertification of a certified test administrator; and report information on when and how it will notify a test administrator, the Secretary, the institutions where the test irregularities occurred, that the test administrator has been decertified.

We estimate that a test publisher or State will on average take 75 hours to develop its test anomaly process and to establish its test anomaly analysis and explain it to the Secretary. That explanation must include its test irregularity detection process, its corrective action process, including its decertification of test administrator process, as well as its reporting processes.

AFFECTED ENTITIES and BURDEN:

Current Burden for the For Profit Sector

# of Responses:	# of Respondents:		# of Burden Hours:
8	8	X	600
Revised Burden for the For Profit Sector			
# of Responses:	# of Respondents:		# of Burden Hours:
4	4	X	300

Section 668.144(c)(18) & (d)(9) requires that a test publisher and a State, respectively, will describe to the Secretary the types of accommodations available to individuals with disabilities, including an explanation of any accessible technologies and a description of the process for a test administrator to identify and report when accommodations for individuals with disabilities were provided.

We estimate that a test publisher or State will on average take 1 hour to develop and describe to the Secretary the types of accommodations available to individuals with disabilities, the process the test administrator will use to support the identification of the disability and the process to report when accommodations were used.

AFFECTED ENTITIES and BURDEN:

Current Burden for the For Profit Sector			
# of Responses:	# of Respondents:		# of Burden Hours:
8	8	X	8
Revised Burden for the For Profit Sector			
# of Responses:	# of Respondents:		# of Burden Hours:
4	4	X	4

Current Sub-total for 34 CFR 668.144:			
# of Responses:	# of Respondents:		# of Burden Hours:
24	24		628
Revised Sub-total for 34 CFR 668.144:			
# of Responses:	# of Respondents:		# of Burden Hours:
12	12		314

Section 668.150 – Agreement between the Secretary and a test publisher or a State.

Section 668.150(b) (2) requires that each test publisher or State to obtain a certification statement from each prospective test administrator indicating that he or she is not currently decertified and that if the test administrator becomes decertified by another test publisher or State that the test administrator will immediately notify all other test publishers or States for whom the test administrator administers ATB tests.

We estimate that a test publisher or State will on average take .5 hours (30 minutes) to review its process to obtain a certification statement from each prospective test administrator. We estimate that it will take each prospective test administrator .17 hours (10 minutes) to access, read, certify and submit the written certification to the test publisher or State, as applicable. We estimate that each test publisher or State, as applicable, will take .08 hours (5 minutes) to review each certification.

AFFECTED ENTITIES and BURDEN:

Current Burden for Individuals (3,774 test administrators)

# of Responses:	# of Respondents			# of Burden Hours
3,774	3,774	X	.17 hours	642

Revised Burden for Individuals (1887 test administrators)

# of Responses:	# of Respondents			# of Burden Hours
1,887	1,887	X	.17 hours	321

Current Burden for For Profits process development

# of Responses:	# of Respondents			# of Burden Hours
8	8	X	1 hour	8

Revised Burden for For Profits process review

# of Responses:	# of Respondents			# of Burden Hours
4	4	X	.5 hours	2

Current Burden for For Profits review of submitted certifications

# of Responses:	# of Respondents			# of Burden Hours
3,774	3,774	X	.08 hour	302

Revised Burden for For Profits review of submitted certifications

# of Responses:	# of Respondents			# of Burden Hours
1,887	1,887	X	.08 hour	151

Section 668.150(b)(6) requires that the test publisher or State, respectively, immediately notify the test administrator, the Secretary, and the institutions where the test administrator previously administered the ATB tests when it decertifies a test administrator.

We estimate that 1 percent of the universe of test administrators or 19 test administrators will become decertified. We estimate that it will take test publishers and States 1 hour per decertification to notify the test administrators, the Secretary, and the affected institutions for a total of 19 hours of burden.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profits decertification process

# of Responses:	# of Respondents:			# of Burden Hours:
Test publishers - 3,774 test administrators	X .01 = 38			
38	38 X 1 hour	=		38 hours

Revised Burden for For Profits decertification process

# of Responses:	# of Respondents:			# of Burden Hours:
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Test publishers - 1,887 test administrators X .01 = 19
 19 19 X 1 hour = 19 hours

Section 668.150(b)(7) requires that when the test publisher or State makes a determination that ATB tests have been improperly administered, the final regulations require that the affected students and prospective students must be notified by the respective test publisher or State. In addition, the final regulations require that the respective test publisher or State are required to provide a report to the Secretary on the results of their review and determination of improper ATB test administration, the notifications to the institutions, students and prospective students.

We estimate that it will take each test publisher or State, as applicable, 3 hours to review their process to determine when ATB tests have been improperly administered. We estimate that 240,882 ATB tests will be provided per year and estimate that 1 % of those tests could be improperly administered or 2,409 affected students or prospective students would require notification from the test publisher or State. We estimate that the notification process and any follow-up contact to average .33 hours (20 minutes) per contact and .25 hours (15 minutes) per student.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

# of Responses:	# of Respondents:	# of Burden Hours
ATB test publishers to develop a process to determine when an ATB test has been improperly administered:		
8	8	X 5 hours = 40 hours
ATB test publisher immediate notification to affected students and prospective students of improper testing:		
4,818	4,818	X .25 hours = 1,205 hours
Test publishers reporting to the Department the results of review and notification to institutions and students who have been improperly tested:		
4,818	4,818	X .33 hours = 1,590 hours

Revised Burden for For Profit Sector

# of Responses:	# of Respondents:	# of Burden Hours
ATB test publishers to review. process to determine when an ATB test has been improperly administered:		
4	4	X 3 hours = 12 hours
ATB test publisher immediate notification to affected students and prospective students of improper testing:		
2,409	2,409	X .25 hours = 602 hours
Test publishers reporting to the Department the results of review and notification to institutions and students who have been improperly tested:		
2,409	2,409	X .33 hours = 795 hours

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Section 668.150(b)(8) requires that when a test publisher or State, respectively,

re-certifies a previously decertified test administrator after the three year decertification period, the final regulations require the test publisher or State to report to the Secretary information on previously decertified test administrators that it re-certifies.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

Test publishers:
 38 de-certifications X .02 % recertified = 1 recertification
 after the 3-yr period
 # of Responses: # of Respondents: # of Burden Hours
 1 1 1

Revised Burden for For Profit Sector

Test publishers:
 19 de-certifications X .02 % recertified = 1 recertification
 after the 3-yr period
 # of Responses: # of Respondents: # of Burden Hours
 1 1 1

Section 668.150(b)(13) requires to require that test publishers or a State analyze the test scores for all ATB test takers every 18 months to determine if there are any irregular patterns that raises an inference of improper test administration.

We estimate that a test publisher or State will on average take 75 hours to conduct its test anomaly process to establish its test anomaly analysis and report the results to the Secretary at the end of each 18-month period. That explanation must include its test irregularity detection process results, its corrective action process results, including its decertification of test administrator process results, as well as its reporting processes.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

8 approved ATB tests X 75 hours = 600 hours
 # of Responses: # of Respondents: # of Burden Hours:
 8 8 600

Revised Burden for For Profit Sector

4 approved ATB tests X 75 hours = 300 hours
 # of Responses: # of Respondents: # of Burden Hours:
 4 4 300

Section 668.150(b)(15) requires that the test publisher or State immediately report to the Secretary if it finds any credible information indicating that the approved ATB test has been compromised.

We estimate 240,882 ATB tests will be taken each year, of that number we estimate that in .001 % of the tests or 241 cases will be compromised and therefore required to be

reported to the Secretary. We estimate the collection of credible information and its reporting to the Secretary to take 1 hour per incidence.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

Test publishers data collection and reporting of compromised ATB tests:
481,763 X .001 = 482 cases X 1 hour = 482 hours
of Responses: # of Respondents: # of Burden Hours
482 482 482

Revised Burden for For Profit Sector

Test publishers data collection and reporting of compromised ATB tests:
240,882 X .001 = 241 cases X 1 hour = 241 hours
of Responses: # of Respondents: # of Burden Hours
241 241 241

Section 668.150(b)(16) requires that the test publisher or State immediately report to the Office of the Inspector General of the Department of Education any credible information indicating that a test administrator or institution may have engaged in fraud or other criminal misconduct.

We estimate 240,882 ATB tests will be taken each year, of that number we estimate that in .001 % of the tests or 241 cases that will be credible information indicating that a test administrator or institution may have engaged in fraud or other criminal conduct. We estimate the collection of credible information and its reporting to the Office of the Inspector General to take 1 hour per incidence.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

Test publishers data collection and reporting of compromised ATB tests:
481,763 X .001 = 482 cases X 1 hour = 482 hours
of Responses: # of Respondents: # of Burden Hours
482 482 482

Revised Burden for For Profit Sector

Test publishers data collection and reporting of compromised ATB tests:
240,882 X .001 = 241 cases X 1 hour = 241 hours
of Responses: # of Respondents: # of Burden Hours
241 241 241

Section 668.150(b)(17) requires that all certified test administrators are required to report to the test publisher or State, respectively, the nature of the disability and any accommodations provided when approved ATB tests are given to individuals with disabilities.

We estimate that the average amount of time that a test publisher or State, as applicable, will take to review its process for having test administrators report the nature of the test taker's disability and any accommodation provided to the individual with the disability to be 1 hours per test.

AFFECTED ENTITIES and BURDEN:

Current Burden for For Profit Sector

Test publishers:

8 tests X 2 hours for development & implementation = 16 hours
of Responses: # of Respondents: # of Burden Hours:
8 8 16

Revised Burden for For Profit Sector

Test publishers:

4 tests X 1 hours for development & implementation = 4 hours
of Responses: # of Respondents: # of Burden Hours:
4 4 4

Census information indicates that 12 % of the U.S. population is severely disabled, we estimate that 28,906 of the ATB test takers will be individuals with disabilities. We estimate that on average it will take .08 hours (5 minutes) per case to report the nature of the disability and any accommodation that the test administrator made for the test taker.

AFFECTED ENTITIES and BURDEN:

Current Burden for Individuals:

Test administrators:

481,763 ATB test takers X 12% with disabilities =
57,812 cases X .08 hours per case reported = 4,625 hours
of Responses: # of Respondents: # of Burden Hours:
57,812 57,812 4,625

Revised Burden for Individuals:

Test administrators:

240,882 ATB test takers X 12% with disabilities =
28,906 cases X .08 hours per case reported = 2,312 hours
of Responses: # of Respondents: # of Burden Hours:
28,906 28,906 2,312

Current Sub-total for 34 CFR 668.150:

of Responses: # of Respondents: # of Burden Hours:
76,031 76,031 10,031

Revised Sub-total for 34 CFR 668.150:

of Responses: # of Respondents: # of Burden Hours:
38,016 38,016 5,001

Section 668.151 – Administration of tests.

Section 668.151(g)(4) requires that institutions where approved ATB test are given by certified test administrators either at assessment centers or by an independent test administrators, maintain the name and address of the test administrator who administered the test.

Section 668.151(g)(5) requires that if the individual who took the test has a disability and as a result was unable to be evaluated by the use of a conventional test or required test accommodations, that documentation of the individual's disability and of the testing arrangements must be maintained by the institution.

We estimate that on average it will take an institution .08 hours (5 minutes) per ATB test to collect and maintain the identifier information on each test administrator for each ATB test provided, therefore we estimate a total burden of 19,271 hours (240,882 x .08). In addition, for the estimated 28,906 ATB test takers who are individuals with disabilities that it will take an additional .08 hours (5 minutes) per test taker to collect and maintain documentation on the individual's disability and the testing accommodations that were made by the test administrator for the ATB test-taker for 2,313 hours (28,906 x .08)..

AFFECTED ENTITIES and BURDEN:

Section 668.151(g)(4) –requirement that institutions maintain the identifier information for all certified ATB test administrators.

Current burden for For Profit Institutions

481,763 ATB test takers X .36% (For Profit institutions as a percentage of all participating institutions) = 173,445 X .08 hours = 13,876 hours

# of Responses:	# of Respondents:	# of Burden Hours:
173,445	173,445	13,876

Revised burden for For Profit Institutions

240,882 ATB test takers X .38% (For Profit institutions as a percentage of all participating institutions) = 91,535 X .08 hours = 7,323 hours

# of Responses:	# of Respondents:	# of Burden Hours:
91,535	91,535	7,323

Current burden for Private Institutions

481,763 ATB test takers X .31% (Private Institutions as a percentage of all participating institutions) = 149,347 X .08 hours = 11,948 hours

# of Responses:	# of Respondents:	# of Burden Hours:
149,347	149,347	11,948

Revised burden for Private Institutions

240,882 ATB test takers X .38% (Private Institutions as a percentage of all participating institutions) = 72,265 X .08 hours = 5,781 hours

# of Responses:	# of Respondents:	# of Burden Hours:
72,265	72,265	5,781

Current burden for Public Institutions

481,763 ATB test takers X .33% (public institutions as a percentage of all participating institutions) 158,962 X .08 hours = 12,717 hours
of Responses: # of Respondents: # of Burden Hours:
158,962 158,962 12,717

Revised burden for Public Institutions

240,882 ATB test takers X .32% (Public Institutions as a percentage of all participating institutions) = 77,082 X .08 hours = 6,167 hours
of Responses: # of Respondents: # of Burden Hours:
77,082 77,082 6,167

Section 668.151(g)(5) –requirement that institutions collect and maintain documentation of the individual ATB test-takers disability and of any accommodating provided by the certified test administrator to the ATB test-taker (668.151(g)(5)).

AFFECTED ENTITIES and BURDEN:

Current burden For Profit Institutions

57,812 cases of individuals with disabilities taking an ATB test X .36 (proprietary institutions as a percentage of all participating institutions) 20,812 X .08 hours per case reported = 1,665 hours
of Responses: # of Respondents: # of Burden Hours:
20,812 20,812 1,665

Revised burden For Profit Institutions

28,906 cases of individuals with disabilities taking an ATB test X .38 (proprietary institutions as a percentage of all participating institutions) 10,984 X .08 hours per case reported = 879 hours
of Responses: # of Respondents: # of Burden Hours:
10,984 10,984 879

Current burden for Private Institutions

57,812 cases of individuals with disabilities taking an ATB test X .31 (private non-profit institutions as a percentage of all participating institutions) 17,922 X .08 hours per case reported = 1,434 hours
of Responses: # of Respondents: # of Burden Hours:
17,922 17,922 1,434

Revised burden for Private Institutions

28,906 cases of individuals with disabilities taking an ATB test X .30 (proprietary institutions as a percentage of all participating institutions) 8,672 X .08 hours per case reported = 694 hours
of Responses: # of Respondents: # of Burden Hours:
8,672 8,672 694

Current burden for Public Institutions

57,812 cases of individuals with disabilities taking an ATB test X .33 (public institutions as a percentage of all participating institutions) 19,078 X .08 hours per case reported = 1,526 hours

# of Responses:	# of Respondents:	# of Burden Hours:
19,078	19,078	1,526

Revised burden Public Institutions

28,906 cases of individuals with disabilities taking an ATB test X .32 (proprietary institutions as a percentage of all participating institutions) 9,250 X .08 hours per case reported = 740 hours

# of Responses:	# of Respondents:	# of Burden Hours:
9,250	9,250	740

SUB-TOTAL for 34 CFR 668.151:

	# of Responses:	# of Respondents:	# of Burden Hours:
Current	539,566	539,566	43,166
Revised	269,788	269,788	21,584

Section 668.152 – Administration of tests by assessment centers.

The regulations require that if the test assessment center scores the approved ATB test that it must provide a copy of the completed test to the test publisher or State, as applicable, on a weekly basis to include either; the name, address, and any other identifier provided by the test publisher or State of the test administrator who administered the test; or a report of all test-takers’ scores and institutions to which the scores were sent and the name, address, and any other identifier provided by the test publisher or State of the test administrator who administered the test.

We estimate that of the 1,887 test administrators, approximately one-third or 629 are at test assessment centers.

AFFECTED ENTITIES and BURDEN:

Current burden for Private Institutions

We estimate that 18% of the test assessment centers giving ATB tests are at private non-profit institutions.

$$1,256 \text{ assessment centers} \times .18 = 226$$

$$\frac{226 \times .08 \text{ hours (5 minutes)}}{52 \text{ weeks}}$$

equals 940 hours of additional burden.

# of Responses:	# of Respondents:	# of Burden Hours:
226	226	940

Revised burden for Private Institutions

We estimate that 18% of the test assessment centers giving ATB tests are at private non-profit institutions.

	629 assessment centers	X .18	=	113	
				<u>X .08 hours (5 minutes)</u>	
				<u>X 52 weeks</u>	
				equals 470 hours of additional burden.	
# of Responses:	# of Respondents:			# of Burden Hours:	
113	113			470	

Current burden for Public Institutions

We estimate that 82% of the test assessment centers giving ATB tests are at public institutions.

	1,256 assessment centers	X .82	=	1,030	
				<u>X .08 hours (5 minutes)</u>	
				<u>X 52 weeks</u>	
				equals 4,285 hours of additional burden.	
# of Responses:	# of Respondents:			# of Burden Hours:	
1,030	1,030			4,285	

Revised burden for Public Institutions

We estimate that 82% of the test assessment centers giving ATB tests are at public institutions.

	629 assessment centers	X .82	=	516	
				<u>X .08 hours (5 minutes)</u>	
				<u>X 52 weeks</u>	
				equals 2,147 hours of additional burden.	
# of Responses:	# of Respondents:			# of Burden Hours:	
516	516			2,147	

SUB-TOTAL for 34 CFR 668.152:

	# of Responses:	# of Respondents:	# of Burden Hours:
Current	1,256	1,256	5,225
Revised	629	629	2,617

Section 668.153 – Administration of tests for individuals whose native language is not English or for individuals with disabilities.

The regulations require that the test administrator must ensure that there is documentation to support the determination that the individual has a disability and requires accommodations, however, the burden associated with this final requirement is in the maintenance of the documentation by the institution in §668.151(g)(5) - see above.

Total Respondents, Responses and Burden Hours:

	# of Respondents	# of Responses	# Hrs Burden
Section 668.144 – Application for test approval.			
	12	12	314
Section 668.150 – Agreement between the Secretary and a test publisher or a State.			
	38,016	38,016	5,001
Section 668.151 – Administration of tests.			
	269,788	269,788	21,584
Section 668.152 – Administration of tests by assessment centers.			
	629	629	2,617
Total			
	# of Respondents	# of Responses	Burden Hours
	308,445	308,445	29,516
Current Inventory:			
	# of Respondents	# of Responses	Burden Hours
	618,042	976,887	240,160
Net reduction			
	# of Respondents	# of Responses	Burden Hours
	-309,597	-668,442	-210,644

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing

economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12

Total Annualized Capital/Startup Cost :
Total Annual Costs (O&M) :
Total Annualized Costs Requested : _____

There are no startup costs.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are no additional costs to the Federal government as a result of the final regulations.

15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).

The burden decrease of 210,644 hours is due to statutory changes. The Consolidated Appropriations Act, 2012 (Public Law 112-74) changed the definition of Federal student aid eligibility criteria for students who do not have a high school diploma or its recognized equivalent as defined in Title IV of the Higher Education Act of 1965, as amended. As of July 1, 2012, the new law eliminated all but the completion of a homeschool program as an eligibility alternative previously available. Due to these changes, there is a decreasing pool of student applicants who would be eligible to take a Department approved ability to benefit exam to determine Title IV student aid eligibility. There has also been a decrease in the number of approved ability to benefit examinations

as test publishers have notified the Department that they are voluntarily removing their examinations from being used for this purpose.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

ED is not seeking this approval. The OMB number and expiration date will be announced in the Federal Register once approved by the Office of Management and Budget.

18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.

There are no exceptions to the certification.