

Application for Ability to Benefit Testing Approval

This request is for extension of the approval of the reporting and recordkeeping requirements that are contained in the information collection 1845-0049. 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.

34 CFR 668.144

Section 668.144(c)(16) requires that a test publisher, 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 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 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.

4 for profit test publishers X 2.5 hours = 10 hours

Section 668.144(c)(17) requires that a test publisher, 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 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.

4 for profit test publishers X 75 hours = 300 hours

Section 668.144(c)(18) requires that a test publisher, 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 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.

4 for profit test publishers X 1hour = 4 hours

34 CFR 668.150

Section 668.150(b) (2) requires that each test publisher 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 that the test administrator will immediately notify all other test publishers for whom the test administrator administers ATB tests.

We estimate that a test publisher 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. We estimate that each test publisher will take .08 hours (5 minutes) to review each certification.

For Profits process review: 4 for profit test publishers X .5 hours = 2 hours

For Profits review of submitted certifications: 1,887 test administrators for review X .08 hour = 151 hours

Section 668.150(b) (6) requires that the test publisher 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.

For Profits decertification process: Test publishers = 1,887 test administrators X .01 = 19
19 test administrators X 1 hour = 19 hours

Section 668.150(b)(7) requires that when the test publisher 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. In addition, the final regulations require that the respective test publisher 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 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. 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.

ATB test publishers to review. process to determine when an ATB test has been improperly administered: 4 for profit test publishers X 3 hours = 12 hours
ATB test publisher immediate notification to affected students and prospective students of improper testing: 2,409 affected students 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 affected students X .33 hours = 795 hours

Section 668.150(b)(8) requires that when a test publisher re-certifies a previously decertified test administrator after the three year decertification period, the final regulations require the test publisher to report to the Secretary information on previously decertified test administrators that it re-certifies.

For profit test publishers: 19 de-certifications X .02 % recertified = 1 recertification after the 3-yr period
1 recertification X 1 hour = 1 hour

Section 668.150(b)(13) requires to require that test publishers 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 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.

For profit test publishers: 4 approved ATB tests X 75 hours = 300 hours

Section 668.150(b)(15) requires that the test publisher 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.

For profit test publishers data collection and reporting of compromised ATB tests:
240,882 annual tests X .001 compromised tests = 241 cases to be reported to ED X 1 hour = 241 hours

Section 668.150(b)(16) requires that the test publisher 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.

For profit test publishers data collection and reporting of compromised ATB tests:
240,882 annual tests X .001 compromised tests = 241 cases reported to OIG X 1 hour = 241 hours

Section 668.150(b)(17) requires that all certified test administrators are required to report to the test publisher 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, 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.

For profit test publishers and review of disability accommodation: 4 for profit tests X 1 hours for development & implementation = 4 hours

34 CFR Section 668.151

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. In addition, for the 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.

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

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

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)).

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

TOTALS

Responses	109,754
Respondents	109,754
Burden Hours	10,884