

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:

# of Respondents:	# of Responses:	# of Burden Hours:
Burden for For-Profit Entities		
*	3	X 75 hours 225

Section 668.144(c)(18) & (d)(9) requires that a test publisher or a State 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/review/update 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:

# of Respondents:	# of Responses:	# of Burden Hours:
Burden for For-Profit Entities		
*	3	X 1 hour 3

*=Avoids duplication of the universe of respondents at the time of filing.

Sub-total for 34 CFR 668.144:

For-Profit Entities

# of Respondents:	# of Responses:	# of Burden Hours:
3	9	237

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 de-certified and that if the test administrator becomes de-certified 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 each test publisher or State, as applicable, will take .08 hours (5 minutes) to review each certification.

AFFECTED ENTITIES and BURDEN:

Burden for process development

# of Respondents:	# of Responses		# of Burden Hours
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Burden for For-Profit Entities

*	3	X .5 hours	2
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Burden for review of submitted certifications

# of Respondents:	# of Responses		# of Burden Hours
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Burden for For-Profit Entities

*	660	X .08 hours	53
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*=Avoids duplication of the universe of respondents at the time of filing.

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

We estimate that 1 percent of the universe of test administrators or 20 test administrators will become de-certified (2,000 test administrators X .01 = 20). We estimate that it will take test publishers and States 1 hour per de-certification to notify the test administrators, the Secretary, and the affected institutions for a total of 10 hours of burden.

AFFECTED ENTITIES and BURDEN:

Burden for decertification process

# of Respondents:	# of Responses		# of Burden Hours
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Burden for For-Profit Entities

*	7	X 1 hour	7
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*=Avoids duplication of the universe of respondents at the time of filing.

Section 668.150(b)(7) requires that, when the test publisher or State determines that ATB tests have been improperly administered, the affected students and prospective students must be notified by the respective test publisher or State. In addition, the 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 23,046 ATB tests will be provided per year and estimate that 2 %, or 481, of those tests could be improperly administered and 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:

ATB test publishers or States to review process to determine when an ATB test has been improperly administered:

# of Respondents:	# of Responses		# of Burden Hours
Burden for For-Profit Entities			
*	3	X 3 hours	9

ATB test publisher or States immediate notification to affected students and prospective students of improper testing:

# of Respondents:	# of Responses		# of Burden Hours
Burden for For-Profit Entities			
*	159	X .25 hours	40

ATB test publishers or States reporting to the Department the results of review and notification to institutions and students who have been improperly tested:

# of Respondents:	# of Responses		# of Burden Hours
Burden for For-Profit Entities			
*	159	X .33 hours	53

*=Avoids duplication of the universe of respondents at the time of filing.

Section 668.150(b)(13) requires 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 de-certification of test administrator process results, as well as its reporting processes.

AFFECTED ENTITIES and BURDEN:

# of Respondents:	# of Responses:		# of Burden Hours
Burden for For-Profit Entities			
*	3	X 75 hours	225

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 23,046 ATB tests will be taken each year, of that number we estimate that in .001 % of the tests or 23 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:

# of Respondents:	# of Responses:		# of Burden Hours
Burden for For-Profit Entities			
*	8	X 1 hour	8

*=Avoids duplication of the universe of respondents at the time of filing.

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 23,046 ATB tests will be taken each year, of that number we estimate that in .001 % of the tests or 23 cases that there 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:

# of Respondents:	# of Responses:		# of Burden Hours
Burden for For-Profit Entities			
*	8	X 1 hour	8

*=Avoids duplication of the universe of respondents at the time of filing.

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:

# of Respondents:	# of Responses:		# of Burden Hours:
Burden for For-Profit Entities			

Continuing Burden For-Profit Institutions

2,766 cases of individuals with disabilities taking an ATB test X 19% (For-Profit institutions as a percentage of all participating institutions) 526 X .08 hours per case reported = 42 hours

# of Respondents:	# of Responses:	# of Burden Hours:
*	526	42

*=Avoids duplication of the universe of respondents at the time of filing.

Sub-total for 34 CFR 668.151:

For-Profit Entities

# of Respondents:	# of Responses:	# of Burden Hours:
412	4,905	392

TOTALS

Respondents	415
Responses	5,927
Burden Hours	1,036