

This request is for an extension without change 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. There are no forms or formats established by the Department for the reporting or recordkeeping requirements. 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, among other conditions, the student does not have a high school diploma or its recognized equivalent. The language of the current statute and regulations have not changed.

The request for ATB test approval from independent test publishers or the request for approval of a State process will continue to be received by the Department 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 no State examinations which met the regulatory requirements submitted for approval and some previously approved examinations have been voluntarily removed from use by the test publisher as an ATB examination.

**Section 668.144 – Application for test approval.**

Section 668.144(c) (16) & (d) (7) requires each test publisher or State to have a process for determining the level of training, knowledge, and skills of a test administrator, a process to determine the integrity of the test administrator and to report their process to the Secretary in its submission for test approval.

We estimate that a test publisher or State will on average take 3 hours to review its process to establish that a test administrator has the necessary training, knowledge, skills and integrity to test students.

Section 668.144(c)(17) & (d)(8) requires that a test publisher or a State will explain to the Secretary its test anomaly analysis, how it will identify potential test irregularities and how it will make a determination that test irregularities have occurred. Additionally, 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 is required.

We estimate that a test publisher or State will on average take 75 hours to develop/review 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.

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.

**Continuing 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 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 each test publisher or State, as applicable, will take .08 hours (5 minutes) to review each certification.

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 decertifies a test administrator.

We estimate that 1 percent of the universe of test administrators or 10 test administrators will become decertified (1,000 test administrators X .01 = 10). 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 10 hours of burden.

Section 668.150(b)(7) requires that, when the test publisher or State makes a determination 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.

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.

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.

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.

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.

**Continuing Sub-total for 34 CFR 668.150:**

For-Profit Entities

# of Respondents:	# of Responses:	# of Burden Hours:
*	2,032	730

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

**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 23,046 ATB test to collect and maintain the identifier information on each test administrator for each ATB test provided. In addition, for the estimated 2,766 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.

AFFECTED ENTITIES and BURDEN:

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

## Continuing burden for For Profit Institutions

23,046 ATB test takers X .19% (418 For-Profit institutions as a percentage of 2,170 participating institutions) = 4,379 X .08 hours = 350 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)).

## AFFECTED ENTITIES and BURDEN:

## Continuing burden For Profit Institutions

2,766 cases of individuals with disabilities taking an ATB test X 19% (418 For-Profit institutions as a percentage of all participating institutions)= 526 X .08 hours per case reported = 42 hours

## TOTALS

Respondents	421
Responses	6,946
Burden Hours	1,359