

DEPARTMENT OF EDUCATION**List of Approved "Ability-to-Benefit" Tests and Passing Scores****AGENCY:** Department of Education.**ACTION:** Notice.

SUMMARY: The Secretary provides the first list of "ability-to-benefit" tests and passing scores that the Secretary has approved under section 484(d) of the Higher Education Act of 1965, as amended (HEA), and the regulations that the Secretary promulgated to implement that section in 34 CFR Part 668, Subpart J. Except as provided herein and beginning with the 61st day after the publication of this notice in the Federal Register, an institution shall use one of the approved tests included in this notice to determine if a student who does not have a high school diploma or its recognized equivalent is eligible to receive funds under any title IV, HEA program. The title IV, HEA programs include the Federal Pell Grant, Federal Family Education Loan, William D. Ford Federal Direct Loan, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, and State Student Incentive Grant Programs.

FOR FURTHER INFORMATION CONTACT: Lorraine Kennedy, U.S. Department of Education, 600 Independence Avenue, S.W., Regional Office Building 3, Room 3045, Washington, D.C. 20202-5451. Telephone: (202) 708-7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Under section 484(d) of the HEA, a student who does not have a high school diploma or its recognized equivalent is eligible to receive funds under the title IV, HEA programs only if that student takes an independently administered examination and achieves a score on that test specified by the Secretary demonstrating that the student has the ability to benefit from the education or training being offered. Those students are colloquially referred to as "ability-to-benefit" or "ATB" students, and the tests are colloquially referred to as "ability-to-benefit" or "ATB" tests.

The Secretary published final regulations in the Federal Register on December 1, 1995, implementing section 484(d) (60 FR 61830-61844). These regulations in 34 CFR Part 668, Subpart J, §§ 668.151 to 668.156, became effective on July 1, 1996, and govern the approval of ATB tests, the

passing scores for each approved test, and the administration of approved ATB tests.

Under 34 CFR 668.145(c)(1), if the Secretary approves an ATB test and the passing score on the test, the Secretary publishes the name of the test and the passing score in the Federal Register. The Secretary established the passing score on each approved test as the score that represents one standard deviation below the mean for students with high school diplomas who took the test. Establishing the passing score in this way means theoretically that 84 percent of the high school graduates who took the test passed the test. The Secretary established this score based upon a recognition that the secondary school level basic skills and general learned abilities of high school graduates in the United States vary widely.

The Secretary is publishing this notice to indicate that the Secretary has approved the following eight ATB tests and the following passing scores on those tests.

1. ASSET Program: Basic Skills Tests (Reading, Writing, and Numerical)—Forms B2 and C2

Passing Scores: The approved passing scores on this test are as follows: Reading (34), Writing (34), and Numerical (33).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: American College Testing (ACT), Placement Assessment Programs, 2201 North Dodge Street, P.O. Box 168, Iowa City, Iowa 52243, *Contact:* John D. Roth, *Telephone:* (319) 337-1030, *Fax:* (319) 337-1790.

2. Career Programs Assessment (CPAT) Basic Skills Subtests (Language Usage, Reading and Numerical)—Forms A, B, and C

Passing Scores: The approved passing scores on this test are as follows: Language Usage (43), Reading (44), and Numerical (42).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: American College Testing (ACT), Placement Assessment Programs, 2201 North Dodge Street, P.O. Box 168, Iowa City, Iowa 52243, *Contact:* John D. Roth, *Telephone:* (319) 337-1030, *Fax:* (319) 337-1790.

3. COMPASS Subtests: Prealgebra/Numerical Skills Placement, Reading Placement, and Writing Placement

Passing Scores: The approved passing scores on this test are as follows:

Prealgebra/Numerical (21), Reading (60), and Writing (31).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: American College Testing (ACT), Placement Assessment Programs, 2201 North Dodge Street, P.O. Box 168, Iowa City, Iowa 52243, *Contact:* John D. Roth, *Telephone:* (319) 337-1030, *Fax:* (319) 337-1790.

4. Computerized Placement Tests (CPTs)/Accuplacer (Reading Comprehension, Sentence Skills, and Arithmetic)

Passing Scores: The approved passing scores on this test are as follows: Reading Comprehension (52), Sentence Skills (60), and Arithmetic (36).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: The College Board, 45 Columbus Avenue, New York, New York 10023-6992, *Contact:* Ms. Loretta M. Church, *Telephone:* (212) 713-8000, *Fax:* (212) 713-8063.

5. Descriptive Tests: Descriptive Tests of Language Skills (DTLS) (Reading Comprehension, Sentence Structure and Conventions of Written English)—Forms M-K-3KDT and M-K-3LDT; and Descriptive Tests of Mathematical Skills (DTMS) (Arithmetic)—Forms M-K-3KDT and M-K-3LDT

Passing Scores: The approved passing scores on this test are as follows: Reading Comprehension (108), Sentence Structure (9), Conventions of Written English (309), and Arithmetic (506).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: The College Board, 45 Columbus Avenue, New York, New York 10023-6992, *Contact:* Ms. Loretta M. Church, *Telephone:* (212) 713-8000, *Fax:* (212) 713-8063.

6. Test of Adult Basic Education (TABE): (Reading, Mathematics Computation, Applied Mathematics Language, and Spelling)—Forms 5 and 6, Level A

Passing Scores: The approved passing scores on this test are as follows: Reading (768), Mathematics Computation (804), Mathematics Concepts and Applications (759), Language (714), and Spelling (749).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: CTB/McGraw-Hill, 11301 Jollyville Road, Townhouse I-4, Austin, TX 78759, *Contact:* Ms. Lorna Harrison,

Telephone: (512) 349-7578, Fax: (512) 349-7580.

7. Test of Adult Basic Education (TABE): (Reading, Mathematics Computation, Applied Mathematics Language, and Spelling)—Forms 7 and 8, Level A

Passing Scores: The approved passing scores on this test are as follows: Reading (559), Mathematics Computation (558), Applied Mathematics (559), Language (545), and Spelling (540).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: CTB/McGraw-Hill, 11301 Jollyville Road, Townhouse I-4, Austin, TX 78759, Contact: Ms. Lorna Harrison, Telephone: (512) 349-7578, Fax: (512) 349-7580.

8. Wonderlic Basic Skills Test (WBST)—Verbal Forms VS-1 & VS-2, Quantitative Forms QS-1 & QS-2

Passing scores: The approved passing scores on this test are as follows: Verbal (200) and Quantitative (210).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: Wonderlic Personnel Test, Inc., 1509 N. Milwaukee Ave., Libertyville, IL 60048-1380, Contact: Mr. Victor S. Artese, Telephone: (800) 323-3742, Fax: (847) 680-9492.

Duration of Approval

The Secretary approves each of these tests for five years, unless the Secretary withdraws this approval or the

publisher requests that approval of a test be withdrawn. In either case, the Secretary will publish a notice in the Federal Register indicating this change.

Use of approved tests

Until 60 days after the Secretary approves ATB tests and passing scores under the new regulations and publishes the names of those tests and passing scores in the Federal Register, institutions are allowed to continue to make ATB eligibility determinations in accordance with 34 CFR 668.155(a) under the tests and passing scores that were approved as of June 30, 1996. Those tests are listed in the 1996-97 Federal Student Financial Aid Handbook published by the Department.

Once the Secretary approves tests and passing scores under the new regulations and publishes the names of those tests and passing scores in the Federal Register, an institution may use one of those approved tests to make ATB eligibility determinations for the title IV, HEA programs. As already noted, the institution may also continue, for an additional 60 days, to use those tests approved as of June 30, 1996, for those determinations.

Except as provided under *Exception*, on the 61st day after publication in the Federal Register of the names of the tests and passing scores that are approved under the new regulations, all institutions shall use such an approved test and passing score to make ATB eligibility determinations for title IV, HEA program purposes. This means, except as provided under *Exception*, that as of December 26, 1996, an

institution may only use one of the eight tests approved under the new regulations to determine whether an ATB student is eligible to receive title IV, HEA program funds. However, as indicated in § 668.155(b), if an institution properly determined that a student had the ability to benefit under a test approved as of June 30, 1996, it does not have to redetermine the student's eligibility under a newly approved test.

In addition, approved tests must be administered in accordance with the provisions of 34 CFR 668.151 or 668.152.

Exception: Section 668.153 contains special provisions for testing students whose native language is not English and who are not fluent in English and for students who have disabilities. None of the approved tests included in this notice has been approved for those purposes. Accordingly, institutions may continue to make ATB eligibility determinations under the guidelines prescribed in the ATB notice published in the Federal Register on December 30, 1992, (57 FR 62440) and by using the tests approved as of June 30, 1996, for those types of students. Moreover, the administration of those tests will not be governed by the provisions of 34 CFR Part 668, Subpart J.

Dated: October 21, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

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