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CEO 10-02

April 7, 2010

To: Chief Executive Officers/Presidents of Institutions of Higher Education in New York State
Public Vocational Institutions Participating in State Student Aid Programs

From: Joseph P. Frey 

Subject: Update on Ability-to-Benefit (ATB) Testing Requirements for State Financial Aid

I am writing to update you on continuing implementation of revised Ability-to-Benefit testing requirements for State student financial aid.

Under Section 661 of the Education Law, as amended by Chapter 57 of the Laws of 2007, a student seeking Tuition Assistance Program (TAP) aid and other State financial aid for the first time, beginning with the 2007-08 academic year, must pass a federally approved ATB test identified by the Board of Regents *if* the student does not possess a U.S. high school diploma or its recognized equivalent. The Board of Regents implemented the law in September 2007 by approving Section 145-2.15 of the Regulations of the Commissioner of Education. Through the regulation, the Regents have helped to protect students and to ensure the effective use of TAP funding by eliminating the use of ATB tests that did not adequately assess students' ability to complete college level work and to ensure that for ATB students there was an alignment of admission requirements, level of curricula and academic support.

Update on Recent Clarifications and Technical Amendments

In March 2009, the Regents approved technical amendments to provide clarification about test administrations and limitations on employees in testing centers. In addition, in response to those of you who shared with us how prohibiting institutions from employing former students as test administrators was unnecessarily restrictive, the Regents eliminated this prohibition. All changes are summarized at:

<http://www.regents.nysed.gov/meetings/2009Meetings/March2009/0309heca1.doc>.

Information on the ATB Statement Your Institution is Required to Submit

I am also following up to assist you with the *required* filing of the attached Statement on Ability-to-Benefit Tests (ATB statement). ***All degree-granting and non-degree public vocational***

institutions must submit the Statement on Ability-to-Benefit Tests (NYSED ATB Form 1), by July 1, 2010, providing us with important information about:

- which of the approved ATB tests your institution will use for students without U.S. high school diplomas or the equivalent to qualify for State student aid;
- determinations that your institution will make regarding minimum passing scores on approved ATB tests consistent with admissions criteria, curricula and academic support and;
- how your institution will administer tests to students.

The form is available online at www.highered.nysed.gov/ocue. If your institution does **not** admit students who do not hold U.S. high school diplomas or the recognized equivalent, please indicate that on the form.

The minimum passing score you plan to set for students at your institution on approved ATB tests must first be approved by the Board of Regents. The four ATB tests that have been approved by the Regents for students without U.S. high school diplomas or the recognized equivalent to qualify for State student aid are:

- Accuplacer
- ASSET
- COMPASS (including COMPASS/ESL^{*})
- Combined English Language Skills Assessment (CELSA)^{*}

Determinations about minimum passing scores on approved ATB tests should be strongly linked to your institution's admission and financial aid policies, as well as with the level of curricula and academic support provided to your students. Consistent with Section 145-2.15(d) of the Commissioner's Regulations, the Regents **will take into account the following factors** when approving minimum passing scores.

1. The proposed scores cannot be lower than the minimum passing score set by the U.S. Secretary of Education;
2. The level of curricula the institution offers, as provided in Section 52.2(c) of the Commissioner's Regulations;
3. The admission criteria and procedures the institution utilizes to evaluate the capacity of a student to undertake a course of study and the capacity of the institution to provide instructional and other support services to ensure that the student can complete the course of study, as is required by Section 52.2(d)(2);

^{*} An institution using the COMPASS/ESL or CELSA tests must also use the quantitative section of the Accuplacer, ASSET or COMPASS tests.

4. Evidence that the admission criteria and procedures that the institution utilizes are effective in admitting only students who have the capacity to undertake a course of study and that the institution provides proper instructional and support services;
5. The adequacy of the academic support services the institution provides under Section 52.2(f)(2), as evidenced by the institution's record in promoting successful student outcomes; the percentage of first-time students enrolling in noncredit remedial courses; the percentage of first-time students returning at the beginning of the next academic year; the percentage of first-time students earning an associate degree within three years or a baccalaureate degree within six years from the date they entered the institution and such other information as the commissioner shall specify; and
6. Evidence that the institution evaluates the success of its academic and other support services in providing instructional and other support services that the student needs to complete the program and that the institution uses the evaluation to improve those services and to modify its admission criteria and procedures.

As an example, an institution that proposes to continue to use the federal minimum score should demonstrate strong instructional and support services for the level of curricula it offers and a record of success by students who do not have U.S. high school diplomas. Other institutions may wish to use higher passing scores than the federal minimum scores.

Once granted, Regents approval of the scores will be **without term** unless one of the following occurs:

- the Department determines that the passing score is no longer satisfactory in determining eligibility for awards under Section 661 of the Education Law; or
- the institution seeks to change such passing score; or
- the institution no longer offers the approved ATB test.

Please submit your completed NYSED ATB Form 1 by July 1, 2010 to:

New York State Education Department
Office of College and University Evaluation
89 Washington Avenue – 5N Mezzanine
Albany, New York 12234
Via fax: (518) 486-2779
Via E-mail: atbinfo@mail.nysed.gov

Annually, beginning in 2011, we ask each institution that offers ATB tests to qualify students who do not hold U.S. high school diplomas or the recognized equivalent for State student aid to certify by July 1 that its procedures meet the requirements of Section 145-2.15. The Annual Certification of the Independent Administration of Ability-to-Benefit Tests (NYSED ATB Form 2) will be available at www.highered.nysed.gov/ocue.

Additional Information

We have prepared a question-and-answer document about ATB requirements. It is posted on-line at www.highered.nysed.gov/ocue. For more information, please contact the Office of College and University Evaluation at (518) 474-1551 or via E-mail to atbinfo@mail.nysed.gov.

Finally, the Department convened a Work Group on ATB Tests, composed of academic and financial aid professionals from all higher education sectors, to advise it in the development and subsequent amendment of Section 145-2.15, in the review of federally approved ATB tests, and in the development of ATB Forms 1 and 2 and the associated questions and answers. The Work Group has provided invaluable advice and comments and I thank its members for their assistance.

I would also like to thank all of you for your continued leadership and support.

Attachments

cc: Commissioner Steiner
Chancellor Goldstein
Chancellor Zimpher
President Anglin
President Jerome
Work Group on ATB Tests