





TO: The Honorable the Members of the Board of Regents

FROM: Kevin Smith 

SUBJECT: Approval of Certain Ability- to-Benefit Tests for Purposes of Eligibility for State Financial Aid

DATE: October 19, 2015

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents approve a technical amendment to its list of federally approved Ability-to-Benefit tests for purposes of eligibility for State Financial Aid?

Reason(s) for Consideration

Review of policy.

Proposed Handling

This item will be presented to the Full Board for action at the October 2015 meeting of the Board of Regents.

Background Information

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 2007-2008 academic year, must pass a federally approved Ability-To-Benefit (ATB) test identified by the Board of Regents if the student does not possess a U.S. high school diploma or its recognized equivalent.

One of the requirements of Education Law 661 is that the Board of Regents identify which of the numerous federally approved ATB tests will satisfy eligibility requirements for any New York State institution of Higher Education (including non-degree granting schools) seeking TAP assistance for its students. A 2007

memorandum issued by then Senior Deputy Commissioner of Education of P-16 Johanna Duncan-Poitier (CEO 07-03) and a subsequent 2010 update memo issued by then Deputy Commissioner of Higher Education Joseph P. Frey (CEO 10-02) specifically identified the ATB tests approved for use by the Board of Regents for Institutions of Higher Education. These memoranda were not transmitted to non-degree granting schools and did not apply to these schools.

For non-degree granting schools, of which there are only a few that seek TAP assistance, the Bureau of Proprietary School Supervision (BPSS) listed which ATB tests were acceptable for use on its website. These tests were different than the tests approved in the 2007 and 2010 memoranda. Although not specifically approved by the Board of Regents, all of these tests were federally approved and were reviewed and determined to be appropriate by BPSS staff including the Deputy Commissioner.

Earlier this year, the Department received a preliminary TAP audit by the Office of the State Comptroller of a licensed private career school that sought an extremely high disallowance of TAP funding, thereby threatening the existence of the school and potentially subjecting the Department to liability for the findings because the school was relying on guidance issued by the Department. Specifically, it was the Office of State Comptroller's position that only those tests listed in the 2007 and 2010 memoranda discussed above, were authorized to be used by *any* institution of higher education including non-degree granting schools. However, the tests in these memoranda did not include the tests listed on BPSS's website for non-degree granting schools, thus the Office of State Comptroller sought to have the school's TAP award disallowed. In order to correct the oversight of not having a list of ATB tests for non-degree granting schools approved by the Board of Regents, the Board of Regents retroactively approved the use of the certain tests for non-degree granting schools at its March 2015 meeting (see Attachment A-March 2015 List [superseded]).

As part of the same audit, the Office of State Comptroller sought clarification from the Department as to which ATB tests listed on Attachment A-March 2015 list (superseded) are required for TAP eligibility for ESL/vocational programs. Attachment A of the March 2015 item indicated that a candidate in the ESL/vocational program was also required to pass the math part of the CPAT (for the 2007-2011 years) or the math part of Wonderlic Basic Skills test (for 2011- present) after they completed the ESL component in addition to the CELSA test. However, the requirement to take the math portion of the CPAT/Wonderlic examinations is a programmatic requirement and not a TAP eligibility requirement. It is sufficient for the candidate to take and pass the CELSA for initial TAP eligibility. As a result, Attachment A, as amended, sets forth a revised list of approved ATB tests for non-degree granting schools and seeks to clarify that for ESL/vocational programs only, a candidate may take and pass any of the other approved ATB tests for those years, or they may take and pass the CELSA examination and they do not need to take and pass the math component of the CPAT or Wonderlic examinations for TAP eligibility.

Recommendation

It is recommended that the Board of Regents take the following actions:

VOTED: That the Board of Regents approve, retroactively to September 1, 2007, the use of the federally approved ATB tests listed in Attachment A, as amended, which revises the list of ATB tests approved by the Board of Regents at its March 2015 meeting, for the timeframes identified therein by non-degree granting postsecondary schools for purposes of the TAP program.

Timetable for Implementation

The Regents action for retroactive and continuing approval of the use of certain ATB tests listed in Attachment A, as amended, is effective immediately.

Attachments

Attachment A- List of ATB Tests Approved at the March 2015 Regents meeting (Superseded)

ATB TESTS USED BY BPSS SCHOOLS FOR TAP

PAST USE:

CPAT with federal scores of Language Usage 42 Reading 43 Numerical 41 2007-2011

CELSA for combined ESL/Vocational Programs, with the math part of CPAT (federal scores) taken after the ESL component, 2007-2011

CURRENT USE:

WONDERLIC BASIC SKILLS TEST with federal scores 200 verbal/210 quantitative for holders of verified high school diplomas 2007-current

WONDERLIC BASIC SKILLS TEST with scores of 248 verbal/254 for students without high school diploma 2011-current

CELSA for combined ESL/Vocational Programs, with the math part of Wonderlic Basic Skills Test taken after the ESL component, 2011-current

ASSET, 2007 to current and

COMPASS, 2007 to current

Attachment A- As Amended

ATB TESTS USED BY BPSS SCHOOLS FOR TAP

PAST USE:

CPAT with federal scores of Language Usage 42 Reading 43 Numerical 41 2007-2011 and;

CELSA for combined ESL/Vocational Programs only, 2007-2011

CURRENT USE:

WONDERLIC BASIC SKILLS TEST with federal scores 200 verbal/210 quantitative for holders of verified high school diplomas 2007-current;

WONDERLIC BASIC SKILLS TEST with scores of 248 verbal/254 for students without high school diploma 2011-current;

ASSET, 2007 to current;

COMPASS, 2007 to current; and

CELSA for combined ESL/Vocational Programs only, 2011-current

