

Approved State Process

Ability to Benefit

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U.S. Department of Education

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Agenda

- Policy Overview
- Application for the Approved State Process (34 CFR §668.156)
- Calculation of Success Rate
- Eligible Career Pathway Program Overview
- Q & A

POLICY OVERVIEW

Higher Education Act (HEA) of 1965, as amended

- Section 484(d) of the HEA provides that a student without a high school diploma or its recognized equivalent may be eligible to receive Title IV, HEA program funds if the student is enrolled in an eligible career pathway program and is determined to have the ability to benefit from education or training under a State process approved by the Secretary

Academic Qualifications for Title IV aid

- **Ability to Benefit Alternatives**
 - Grandfathered students - If a student first enrolled in an eligible postsecondary program prior to July 1, 2012, the student may enroll in any eligible program and can become eligible through one of the ATB alternatives
 - Additional Eligibility Requirement - If a student first enrolled in an eligible postsecondary program on or after July 1, 2012, the student may only become eligible through one of the ATB alternatives if the student is enrolled in an “eligible career pathway program”

Academic Qualifications for Title IV aid

- As of February 2020, no State process has been approved by the Department of Education (ED)
- If an application does not receive a response from ED six months after the date of receipt, the process is deemed approved
- Approval of a State process can be granted for up to 5 years
- The Secretary can withdraw approval of a State process if the Secretary determines that the State process violated any terms of §668.156 or if the information the State submitted as a basis for approval of the State process was inaccurate

Application for the Approved State Process

(34 CFR §668.156)

Regulation

- §668.156(a)
 - (1) A State that wishes the Secretary to consider its State process as an alternative to achieving a passing score on an approved, independently administered test for the purpose of determining a student's eligibility for Title IV, HEA program funds must apply to the Secretary for approval of that process
 - (2) To be an approved State process, the State process does not have to include all the institutions located in that State, but must indicate which institutions are included

Procedure

- §668.156(a)
 - Submit your application to atbstateprocess@ed.gov and cc erin.berg@ed.gov, aaron.washington@ed.gov, and lynn.mahaffie@ed.gov
 - E-mail is preferred, but applications can be mailed to:
Lynn Mahaffie
400 Maryland Ave SW
Office 293-01
Washington, DC 20202

Common Errors

- §668.156(a)
 - Applications must list every participating institution
 - Any institution not listed in the application for a State process cannot participate in the State process

Regulation

- §668.156 (b)
 - ED approves a State's process if the State administering the process can demonstrate that the students it admits under that process without a high school diploma or its equivalent, who enroll in participating institutions, have a success rate that is within 95 percent of the success rate of students with high school diplomas

Procedure

- §668.156 (b)
 - See the “Calculation of Success Rate” section below for procedures on how to calculate the success rate

Common Errors

- §668.156 (b)
 - An application must include a success rate for ED to consider it for approval
 - If the application submitted does not include a success rate the application will be denied

Regulation

- §668.156 (c)
- A State process must require institutions participating in the process to provide each student they admit without a high school diploma or its recognized equivalent with the following services:
 - Orientation regarding the institution's academic standards and requirements, and student rights
 - Assessment of each student's existing capabilities through means other than a single standardized test
 - Tutoring in basic verbal and quantitative skills, if appropriate
 - Assistance in developing educational goals
 - Counseling, including counseling regarding the appropriate class level for that student given the student's individual's capabilities
 - Follow-up by teachers and counselors regarding the student's classroom performance and satisfactory progress toward program completion

Procedure

- §668.156 (c)
 - In your application, positively affirm that each institution participating in the State process will provide every student enrolled in an eligible career pathway program and receiving Title IV aid through the State process ATB alternative with: orientation, assessment of existing capabilities, tutoring if appropriate, assistance in developing education goals, counseling, and follow-up by teachers and counselors about satisfactory progress
 - Applications may include a one paragraph, high level description of each service

*Note: Tutoring in basic verbal and quantitative skills only needs to be provided when appropriate.

Common Errors

- §668.156 (c)
 - Assessment of each student's existing capabilities through means other than a single standardized test
 - Applications that solely list one standardized test for determining a student's capabilities will be denied

Regulation

- §668.156 (d)
 - A State process must -
 - Monitor on an annual basis each participating institution's compliance with the requirements and standards contained in the State's process;
 - Require corrective action if an institution is found to be in noncompliance with the State process requirements; and
 - Terminate an institution from the State process if the institution refuses or fails to comply with the State process requirements

Procedures

- §668.156 (d)
 - In your application, positively affirm that the State will monitor each participating institution for compliance with the State process, require corrective action if an institution is found to be in noncompliance with the State process and terminate an institution from the State process if the institution refuses or fails to comply with the State process requirements
 - Applications may include a one paragraph, high level description of each monitoring requirement

Common Errors

- §668.156 (d)
 - Applications that simply state “We will monitor participating institutions for success” without providing any additional substantive information will be denied

Checklist

Application Checklist

- | | |
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| 1. List institutions participating in State process | |
| 2. Calculate a success rate and include that rate as a part of the application | |
| 3. Affirm the 5 required services will be provided to each student and that tutoring will be provided if appropriate and provide a brief overview of each of the services | |
| 4. Affirm State will monitor, require corrective action and terminate institutions as applicable that participate in the State process and provide a brief overview of each of the monitoring requirements | |
| 5. Submit application | |

Calculation of Success Rate (34 CFR §668.156(h))

Things to Remember

- Students admitted through the State process without a H.S. diploma or its equivalent must have success rate that is within 95% of the success rate of students with a H.S. diploma
- Submitting an application without the success rate is the most common error on applications for an Approved State process

Award Year for Calculating Success Rate

- The applicable award year is the latest complete award year for which information is available that immediately precedes the date on which the State requests ED to approve its State process, except that the award year selected must be one of the latest two completed award years preceding that application date

Award Year for Calculating Success Rate - Step 1

- Determine the number of students with high school diplomas who enrolled in participating institutions and subtract the number of those students who withdrew or were expelled and received a 100 percent refund of tuition

*The result is the denominator of the success rate calculation for students with high school diplomas

Award Year for Calculating Success Rate - Step 2

- Determine the number of students identified in Step 1 that:
 - 1) Successfully completed education or training programs;
 - 2) Remained enrolled in education or training programs at the end of the award year; or
 - 3) Successfully transferred to and remained enrolled in another institution at the end of the award year.

*The result is the numerator of the success rate calculation for students with high school diplomas

Award Year for Calculating Success Rate - Step 3

- Divide the result determined in Step 2 by the result determined in Step 1.

*The result is the success rate for students with high school diplomas.

Award Year for Calculating Success Rate - Step 4

- Perform the same success rate calculation described in Steps 1, 2, and 3 for students without high school diplomas or the recognized equivalent and who were admitted under the State process.

*The result is the success rate for students without high school diplomas.

Award Year for Calculating Success Rate - Step 5

- Divide the result determined in Step 4 (for students without high school diplomas) by the result determined in Step 3 (for students with high school diplomas).

*If the result is equal to or greater than 95 percent (or 0.95), the success rate meets the regulatory requirements.

Note: States should retain supporting documentation for the success rate calculation for review, upon request, by the Secretary.

Eligible Career Pathway Program Overview

What are Eligible Career Pathway Programs?

- HEA aligns the definition of career pathway to the Workforce Innovation and Opportunity Act (WIOA), Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and is used by several other federal agencies
- No federal approval process of career pathways - states may have their own list or policies
- Career Pathways Checklist is an optional resource
 - <https://lincs.ed.gov/publications/topic/wioa/careerpathways-checklist.pdf>

Examples

- Mississippi “MI-BEST”
 - Grant funded for the six credits alternative
 - Uses “Integrated Basic Education and Skills Training (I-BEST) model
- Pima College (AZ)
 - Uses I-BEST model
 - Test alternative or WIOA funds for first six credits
 - Limits pathways for ATB students to those with certain labor market outcomes and other criteria
- Texas ATB Programs
 - Most community colleges use the test alternative or WIOA
 - ATB students limited to “Level I Certificates” to start
 - Contextualized curriculum to help adults complete

Eligible Career Pathway Program in Statute

CAREER PATHWAY— a combination of rigorous high-quality education, training, and other services that—

- A) aligns with the skill needs of industries in the economy of the State or regional economy involved;
- B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);
- C) includes counseling to support an individual in achieving education and career goals;

Eligible Career Pathway Program in Statute

(continued)

D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

E) organizes education, training, and other services to meet an individual's needs that accelerate the individual's educational and career advancement to the extent practicable;

F) enables an individual to attain a secondary school diploma or recognized equivalent, and at least 1 recognized postsecondary credential; and

G) helps an individual enter or advance within a specific occupation or occupational cluster.

Resources

- Regulations §668.156 = Approved State process
<https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol3/pdf/CFR-2019-title34-vol3.pdf> (page 503 of the PDF or 494 for the document)
- DCL GEN 16 09 – Eligible Career Pathway Programs
<https://ifap.ed.gov/dpcletters/GEN1609.html>
- DCL GEN 12 09 – Grandfathering of students prior to 2012
<https://ifap.ed.gov/dpcletters/GEN1209.html>
- EA – List of approved ATB tests and cut scores
<https://ifap.ed.gov/eannouncements/062415ATBTests.html>

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