

# Policy Memo: Guidance on 40-hour Waiver for Testing

December 4, 2019; UPDATED January 2020

#### Overview

Minnesota ABE programs are required to wait until a student has completed at least 40 contact hours since their previous test before administering a post-test. This waiver does not change that requirement, but it allows for an exception in SPECIFIC and LIMITED situations when a student can be tested with less than 40 contact hours between tests. In general, **this waiver/exception can be used only when a student with at least 12 contact hours is exiting ABE because they have completed the instruction necessary to achieve a specific academic or occupational goal**. The waiver may not be used when a student is exiting for any other reason, such as being released from a correctional facility or moving out of the community.

#### Policy Language

The Minnesota ABE Assessment Policy states:

“*Post-testing must not occur before at least 40 hours of instruction unless a specific, individual waiver is granted by a local program administrator.* ***Post-tests may be administered before 40 hours of instruction*** *since their last assessment with the same test type and modality* ***only if a student completes a course of study and/or is ready to complete a secondary, college-ready, or occupational assessment or credential, and plans to exit the program.*** *Waivers must be kept in the student file*.”

#### Definitions

**Local program administrator:** An individual who has supervisory or leadership responsibility of ABE programming at a particular site and has been granted authority by the ABE consortium to approve test waivers. This could be a supervisor, manager, coordinator or lead teacher. The consortium needs to decide and define who has the authority to approve student test waivers in the consortium’s Assessment Procedures.

**Course of study:** A course that has a defined start and end date. Examples: 32-hour CNA prep course, 20-hour intensive GED® prep course, 15-hour ACCUPLACER® prep course.

**Student file:** The student’s electronic record in the SiD data system.

**Secondary, college-ready, or occupational assessment or credential:**

* Secondary credential:
  + GED®
  + High school diploma through credit completion
  + Standard Adult High School Diploma
* College-ready assessment:
  + ACCUPLACER®
* Occupational assessment or credential:
  + An assessment or credential that is necessary for a specific occupation, such as CNA, Commercial Driver’s License or ParaPro

#### Guidance for Using the 40-hour Waiver:

The 40-hour waiver is a history item in SiD. When this history item is assigned to a student, SiD will allow a test to be entered for that student if they have a minimum of 12 hours of instruction since their last test. When assigning the history item, one of two options must be selected: 1) *Student exiting program AND completing assessment or credential* or 2) *Student exiting program AND course is ending*.

IMPORTANT NOTE: the comments section of the history item MUST be filled out anytime this waiver is used. Two items should be included in the comment box: 1) the name of the local administrator who approved the use of the waiver and 2) the name of the credential or assessment that the student is ready to complete OR the name of the course the student completed.

It is important to note that the 40-hour history item will apply for the remainder of the program year (July 1 – June 30) in which it was added. Because of this, when using the waiver in June it will be necessary to ensure that the student receives a post-test on or before June 30 when the waiver expires.

Data on usage of the 40-hour waiver will be added to the Desk Audit Report, so that programs can easily track when and for which students the waiver is being used. ABE consortia are expected to monitor the use of this test waiver to ensure it is used appropriately and not overused. The state ABE team at MDE will also be monitoring use of this waiver statewide to ensure appropriate use and watch for any potential overuse.

The consortium’s process on implementing the test waiver must be clearly documented in the Consortium Assessment Procedures and communicated with all consortium providers. The procedures should include guidelines for who is approved to grant a test waiver.

For additional guidance on using the waiver in SiD, including screen shots with example comments, read the SiD online help article: <https://mnabe.zendesk.com/hc/en-us/articles/360035909312-Waiver-for-40-hour-Testing-Requirement>

#### Frequently Asked Questions (FAQs)

**Q: Can we use this for a student who is exiting ABE because they are being released from a correctional facility?**

**A:** No. In this case the student is not exiting because they completed an academic or occupational goal. Ideally, individuals who were receiving ABE instruction while incarcerated will re-connect with ABE services once they are back in the community. If a formerly incarcerated student does continue ABE instruction after release and achieves a measurable skill gain through test-based level gain or diploma attainment, that gain also counts for the ABE program in the correctional facility if the student had 12 or more ABE hours in the correctional facility during the same program year that the gain was achieved.

**Q: Can we use this for a student who is leaving ABE because they are moving out of the state?**

**A:** No, unless they have finished a course of study or are ready to take a secondary, college-ready or occupational assessment or credential.

**Q: Can we use this for a student who is leaving ABE because they got a new job and no longer have time to attend classes?**

**A:** No, unless they have finished a course of study or are ready to take a secondary, college-ready or occupational assessment or credential.

**Q: What happens if a student gets a waiver, takes a test, exits, and then comes back to re-enroll in ABE?**

A: This should be rare because the waiver should be used when a student has accomplished a goal and is moving on. However, we recognize this is possible. In SiD, once the waiver has been used once, the testing timeline is reset to 40 hours. So if this student re-enrolls, they will once again need to complete 40 hours of instruction between tests.

**Q: Could this waiver be used for students co-enrolled with ABE and a college when the college course is coming to an end?**

**A:** Yes, AS LONG AS the student will no longer be enrolled in ABE.

**Please note:** Instruction intended to improve academic literacy and/or math skills of ABE students often requires significant time. Therefore, providing at least 40 hours of ABE instruction is best practice in many ABE/college co-enrollment situations.

**Q: What does “ready to complete” mean for a GED® student?**

**A:** This means that the student does not intend to continue participating in ABE instruction, and that the program and student have determined that the student has the skills necessary to pass any GED® tests they have not yet completed.

**Q: Should we use this waiver for every GED® student who is able to earn their GED® before they complete 40 hours of instruction?**

**A:** No. Obtaining a GED® diploma counts as a measurable skill gain. Because of this, in most cases it isn’t necessary to post-test a student in order to get credit for a measurable skill gain. The only exception to this is if a student is a participant in one program year, but will not finish their final GED® test until the following year. This can happen when a student is studying for the GED® in the spring/early summer, but doesn’t complete all of the GED® tests until after July 1. In this scenario it is appropriate to use the waiver in order to get a post-test from this student before June 30.

**Please note**: MDE staff are aware that GED® passers are sometimes not appearing in SiD records – this may be due to data matching issues between GED® data and SiD. If there is a mismatch between data fields (such as a different spelling of the student’s name or a different phone number), the pass might not automatically appear in SiD. The correct thing to do in this scenario is to contact SiD support staff ([support@mnabe.org](mailto:support@mnabe.org)) and they can help resolve the match issues. The 40-hour waiver is not intended to address this particular issue, and should not be used as a blanket waiver for GED® students.

Also note that a GED® student who has fewer than 12 total contact hours in a single program year will not count as completing a measurable skill gain for that program year because they do not meet the federal definition of an ABE “participant”. This waiver cannot be used for students with fewer than 12 hours in one program year, and those students will not show on the data match between GED® data and SiD.