

Excerpt from Federal Register Notice, September 7, 2017
<https://www.federalregister.gov/d/2017-19004>

SUPPLEMENTARY INFORMATION:

On January 14, 2008, we published in the **Federal Register** final regulations for [34 CFR part 462](#), Measuring Educational Gain in the National Reporting System for Adult Education (NRS regulations) ([73 FR 2306](#)). The NRS regulations established the process the Secretary uses to determine the suitability of tests for use in the NRS by States and local eligible providers. We annually publish in the **Federal Register** and post on the internet at www.nrsweb.org a list of the names of tests and the educational functioning levels the tests are suitable to measure in the NRS as required by § 462.12(c)(2).

On December 13, 2016, the Secretary published in the **Federal Register** ([81 FR 89920](#)) an annual notice of tests determined to be suitable for use in the NRS (December 2016 notice). The Secretary announced a list of tests and test forms determined to be suitable for use in the NRS, including: (1) Eight tests previously approved for a seven-year period from February 2, 2010 through February 2, 2017, and approved for an extended period through February 2, 2019; (2) three tests previously approved for an extended period through February 2, 2017, and approved for an extended period through February 2, 2019; and (3) one test—a revised version of a test previously approved for an extended period through February 2, 2017—for which the Secretary extended approval through February 2, 2019. The Secretary took this action to extend the approved periods for all 12 of these tests through February 2, 2019, in light of the following intervening factors: (1) The Department of Education's (Department's) plan to implement new descriptors for the NRS educational functioning levels and implement new regulations in [34 CFR part 462](#) (published in the **Federal Register** on August 19, 2016 ([81 FR 55526](#)) and effective as of September 19, 2016) that would govern the assessment review process; (2) the Department's desire to minimize disruption for its grantees in the transition to the Adult Education and Family Literacy Act (AEFLA) as authorized by the Workforce Innovation and Opportunity Act of 2014 (WIOA), including with respect to measuring educational functioning level gain under the NRS; and (3) the attendant transition authority in section 503(c) of WIOA, which authorizes the Secretary of Education to “take such actions as the Secretary determines to be appropriate to provide for the orderly transition” from AEFLA as authorized by the Workforce Investment Act of 1998 (WIA) to AEFLA as authorized by WIOA. The Secretary also clarified that, to provide for the transition from the performance accountability system for AEFLA under WIA to the performance accountability system for AEFLA as authorized by WIOA, the December 2016 notice remains effective until June 30, 2019.