

## **Minimum 40 Hours Rule for Pre- and Post-Testing**

### ***Q: What is the State Assessment Policy on the recommended number of hours between pre and post testing?***

The California Assessment policy states that CASAS recommends assessing students after approximately 70-100 hours of instruction, with the following exceptions:

- Programs offering high intensity courses (for example, a class meets more than 15 hours per week) may choose to test at the end of a semester, term, quarter, or other substantial block of instruction, even though the instructional intervention is more than 100 hours of instruction.
- Programs offering low intensity courses with fewer than 70 hours in a semester, quarter, term, or other substantial block of instruction, may choose to administer a post-test at the end of the instructional period.

Programs may assess individual learners who indicate they are leaving the program before the scheduled post-test time to maximize collection of paired test data. However, testing should not occur before at least 40 hours of instruction. The testing of students that have fewer than 40 hours of instruction must be reviewed and approved by local authorized personnel (principal, vice principal, coordinator) and these approvals must be kept and made available for review by the CDE.

### ***Q: How can agencies identify students with a pre- and post-test pair and fewer than 40 hours of instruction?***

A: Agencies can generate the TOPSpro Enterprise Data Integrity Report and “drill down” to display the list of students for DIR item #22, “Learners with a pre-/post-test pair with less than 40 hours of instruction.” Staff should review this list and correct as many listed issues as possible. The local agency administrator should review this list and must sign and date the list of students for which the administrator is approving as an exception to the minimum 40 hours between pretest and post-test rule.

### ***Q: What is the permissible percentage of agency learners with fewer than 40 hours between pre- and post-test that a WIOA Title II agency can have?***

A: There is no permissible percentage in regard to this policy. Administrators must approve exceptions to the 40 hour rule on a case by case basis.

### ***Q: Does the minimum 40 hours pre- and post-testing rule affect or “change” the requirement for a learner to have 12 hours of instruction?***

A: No. All learners must have a minimum of 12 hours of instruction for inclusion in the Federal Tables or to earn payment points. The 40 hours rule only relates to the minimum amount of instruction before administering a post-test.

***Q: Can agencies proxy a learner's hours of instruction from one program year to the current program year in TOPSpro Enterprise?***

A: No. Agencies cannot proxy instructional hours in TE. Any attendance hours reported for the current program year must actually occur within the current year—that is, between July 1 and June 30.

For federal reporting, the NRS tables use Periods of Participation (Pops) not Program Year, so that means frequently looking across years to determine attendance hours for qualified students.

***Q: When students have proxied tests, with the new date of July 1 – does the count of hours between tests now “restart” at July 1, or does it stay with the original test date?***

The hours between tests count should still begin with the original test date.

***Q: How can we determine and document that learners have had a minimum of 40 hours of instruction, when the pretest is given in one program year but applied for state and federal reporting with the new July 1 test date? Especially in situations where the majority of the instructional hours provided were in the previous program year, before July 1?***

A: In the TE Report Setup window, you can run any report specifying any date range you choose--regardless of whether these dates occur within the same program year or across program years. For example, you could run a report with your customized date range, and verify that each learner accrued forty or more hours.

For documentation, you could generate a copy of the TE report(s) that document the student attendance, and include them with the signed copy of the DIR Exceptions report (from DIR Item #22) that documents your administrator's approval of learners with less than 40 hours.

Another suggestion is to include this process in your agency's Guidelines for Local Assessment, so that it is clear how your agency determined these instructional hours. 1) Clearly define the specific group of learners with proxied tests, and with instructional hours accrued before the July 1 proxy date, 2) Indicate that this process applies only to that specific group of learners, and 3) Reinforce that your agency maintains compliance with the policy to administer post-tests to those who have at least 40 or more hours of instruction.

Only learners with instruction that is “continuous” in nature and occurs within the proxy date range of May 12 – Sep 30 should be considered in this policy.

***Q: What if our agency has a “recurring issue” with students accruing less than 40 hours of instruction. For example, a class that only meets 30 hours total, or instruction at a jail program where students may be removed from class?***

A: This may be another situation to define and document in your agency’s Local Assessment Policy. Contact your CDE consultant for further instructions.