provide documentation of periodic re-
view of the content and specifications
of the test to ensure that the test con-
tinues to reflect NRS educational func-
tioning levels.

(3) For a test that has not changed in
the seven years since the Secretary de-
termined, under § 462.13, that it was
suitable for use in the NRS that is
again being submitted to the Secretary
for review under this part, the test
publisher must provide updated data
supporting the validity of the test for
use in classifying adult learners with
respect to the NRS educational func-
tioning levels and the measurement of
educational gain as defined in § 462.43
of this part.

(4) If a test has been substantially re-
vised—for example by changing its
structure, number of items, content
specifications, item types, or sub-
tests—from the most recent edition re-
viewed by the Secretary under this
part, the test publisher must provide
an analysis of the revisions, including
the reasons for the revisions, the impli-
cations of the revisions for the com-
parability of scores on the current test
to scores on the previous test, and re-
sults from validity, reliability, and
equating or standard-setting studies
undertaken subsequent to the revi-
sions.

(Authority: 20 U.S.C. 9212)

§ 462.12 What procedures does the Sec-
retary use to review the suitability
of tests?

(a) Review. (1) When the Secretary re-
ceives a complete application from a
test publisher, the Secretary selects
experts in the field of educational test-
ing and assessment who possess appro-
priate advanced degrees and experience
in test development or psychometric
research, or both, to advise the Sec-
retary on the extent to which a test
meets the criteria and requirements in
§ 462.13.

(2) The Secretary reviews and deter-
mines the suitability of a test only if
an application—

(i) Is submitted by a test publisher;

(ii) Meets the deadline established by
the Secretary;

(iii) Includes a test that—

(A) Has two or more secure, parallel,
equated forms of the same test—either

traditional paper and pencil or com-
puter-administered instruments—for
which forms are constructed prior to
administration to examinees; or

(B) Is an adaptive test that uses com-
puterized algorithms for selecting and
administering items in real time; how-
ever, for such an instrument, the size
of the item pool and the method of
item selection must ensure negligible
overlap in items across pre- and post-
testing;

(iv) Includes a test that samples one
or more of the major content domains
of the NRS educational functioning
levels of ABE, ESL, or ASE with suffi-
cient numbers of questions to represent
adequately the domain or domains; and

(v) Includes the information pre-
scribed by the Secretary, including the
information in § 462.11 of this part.

(b) Secretary’s determination. (1) The
Secretary determines whether a test
meets the criteria and requirements in
§ 462.13 after taking into account the
advice of the experts described in para-
graph (a)(1) of this section.

(2) For tests that contain multiple
sub-tests measuring content domains
other than those of the NRS edu-
cational functioning levels, the Sec-
retary determines the suitability of
only those sub-tests covering the do-
mains of the NRS educational func-
tioning levels.

(c) Suitable tests. If the Secretary de-
termines that a test satisfies the cri-
teria and requirements in § 462.13 and,
therefore, is suitable for use in the
NRS, the Secretary—

(1) Notifies the test publisher of the
Secretary’s decision; and

(2) Annually publishes in the FED-
ERAL REGISTER and posts on the Inter-
net at http://www.nrsweb.org a list of
the names of tests and the educational
functioning levels the tests are suit-
able to measure in the NRS. A copy of
the list is also available from the U.S.
Department of Education, Office of Vo-
cational and Adult Education, Division
of Adult Education and Literacy, 400
Maryland Avenue, SW., room 11159, Po-
tomac Center Plaza, Washington, DC
20202–7240.

(d) Unsuitable tests. (1) If the Sec-
retary determines that a test does not
satisfy the criteria and requirements in
§ 462.13 and, therefore, is not suitable
§ 462.13 What criteria and requirements does the Secretary use for determining the suitability of tests?

In order for the Secretary to consider a test suitable for use in the NRS, the test or the test publisher, if applicable, must meet the following criteria and requirements:

(a) The test must measure the NRS educational functioning levels of members of the adult education population.

(b) The test must sample one or more of the major content domains of the NRS educational functioning levels of ABE, ESL, or ASE with sufficient numbers of questions to adequately represent the domain or domains.

(c)(1) The test must meet all applicable and feasible standards for test construction and validity provided in the 1999 edition of the Standards for Educational and Psychological Testing, prepared by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, the

Authority: 20 U.S.C. 9212