

### ATB options & Eligible Career Pathway Programs



34 CFR 668.32(e)(2,3,5)  
Consolidated Appropriations Act of 2016 (Public Law 114-113)  
DCL GEN-12-09  
DCL GEN-16-09  
HEA Sec. 484(d)  
Workforce Innovation and Opportunity Act (29 U.S.C. 3102(7))

### ATB tests

34 CFR Part 668 Subpart J (Sections 141–156)  
E-Announcement June 24, 2015  
Revised ATB regulations were published in the *Federal Register* on Oct. 29, 2010. Guidance on implementation of requirements for tests in languages other than English was given in GEN-11-08.

### Ceasing to be an ATB student

A student who gained TIV eligibility under one of the ATB alternatives ceases to be an ATB student when they obtain a high school diploma or its recognized equivalent. At that point, the student is no longer subject to the restrictions on ATB students, including that the student be enrolled in an eligible career pathway program in order to be (potentially) TIV-eligible.

### Ability-To-Benefit (ATB) Alternatives & Eligible Career Pathway programs

Students may become eligible for Title IV aid through the ATB alternatives in one of two ways. 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. However, 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.” See below for more details about eligible career pathway programs. An ATB student need not be enrolled concurrently in both the eligible postsecondary program and the component for attaining a high school diploma or its recognized equivalent.

The ATB alternatives include:

- Passing an independently administered Department of Education approved ATB test (see chart at the end of this section).
- Completing at least 6 credit hours or 225 clock hours that are applicable toward a Title IV-eligible degree or certificate offered by the postsecondary institution (neither remedial nor developmental coursework count toward this requirement. The coursework must demonstrate that the student has the ability to benefit from the postsecondary program in which the student is enrolled or intends to enroll, but need not be applicable to the specific degree or program in which the student is enrolled).
- Completing a State process approved by the Secretary of Education. Note: To date, no State process has been submitted for the Secretary’s approval.

▼ *Eligible Career Pathway Programs.* An “eligible career pathway program” means a program that combines rigorous and high-quality education, training, and other services that:

1. Align with the skill needs of industries in the economy of the State or regional economy involved;
2. 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 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);
3. Includes counseling to support an individual in achieving the individual’s education and career goals;
4. 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;
5. Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

6. Enables an individual to attain a high school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
7. Helps an individual enter or advance within a specific occupation or occupational cluster.

You must make a determination on whether a program meets these criteria, and you are responsible for documenting that your career pathway program(s) meet each of the requirements described above. The Department does not require that you receive approvals or endorsements from a State or local workforce agency to fulfill these requirements, although that may be one way that you document your compliance.

You must maintain documentation that each eligible career pathway program that you use as a basis for determining a student's eligibility under the ATB alternatives meets the above requirements. This must include documentation that the program(s) in question include workforce preparation activities and training for a specific occupation or occupational cluster, and that the program is aligned with the skill needs of the U.S. state or regional economy in which your school is located.

Additional information regarding the requirements for eligible career pathway programs can be found in Dear Colleague Letter GEN-16-09 on IFAP.

▼ *Eligibility of Other Students Without a High School Diploma (Grandfathered Students)*. As discussed in Dear Colleague Letter GEN-12-09, students who were enrolled in an eligible program of study prior to July 1, 2012 may continue to establish Title IV eligibility in any eligible program under one of the ATB alternatives by using the following grandfathering test:

**Question 1:** Did the student attend an eligible program at any Title IV institution prior to July 1, 2012? If yes, the student may use any of the ATB alternatives (as described above) to become eligible for Title IV, HEA student assistance. If no, continue to Question 2.

**Question 2:** Did the student, prior to July 1, 2012, officially register at a Title IV institution, and is the student scheduled to attend an eligible program? If yes, the student may use any of the ATB alternatives (as described above) to become eligible for Title IV, HEA student assistance. If no, the student may not use the ATB alternatives to become eligible for Title IV, HEA student assistance, unless the student is enrolled in an eligible career pathway program.

For a student who qualifies to use one of the ATB alternatives through enrollment in an eligible program prior to July 1, 2012, you must document that the student successfully completed one of the approved ATB alternatives described above. You must also document that the student was enrolled in both the TIV-eligible program component and the component that enables an individual to attain a high school diploma or its recognized equivalent. Such documentation could include documentation from NSLDS that shows a student's prior receipt of Title IV funds, or a transcript or other receipt that demonstrates enrollment in an eligible program.