



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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3/10/2016 1:10:54 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR  
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-**

RULE NAME **High School Diploma for Veterans** **096**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

RULE IS LEGISLATIVE EXEMPT

**Yes**

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

**W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS

**Monday, April 11, 2016**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 126-096



Rule Id: 10023



Document: 27451

126CSR96

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 96  
HIGH SCHOOL DIPLOMA FOR VETERANS (4355)

**§126-96-1. General.**

1.1. Scope. -- This legislative rule establishes the procedures and regulations for providing a high school diploma to surviving veterans of World War II, the Korean War, and the Vietnam Conflict.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code §18-2-5 and §18-2-34.

1.3. Filing Date. -- March 10, 2016.

1.4. Effective Date. -- April 11, 2016.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR96, West Virginia Board of Education Policy 4355, High School Diploma for Veterans, filed August 9, 2012, and effective September 10, 2012.

**§126-96-2. Applicability.**

2.1. W. Va. Code §18-2-34 requires the state board to promulgate rules for the identification of eligible veterans and for the awarding of high school diplomas to those veterans who served in World War II, the Korean War, and the Vietnam Conflict but who did not graduate from high school.

2.2. This policy, High School Diploma for Veterans, prescribes the procedures for identifying veterans eligible to obtain a high school diploma and for the awarding of the high school diploma. The policy also provides for the application process for said diploma and specifies the credentials required to receive the high school diploma.

**§126-96-3. Definitions.**

3.1. A World War II veteran means any veteran who performed wartime service between September 16, 1940 and December 31, 1946.

3.2. A Korean War veteran means any veteran who performed military service between June 27, 1950 and January 31, 1955.

3.3. A Vietnam Conflict veteran means any veteran who performed military service between February 28, 1961 and May 7, 1975.

**§126-96-4. Administration.**

4.1. The West Virginia Board of Education and the West Virginia Veterans' Council shall jointly administer the program for the High School Diploma for Veterans.

**§126-96-5. Application.**

5.1. The West Virginia Department of Veterans Assistance will notify veterans of World War II, the Korean War, and the Vietnam Conflict of the availability of the diploma for veterans. This notification will include the application form to receive such diploma, as designed by the West Virginia Board of Education and the West Virginia Department of Veterans Assistance.

5.1.a. This application form shall include:

5.1.a.1. veteran's military service and personal information;

5.1.a.2. school information including the name of the last school attended and the county in which located, the year left school, and the year that would have been the graduation year;

5.1.a.3. the veteran's preference to receive the diploma from the county of current residence or the county the veteran left for service.

5.1.b. The veteran will return the completed application form to Secretary of the West Virginia Department of Veterans Assistance. Upon verifying the application, the Secretary of the West Virginia Department of Veterans Assistance will forward the application to the West Virginia Department of Education for processing.

5.1.c. West Virginia Department of Education staff will notify the appropriate county of the veteran's preference to receive the diploma from the county of current residence or the county the veteran left for service.

**§126-96-6. Awarding of the High School Diploma.**

6.1. Awarding counties are to partner with a local Veterans Assistance Office or other veterans' organization to provide appropriate ceremonies for veterans receiving this diploma. These ceremonies may be held as part of the county's high school graduation ceremony or as a separate ceremony.

6.2. The diploma to be awarded to veterans through this program is the awarding county's standard diploma.

**§126-96-7. Severability.**

7.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.