



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

6/7/2012 8:37:45 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 1)

AGENCY

Education

TITLE NUMBER

126

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative Exempt

Yes

W. Va. Code §§29A-3B-1, et

SERIES NUMBER OF RULE BEING AMENDED 096

seq.: W. Va. Board of

Education v. Hechler, 180

W. Va. 451: 376 S.E.2d 839

(1988)

DATE OF FILING

Thursday, June 07, 2012

STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE

Amendment to W. Va. Code §18-2-34 per House Bill 4433

DATE OF FILING OF PROPOSED LEGISLATIVE RULE

Thursday, June 07, 2012

**DOES THE EMERGENCY RULE ADOPT NEW LANGUAGE OR DOES IT AMEND OR APPEAL A
CURRENT LEGISLATIVE RULE?**

Yes

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND EXPIRED?

No

**STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE
EMERGENCY RULE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE,
HEALTH, SAFETY OR WELFARE.**

Not Applicable

**Charles K Heinlein -- 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: 8675



Document 23758



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**IF THE EMERGENCY RULE WAS PROMULGATED IN ORDER TO COMPLY WITH A TIME LIMIT
ESTABLISHED BY THE CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE
PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN.**

**W. Va. Code §18-2-34 per House Bill 4433 - Promulgated to comply with time limit established by state
statute.**

**STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE
EMERGENCY RULE NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE PUBLIC INTEREST.**

Not Applicable

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

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

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W. Va. 451:376 S.E.2d 839

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no fiscal cost or generation of revenue through West Virginia Board of Education Policy 4355: High School Diploma for Veterans.

Charles K Heinlein -- 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.



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seq.; W. Va. Board of
Education v. Hechler, 180
W. Va. 451; 376 S.E.2d 839
(1988)

SERIES NUMBER OF RULE BEING AMENDED 096

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

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RULE TYPE

Legislative Exempt

AMENDMENT TO EXISTING RULE

Yes

SERIES NUMBER OF RULE BEING AMENDED 096

TITLE NUMBER

126

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)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

This rule, Policy 4355, has no fiscal impact.

Charles K Heinlein -- 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.



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W. Va. 451:376 S.E.2d 839

**PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE
PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT
CAPTURED ELSEWHERE ON THIS FORM.**

This rule, Policy 4355, has no fiscal impact.

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

**Charles K Heinlein -- 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



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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 I~~, World War II, the Korean ~~Conflict~~ War, and the Vietnam Conflict.

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

1.3. Filing Date. -- ~~July 14, 2000.~~

1.4. Effective Date. -- ~~August 14, 2000.~~

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 July 14, 2000, and effective August 14, 2000.

§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 I~~, World War II, the Korean ~~Conflict~~ War, and the Vietnam Conflict but who did not graduate from high school.

2.2. This policy, High School Diplomas 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 I veteran means any veteran who performed wartime service between April 6, 1917 and November 11, 1918 or has been awarded the World War I Victory Medal.~~

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

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

3.43. 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 ~~Office of Veterans Affairs~~ West Virginia Department of Veterans Assistance will notify veterans of ~~World War I~~, World War II, the Korean ~~Conflict~~ 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 ~~Office of Veterans Affairs~~ West Virginia Department of Veterans Assistance.

5.1.4a. This application form shall include:

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

~~b~~5.1.a.2. high school information including the name of the high school attended and the county in which located, the years attended high school, the year left high school to enter the service, the year that would have been the graduation year;

~~e~~5.1.a.3. the veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

5.1.2b. The veteran will return the completed application form to ~~the Director of the Office of Veterans Affairs~~ Secretary of the West Virginia Department of Veterans Assistance. Upon verifying the application, the ~~Director of the Office of Veterans Affairs~~ Secretary of the West Virginia Department of Veterans Assistance will forward the application to the West Virginia Department of Education.

5.1.3c. 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 of the high school attended.

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

6.1. Awarding counties are to partner with a local Veterans ~~Affairs~~ 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.