



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

6/7/2012 8:40:07 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(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)

COMMENTS LIMITED TO

Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS

Monday, July 09, 2012 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Betty Jo Jordan

WVDE Superintendent's Suite

Capitol Building 6, Room 362

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305

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

Yes

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 23759



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
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Education

RULE TYPE

Legislative Exempt

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AMENDMENT TO EXISTING RULE

Yes

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)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

W. Va. Code §18-2-34, amended during the 2012 Regular Legislative Session, authorizes the provision of a high school diploma to surviving veterans of World War II, the Korean War and the Vietnam Conflict. Policy 4355 is being revised to align with amended W. Va. Code §18-2-34.

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

Yes

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 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

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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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Legislative Exempt

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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

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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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

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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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

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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)

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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Document 23759

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 4355: High School Diploma for Veterans

Background: W. Va. Code §18-2-34 that authorizes providing a high school diploma to surviving veterans of World War II, the Korean War and the Vietnam Conflict was amended during the 2012 Regular Legislative Session.

Major Revisions or Reason for New Policy: This action is a revision of Policy 4355 to incorporate changes as result of amended W. Va. Code §18-2-34.

Impact: WVBE Policy 4355 establishes the procedures and regulations used to identify veterans eligible to obtain a high school diploma and for the awarding of the high school diploma.

Response to Comments:

High School Diploma for Veterans (Policy 4355)

External Stakeholders

West Virginia Legislature

West Virginia Department of Veterans Assistance

Internal Stakeholder

Betty Jordan

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 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;

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;

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

126CSR96

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.

POLICY 4355, High School Diploma for Veterans

COMMENT PERIOD ENDS: July 9, 2012

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 4355, High School Diploma for Veterans. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS

§126-96-1. General.

§126-96-2. Applicability.

§126-96.3. Definitions.

§126-96-4. Administration.

§126-96-5. Application.

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

§126-96-7. Severability.

Please direct all comments to:

Betty Jo Jordan
Superintendent's Suite
West Virginia Department of Education
Capitol Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: bjjordan@access.k12.wv.us
Fax No.: (304) 558-0048