



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

cFILED

8/9/2012 2:26:38 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, September 10, 2012

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.**

126-096

Title-Series: 126-096

8675

Rule Id: 8675

24019

Document: 24019

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. -- August 9, 2012.

1.4. Effective Date. -- September 10, 2012.

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 II, the Korean 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 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. 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.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.

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 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 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.