



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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4/11/2013 11:55:08 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Education

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

RULE NAME Issuance of the State of West Virginia High School Equivalency Diploma **032**

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

Revisions to Policy 2444.4 are being recommended to allow the Mountaineer Challenge Academy to become an Option Pathway Program and for students ages 16, 17 or 18 to complete their high school equivalency and earn a diploma from their high school or origin. Changes to the policy would also allow students aged 16 in state correctional or residential facilities to complete the option pathway and earn their high school diploma if a long term education plan is in place. Additionally, language has been changed to reflect a change in reference of diploma from West Virginia GED Diploma to West Virginia High School Equivalency Diploma to reflect computer based testing.

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: 126-032



Rule Id: 8982



Document: 24715



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

AGENCY Education

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

RULE NAME Issuance of the State of West Virginia High School Equivalency Diploma 032

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)

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

No state cost or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia High School Equivalency Diploma.

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 2)

AGENCY Education

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

RULE NAME Issuance of the State of West Virginia High School Equivalency Diploma **032**

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)

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)

AGENCY Education

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

RULE NAME Issuance of the State of West Virginia High School Equivalency Diploma 032

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.

No state cost or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia High School Equivalency Diploma.

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)

AGENCY **Education**

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

RULE NAME **Issuance of the State of West Virginia High School Equivalency Diploma** **032**

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.

No state cost or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia High School Equivalency Diploma.

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: 126-032



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EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy 2444.4- ISSUANCE OF THE STATE OF WEST VIRGINIA GENERAL EDUCATION DEVELOPMENT (GED®) DIPLOMA

Background: Title 126 Legislative Rule Board of Education Series 32 (Policy 2444.4) stipulates that individuals have the opportunity to earn a high school diploma by successfully passing the GED® and completing the Option Pathway.

Proposals: Revisions to Policy 2444.4 are being recommended to allow Mountaineer ChalleNGe Academy to become an Option Pathway Program and for students ages sixteen (16), seventeen (17) or eighteen (18) to complete their high school equivalency and earn a diploma from their high school of origin. Changes to 2444.4 would also allow students age sixteen (16) in state correctional or residential facilities to complete the option pathway and earn their high school diploma if a long term education plan is in place. Students in the Option Pathway have a compelling reason to attend school for fewer than four full years and/or be scheduled for courses for less than the full instructional day. Additionally, language has been changed to reflect a change in reference of diploma from West Virginia GED Diploma to West Virginia High School Equivalency Diploma and to reflect computer based testing. Specifically, additional sections will be added to Policy 2444.4 related to Testing of Individuals Participating in Mountaineer ChalleNGe Academy Testing of Individuals in State Correctional or Residential Facilities for Custody and Treatment.

Impact: The changes to policy would allow Mountaineer ChalleNGe Academy to become an Option Pathway Program and for students ages sixteen (16), seventeen (17) or eighteen (18) to complete their high school equivalency and earn a diploma from their high school of origin. Changes to 2444.4 would also allow students age sixteen (16) in state correctional or residential facilities to complete the option pathway and earn their high school diploma if a long term education plan is in place. Students in the Option Pathway have a compelling reason to attend school for fewer than four full years and/or be scheduled for courses for less than the full instructional day. Additionally, language has been changed to reflect a change in reference of diploma from West Virginia GED Diploma to West Virginia High School Equivalency Diploma and to reflect computer based testing. There is no legal challenge anticipated with this revision since only those students in WVBE designated programs will be afforded these opportunities.

Stakeholders

Policy 2444.4: Issuance of the State of West Virginia High School Equivalency Diploma

Dr. James B. Phares, State Superintendent of Schools
Major General James A. Hoyer, National Guard
Ms. Kathy Tasker, Deputy Director, Mountaineer Challenge Academy
Mr. Chuck Heinlein, Deputy Superintendent, WV Dept. of Education
Ms. Betty Jo Jordan, Executive Assistant, WV Dept. of Education
Mr. Robert Hull, Assistant Superintendent, WV Dept. of Education
Dr. Kathy D'Antoni, Assistant Superintendent, WV Dept. of Education
Dr. Fran Warsing, Superintendent, WV Dept. of Education
Dr. Debrah Varner, Executive Director, WV Dept. of Education
Ms. Mendy Marshall, Coordinator, WV Dept. of Education
Mr. Duane Maxey, Coordinator, WV Dept. of Education

Various other individuals during large group convenings during which input was sought.

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 32
ISSUANCE OF THE STATE OF WEST VIRGINIA ~~GENERAL EDUCATIONAL~~
~~DEVELOPMENT (GED®) HIGH SCHOOL EQUIVALENCY DIPLOMA BASED UPON~~
~~PASSAGE OF THE GED TESTS (2444.4)~~

§126-32-1. General.

1.1. Scope. -- The purpose of the State of West Virginia GED High School Equivalency Diploma is to provide appropriate recognition of educational attainment to those individuals who have demonstrated that they have attained academic skills equivalent to those at the high school completion level by satisfactorily passing the GED Tests high school equivalency assessment approved by the West Virginia Department of Education.

1.1.a. The GED Tests West Virginia Department of Education approved high school equivalency assessment mirrors the common core content standards and performance standards reflected at the national and state levels and demonstrate the attainment of developed abilities acquired through completion of a four-year high school program of study (Woodward, Katherine S., Alignment of National and State Standards, A Report by the GED Testing Service, American Council on Education, GED Testing Service, 1999).

1.2. Authority. -- West Virginia Constitution, Article XII, Section 2; W. Va. Code §§18-2-5 and 18-8-6.

1.3. Filing Date. -- August 12, 2010.

1.4. Effective Date. -- September 13, 2010.

1.5. Repeal of Former Rule. This legislative rule amends W. Va. 126CSR32, West Virginia Board of Education (WVBE) Policy 2444.4, Issuance of the State of West Virginia ~~General Educational Development (GED®) High School Equivalency Diploma Based Upon Passage of the GED Tests~~, filed March 13, 2008 and effective July 1, 2008.

§126-32-2. State of West Virginia GED High School Equivalency Diploma.

2.1. The West Virginia Department of Education, hereinafter State Department, issues a State of West Virginia GED High School Equivalency Diploma based upon satisfactory scores earned on the GED Tests an approved high school equivalency assessment. ~~These tests are prepared by the General Educational Development Testing Service (GEDTS®) as an agent of the American Council on Education. The State of West Virginia GED Diploma is issued only by the State Department.~~

2.2. ~~West Virginia is a GED~~ provides the Option State Pathway. GED Approved testing sites are authorized to test a selected population of students sixteen (16), seventeen (17) and eighteen (18) years of age, enrolled in an accredited school and engaged in an appropriate GED Option Pathway program. The student may earn a State of West Virginia GED High School Equivalency Diploma or a high school diploma, according to the completion level of the program.

§126-32-3. Applying for Testing.

3.1. First time applicants are required to ~~complete the local GED Testing Orientation Seminar or the GED Option Orientation Seminar which includes, viewing of the calculator and alternate format video, calculator practice exercises, taking and passing the Official GED Practice Test (OPT) an approved practice test~~ with the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard) and ~~completing online registration at least five business days prior to testing.~~

3.2. A valid and current state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport, with current name, birth date, and preferably a Social Security number will be required prior to and during all testing sessions. Option Pathway students may use photo identification issued by the high school. Failure to present applicable photo identification will result in a loss of testing privilege until such identification is presented. (See also Section 7.1.)

§126-32-4. Basis for Granting the State of West Virginia GED High School Equivalency Diploma.

4.1. The State Department requires that applicants taking the ~~GED Tests~~ approved high school equivalency assessment achieve a minimum passing score of ~~2250 or above on the battery of five subtests and a standard score of not lower than 410 on any one of the five subtests~~ as determined by the State Department.

4.2. Prior to taking the ~~GED Tests~~ high school equivalency assessment, individuals must provide ~~written~~ documentation from an Adult Basic Education (ABE) instructor or an ~~GED Option Pathway~~ instructor of taking and passing the ~~OPT an approved practiced test~~ by achieving the minimum score as determined by the State ~~GED Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard).

~~4.3. The State Department requires that the initial battery testing be completed within six weeks, or no more than two consecutive complete test sessions (whichever is longer in duration). First-time examinees are expected to take two or more subtests per testing session except as provided by the GEDTS accommodations policy. GED Option students do not have to complete the initial battery testing within six weeks and may take only one content test per testing session.~~

4.4. Individuals passing the ~~GED Tests~~ high school equivalency assessment will receive a State of West Virginia GED High School Equivalency Diploma. Students enrolled in the ~~GED Option Pathway~~ and passing the ~~GED Tests~~ approved high school equivalency assessment may receive a State of West Virginia GED High School Equivalency Diploma and/or a high school diploma according to the completion level of the program.

§126-32-5. Testing of Individuals Eighteen (18) Years of Age and Younger.

5.1. For the purposes of admission to take the GED high school equivalency testing assessment, the official dropout date shall be defined as, "the school day after the student's last day of attendance," as outlined in W. Va. 126CSR81, West Virginia Board of Education Policy 4110, "Attendance."

5.2. Individuals who are eighteen (18) years of age are eligible to test by qualifying under any of the following categories:

5.2.a. The candidate has been officially withdrawn from a "regular" high school ~~(a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS), i.e.,~~ officially withdrawn or home-schooled prior to test registration as evidenced by ~~written~~ documentation from the last school/system attended or by ~~written~~ documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date as indicated in Section 5.1. or home-school dates, and the original class graduation date. The candidate must also provide ~~written~~

documentation from an ABE instructor of taking and passing the ~~OPT~~ an approved practice test by achieving the minimum score as determined by the State ~~GED-Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard); ~~or evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~

5.2.b. The candidate is enrolled in the ~~GED~~ Option Pathway.

5.3. Individuals who are seventeen (17) years of age are eligible to test by qualifying under any of the following categories:

5.3.a. The candidate's original high school class has graduated before the candidate makes application for ~~GED~~ testing as evidenced by ~~written~~ documentation from the last school/system attended. Documentation must include the withdrawal date as indicated in Section 5.1. and the original class graduation date. The candidate must also provide ~~written~~ documentation from an ABE instructor of taking and passing the ~~OPT~~ approved practice test by achieving the minimum score as determined by the State ~~GED-Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard).

5.3.b. The candidate has been officially withdrawn from a "regular" high school (~~a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by the GEDTS~~), i.e., officially withdrawn or home-schooled for a period of one month prior to test registration as evidenced by ~~written~~ documentation from the last school/system attended or ~~written~~ documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date as indicated in Section 5.1., or home-school dates, and the original class graduation date. The seventeen (17) years of age candidate must also provide ~~written~~ documentation from an ABE instructor of taking and passing the ~~OPT~~ practice test by achieving the minimum score as determined by the State ~~GED-Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard); or

5.3.c. The candidate is enrolled in the ~~GED~~ Option Pathway.

5.4. Individuals who are sixteen (16) years of age are eligible to test by qualifying under the following categories:

5.4.a. The candidate is enrolled in the ~~GED~~ Option Pathway.

~~5.4.b. The sixteen (16) year old GED Option student may begin taking the GED Tests at the age of sixteen (16) but may not complete the exam until the seventeenth (17) birthday.~~

§126-32-6. Testing of Individuals Enrolled in the ~~GED~~ Option Pathway.

6.1. Examinees, at least sixteen (16) years of age, who are enrolled in the ~~GED~~ Option Pathway program may take the ~~GED Tests~~ high school equivalency assessment without withdrawing from high school provided that the following conditions are met:

6.1.a. The school, government program or institutional facility was approved by the ~~West Virginia GED-Office~~ State Department to implement the ~~GED~~ Option Pathway.

6.1.b. The course content must be rigorous enough to support passage of the ~~GED Tests~~ approved high school equivalency assessment and align with the academic expectations of the high school. ~~GED Option Pathway~~ classes should be structured as closely as possible to the West Virginia Strategic Planning in Occupational Knowledge for Employment and Success (SPOKES) classroom or an

ABE classroom providing a very comprehensive program of study for mathematics, writing, social studies, reading, science and workforce readiness.

6.1.c. The ~~GED~~ Option Pathway student must be recommended to the ~~GED~~ Option Pathway program by a member of the school, government program or institutional facility's professional staff.

6.1.d. The ~~GED~~ Option Pathway student receives counseling prior to entering the program, while participating in the program and upon exiting the program.

6.1.e. A parent/guardian, unless the student is placed in an institutional facility, must give written consent for the student to participate in the ~~GED~~ Option Pathway.

6.1.f. The candidate must also provide ~~written~~ documentation from the ~~GED~~ Option Pathway instructor of taking and passing the ~~OPT~~ approved practice test by achieving the minimum score as determined by the State ~~GED-Office~~ Department (WV ~~OPT~~ passing standard may exceed national minimum passing standard).

6.1.g. The ~~sixteen (16)-year-old~~ GED Option Pathway student may begin taking the ~~GED Tests~~ approved high school equivalency assessment at the age of sixteen (16) ~~but may not complete the exam until the seventeenth (17) birthday.~~

6.2. The ~~GED~~ Option student may receive a State of West Virginia ~~GED~~ High School Equivalency Diploma or a high school diploma according to the completion level of the program.

6.2.a. A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

6.2.a.1. Attends ~~GED~~ Option Pathway preparation classes for the high school equivalency assessment;

6.2.a.2. Passes the ~~GED Tests~~ approved practice test and the high school equivalency assessment;

6.2.a.3. Completes a 21st Century job preparation "soft skills" curriculum;

6.2.a.4. Completes the four (4) required core courses in a Career Technical Education (CTE) skilled pathway concentration or any program of study resulting in a certification;

6.2.a.5. Meets the standards on the WorkKeys® job skills assessments; and

6.2.a.6. Reaches or exceeds the cut score set by the State Department on the End-of-Concentration Performance Assessments if applicable.

6.2.a.7. A student who successfully completes the Option Pathway has a compelling reason to attend school for fewer than four full years and/or be scheduled for courses for less than the full instructional day. For example, a student successfully passes the Option Pathway high school equivalency assessment and completes the career and technical concentration. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example would be when a student has successfully passed the Option Pathway high school equivalency assessment but has not yet completed their career and technical concentration. That student may only need to attend school during the part of the day for the career and technical courses. In both examples, the students would not need to be enrolled for the four full years or for the full

instructional day. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

6.2.b. A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

6.2.b.1. Is a senior and will not graduate with ninth grade cohort;

6.2.b.2. Receives ~~GED~~ preparation classes for the high school equivalency assessment in the deficient content areas;

6.2.b.3. Passes the content area ~~GED-Test~~ practice test and the high school equivalency assessment by achieving the minimum score as determined by the State ~~GED-Office~~ Department (WV ~~GED~~ passing standard may exceed national minimum passing standard); and

6.2.b.4. Continues attending and maintaining passing grades in all other classes.

6.2.c. The State of West Virginia ~~GED~~ High School Equivalency Diploma is earned and the student is counted as a completer but not a dropout or a graduate if the student passes the ~~GED-Tests~~ high school equivalency assessment prior to leaving the "regular" high school.

§126-32-7. Testing of Individuals Participating in a Government Program ~~or a West Virginia State Institutional Facility.~~

7.1. Examinees, at least sixteen (16), seventeen (17) or eighteen (18) years of age, who are participating in a residential, ~~non-residential, or post-residential~~ government program, i.e., Job Corps, ~~Mountaineer Challenge Academy~~ and/or other approved career focused federal residential programs, may be tested provided that the following conditions are met:

7.1.a. The candidate at least sixteen (16), ~~seventeen (17) or eighteen (18)~~ years of age has been officially withdrawn from a "regular" high school (~~a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS~~) as evidenced by ~~written~~ documentation from the last school/system attended, or

7.1.b. If the program is approved as an ~~GED~~ Option Pathway program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the ~~GED~~ Option Pathway guidelines.

7.1.c. The candidate has taken and passed the ~~OPT~~ practice test for the approved high school equivalency assessment (WV ~~OPT~~ passing standard may exceed national minimum passing standard) as evidenced by ~~written~~ documentation from an instructor at the facility.

7.1.d. ~~Mountaineer Challenge Academy cadet desiring to retest during the post-residential phase, which lasts one year from graduation date, may use the Mountaineer Challenge Academy's photo identification if documentation reflecting the cadet's graduation date is presented to the GED Examiner.~~

7.2. Individuals who are sixteen (16), seventeen (17) or eighteen (18) years of age and are residents of a West Virginia state-operated institutional facility may take the tests while the examinee is under the control of the facility.

7.2.a. ~~The candidate sixteen (16) years of age may begin testing if the program/institution is approved as a Option program.~~

7.3. Adjudicated youth sixteen (16), seventeen (17) or eighteen (18) years of age, who are under the control of a court, detention center, group care facility, or probation office may be admitted to ~~GED~~ testing by qualifying under any of the following categories:

7.3.a. Adjudicated youth with a court order from a judge or an order from a magistrate designated as a juvenile referee is to be admitted for ~~GED~~ testing, even if the individual is still enrolled in school; or

7.3.b. Upon entering the control of a detention center or group care facility, an assessment that addresses the educational needs of the child is to be conducted by qualified personnel of the facility. If it is determined that there is no reasonable expectation of graduation from the "regular" high school of origin ~~(a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined GEDTS)~~ and if the possibility of being placed at a long-term instate facility is very unlikely, the youth may be admitted to ~~GED Testing~~:

7.3.b.1. Prior to testing, the ~~GED~~ candidate ~~sixteen (16),~~ seventeen (17) or eighteen (18) years of age must be officially transferred from the public school system to the detention center or group care facility as evidenced by ~~written~~ documentation from the last school/system attended, ~~unless enrolled in an approved GED Option program.~~

7.3.b.2. Must pass the ~~OPT~~ practice test for the approved high school equivalency assessment (WV ~~OPT~~ passing standard may exceed national minimum passing standard) as evidenced by ~~written~~ documentation from an instructor at the facility.

7.3.b.3. If the program is approved as an GED Option Pathway program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the GED Option Pathway guidelines. Students, who are enrolled in the Option Pathway and are no longer a resident of the West Virginia state-operated institutional facility or are no longer adjudicated, upon release are eligible to continue completion of the Option Pathway at the high school of origin.

7.4. All youth who have taken the ~~GED Tests~~ approved high school equivalency assessment as per section 7.1.-7.3. but did not pass the ~~GED test~~ and are no longer a resident of a government program or are no longer a resident of a West Virginia state-operated institutional facility or are no longer adjudicated are eligible to continue testing upon completion of the program or upon release by presenting state issued photo identification and qualifying under either of the following categories:

7.4.a. A copy of a court order from a judge or an order from a magistrate, designated as a juvenile referee, is provided for the ~~GED~~ Examiner. The order must state that the individual will take the ~~GED Tests~~ high school equivalency assessment. Such an order allows an individual, sixteen (16), seventeen (17) or eighteen (18) years of age, to test even if the individual is still enrolled in school; or

7.4.b. The ~~GED~~ candidate's previous scores are located in the ~~GED~~ databank indicating to the ~~GED~~ Examiner that the previous ~~GED~~ Examiner obtained all necessary documentation needed for testing.

§126-32-8. Testing of Option Pathway Students Enrolled in Mountaineer Challenge Academy.

8.1. Mountaineer Challenge Academy is approved by the State Department to implement the Option Pathway.

8.2. Examinees, at least sixteen (16), seventeen (17) or eighteen (18) years of age, who are participating in the Mountaineer Challenge Academy may take the high school equivalency assessment without withdrawing from a West Virginia high school.

8.3. The sixteen (16) seventeen (17) or eighteen (18) years of age student currently enrolled in a West Virginia high school participating in the Option Pathway shall be awarded a high school diploma from their high school of origin by Mountaineer Challenge Academy and be counted as a graduate if the student meets the following requirements:

8.3.a. Attends preparation classes for high school equivalency assessment;

8.3.b. Passes the high school equivalency assessment;

8.3.c. Completes the 22 week Mountaineer Challenge Academy Program;

8.3.d. Successfully completes the competencies in the four (4) National Guard Youth Challenge Program Courses, a career technical education (CTE) skilled pathway concentration; and

8.3.e. Meets a level 4 on the WorkKeys® job skills assessments.

8.4. The Mountaineer Challenge Academy students who successfully complete the Option Pathway have a compelling reason to attend school for fewer than four full years while a resident and during the post residential phase. For example, students successfully pass the Option Pathway (high school equivalency assessment) and complete the career and technical concentration while at the Academy. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example, students complete competencies in the four (4) National Guard Youth Challenge Program Courses, a career technical education (CTE) skilled pathway concentration but did not pass the high school equivalency assessment. The students may return to the home high school to complete the high school equivalency content areas where the passing scores were not achieved at the Academy. Upon completion of the high school equivalency assessment, at that point the students have completed the requirements for graduation even though their graduation cohort may not yet have graduated. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

8.5. The high school diploma is earned and the student is counted as a graduate of their school of origin for the purposes of calculating the graduation rate after successfully mastering standards of the Mountaineer Challenge Program.

8.6. The Mountaineer Challenge Academy student who does not complete the Option Pathway while a resident of the program, may return to the high school during the post residential phase, which lasts one year from Mountaineer Challenge Academy graduation date, to complete only the deficient areas of study.

8.7. A Mountaineer Challenge Academy student who does not pass the high school equivalency assessment while in the Academy may retest during the post-residential phase and may use the Mountaineer Challenge Academy's photo identification if documentation reflecting the cadet's graduation date is presented to the Examiner.

§126-32-9. Testing of Option Pathway Students in West Virginia State Correctional or Residential Facilities for custody and treatment.

9.1. Examinees, at least sixteen (16) seventeen (17) or eighteen (18) years of age, who are participating in an educational program designated by the WVBE as a state correctional or residential facility for custody and treatment shall have the opportunity to complete the State Department approved Option Pathway and earn a high school diploma if the following conditions are met:

9.1.a. Attends preparation classes for high school equivalency assessment;

9.1.b. Passes the practice test and the high school equivalency assessments following guidelines in 7.2.;

9.1.c. Successfully completes the competencies in the four (4) core courses in an approved Career Technical Education skilled pathway concentration;

9.1.c.1. Virtual;

9.1.c.2. Career-Integrated Experiential Learning (CIEL); or

9.1.c.3. State approved program of study; and

9.1.d. Meets a required level for the WorkKeys® job skills assessments.

9.2. The students in a state correctional or residential facility who successfully complete the Option Pathway have a compelling reason to attend school for fewer than four full years while a resident and during the post residential phase. For example, students successfully pass the Option Pathway high school equivalency assessment and complete the career/technical concentration while at the institution. At that point they have completed the requirements for graduation even though their graduation cohort may not yet have graduated. Another example, students complete competencies in the four (4) core courses of a career technical education (CTE) skilled pathway concentration but did not pass the high school equivalency assessment. The students may return to the home high school to complete the high school equivalency content areas where the passing scores were not achieved at the institution. Upon completion of the high school equivalency assessment, at that point the students have completed the requirements for graduation even though their graduation cohort may not yet have graduated. The county or school would not acquire a penalty for graduation rate or attendance rate in either scenario.

9.3. The high school diploma is earned and the student is counted as a graduate of their school of origin for the purposes of calculating the graduation rate after successfully mastering standards of the state correctional or residential facility.

9.4. The student in a state correctional or residential facility who does not complete the Option Pathway while a resident of the program may return to the high school to complete only the deficient areas of study.

§126-32-810. Residence.

810.1. Persons meeting all criteria and demonstrating themselves eligible under the State of West Virginia GED High School Equivalency Diploma guidelines shall be admitted to GED testing for the purpose of securing a State of West Virginia GED High School Equivalency Diploma. The candidate must present clear, current, state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport. The GED Examiner may request further proof or other pertinent documentation as evidence of identity, i.e., birth certificate, Social Security card, etc.

§126-32-911. Transcripts of Scores.

911.1. The fact that a person has or has not taken the GED Tests high school equivalency assessment is confidential information since disclosing participation in the GED Testing Program is tantamount to reporting the absence of a traditional high school diploma. Therefore, no name of a credential recipient will be released unless an individual candidate has signed written permission to release the information. Nevertheless, the GED candidate when registering for the GED Tests high school equivalency assessment

agrees that information will be shared with necessary West Virginia public school systems and the State Department. Information for data sharing purposes only may be shared with other agencies.

911.2. The original copy of the transcript and diploma shall be issued at no cost. Persons requesting a ~~duplicate GED~~ transcript and/or a replacement copy of their State of West Virginia ~~GED~~ High School Equivalency Diploma as evidenced by passing the ~~GED-Tests~~ high school equivalency assessment must do so in writing to the State ~~GED-Office~~ Department. The request must originate from the graduate and include the name under which testing occurred, Social Security number, date of birth, place and year of testing, daytime phone number, a copy of a current and valid state-issued photo identification, an original signature and designation as to whom the copy is to be sent. In addition, a check or money order for the research/printing fee, which is determined by the State Department's ~~GED-Office~~, must be included for each transcript requested. No requests, including those for correctional purposes, military enlistment, job placement, or test verification, will be honored without the research/printing fee. All requests must be submitted to the West Virginia Department of Education, ~~GED~~ Office of Optional Educational Pathways, Capitol Complex, Building 6, Room ~~250~~ 728, 1900 Kanawha Boulevard, East, Charleston, WV 25305.

§126-32-102. Falsification of GED Tests Information and/or Center Violations.

102.1. Falsification of Test Information or Personal Security Violations.

102.1.a. Any falsification of information and/or cheating on the ~~GED-Tests~~ high school equivalency assessment will result in penalties as outlined in the West Virginia ~~GED~~ Examiners' Manual, "~~West Virginia GED Security and Administrative Procedures,~~" and as directed by GEDTS regulations.

102.2. Security Compromises in Centers.

102.2.a. Testing center violations will be processed according to the procedures outlined in the West Virginia ~~GED~~ Examiners' Manual, "~~West Virginia GED Security and Administrative Procedures.~~"

§126-32-143. Testing Fees.

143.1. Testing fees shall be established ~~as outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures."~~ Altering fees for the ~~GED-Tests~~ by local testing centers must be approved by the State ~~GED-Office~~ Department.

§126-32-124. All correspondence regarding this policy should be directed to:

124.1. ~~State GED Coordinator~~ Office of Optional Educational Pathways.

~~GED~~ Office of Optional Educational Pathways
West Virginia Department of Education
Capitol Complex, Building 6, Room ~~250~~ 728
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
(304) 558-6315.

§126-32-135. Severability.

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

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POLICY2444.4: Issuance of the State of West Virginia High School Equivalency Diploma

COMMENT PERIOD ENDS: May 13, 2013

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 2444.4: Issuance of the State of West Virginia High School Equivalency Diploma. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| ☐ School System Superintendent | ☐ School System Staff | ☐ Parent/Family |
| ☐ Principal | ☐ Teacher | ☐ Business/Industry |
| ☐ Professional Support Staff | ☐ Service Personnel | ☐ Community Member |

COMMENTS/SUGGESTIONS
§126-32-1. General.
§126-32.2. State of West Virginia High School Equivalency Diploma.

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§126-32.3. Applying for Testing.
§126-32.4. Basis for Granting the State of West Virginia High School Equivalency Diploma.
§126-32.5. Testing of Individuals Eighteen (18) Years of Age and Younger.
§126-32.6. Testing of Individuals Enrolled in the Option Pathway.
§126-32.7. Testing of Individuals Participating in a Government Program.
§126-32.8. Testing of Option Pathway Students Enrolled in Mountaineer Challenge Academy.
§126-32.9. Testing of Option Pathway Students in West Virginia State Correctional or Residential Facilities for Custody and Treatment.
§126-32.10. Residence.

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§126-32.11. Transcripts of Scores.
§126-32.12. Falsification of GED Tests Information and/or Center Violations.
§126-32.13. Testing Fees.
§126-32.14. All correspondence regarding this policy should be directed to.
§126-32.15. Severability.

Please direct all comments to:

Dewayne Duncaan, Executive Director
Office of Optional Educational Pathways
West Virginia Department of Education
Capitol Building 6, Room 728
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: ddduncan@access.k12.wv.us
Fax No.: (304) 558-6315