



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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1/14/2016 9:54:50 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**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-096**
RULE NAME **High School Diploma for Veterans**

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)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, February 15, 2016 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Mary Catherine Tuckwiller, Attorney
West Virginia Board of Education
Capitol Building 6, Room 617
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

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: 27370



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**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 **126-096**
RULE NAME **High School Diploma for Veterans**

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 incorporate changes to align policy with W. Va. Code. Previously, policy called for a veteran to attend high school in order to be eligible for a diploma. Code removes this requirement. Proposed changes remove the requirement of high school attendance from policy. Qualifying veterans will be eligible to receive a high school diploma regardless of whether he or she attended high school, and regardless of age of entry into service.

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.



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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 **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)**

PRIMARY CONTACT

Mary Catherine Tuckwiller
West Virginia Board of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, STATE ZIP

SECONDARY CONTACT

Virginia Harris
West Virginia Board of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, STATE SECONDARY ZIP SECONDARY

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.



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

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	High School Diploma for Veterans	TITLE-SERIES	126-096

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)

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

This measure will not have an impact on costs and revenues of state government.

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.



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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 **126-096**
RULE NAME **High School Diploma for Veterans**

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

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.



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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 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)

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

None

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.



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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 126-096
RULE NAME	High School Diploma for Veterans			

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.

None

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

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.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

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)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

W. Va. Code §18-2-34 authorizes providing a high school diploma to surviving veterans of World War II, the Korean War and the Vietnam Conflict. Revisions incorporate changes to align policy with Code. Proposed changes remove the requirement of high school attendance from policy. Qualifying veterans will be eligible to receive a high school diploma regardless of whether he or she attended high school, and regardless of age of entry into service.

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



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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 authorizes providing a high school diploma to surviving veterans of World War II, the Korean War and the Vietnam Conflict. The last amendment to Code was during the 2012 Regular Legislative Session.

Proposals: Revisions incorporate changes to align policy with Code. Previously, policy called for a veteran to attend high school in order to be eligible for a diploma. Code removes this requirement. Proposed changes remove the requirement of high school attendance from Code.

Impact: Qualifying veterans will be eligible to receive a high school diploma regardless of whether he or she attended high school, and regardless of age of entry into service.

~~~~~

**Response to Comments:**

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~~ August 9, 2012, and effective ~~August 14, 2000~~ 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 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~~ last public school attended and the county in which located, ~~the years attended high school,~~ the year left ~~high public~~ school ~~to enter the service,~~ 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 of the ~~high school attended~~ 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 ~~of~~ the ~~high school attended~~ 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.

POLICY 4355, HIGH SCHOOL DIPLOMA FOR VETERANS

COMMENT PERIOD ENDS: February 15, 2016

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           |
|--------------------------------|
| <b>§126-96-5. Application.</b> |

Please direct all comments to:

Mary Catherine Tuckwiller, Attorney  
West Virginia Board of Education  
Capitol Building 6, Room 617  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-Mail Address: mctuckwiller@k12.wv.us  
Fax No.: (304) 558-0198.