

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

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Nov 14 3 12 PM '97

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY W.Va. Const., Art. XII, §2  
and W.Va. Code §18-2-5.

AMENDMENT TO AN EXISTING RULE: YES XX NO    

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 32

TITLE OF RULE BEING AMENDED: Issuance of High School Equivalent  
Diplomas (2444.4)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 16, 1998 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Pam Abston  
State GED Administrator  
WV Department of Education  
Building 6, Room 230  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Cynthia E. Evans  
Cynthia E. Evans  
Director, Legal Services

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$5.00

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

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**POLICY NUMBER AND TITLE:** Policy 2444.4  
Issuance of High School Equivalency Diploma

**POLICY COMMENT PERIOD ENDS:** January 16, 1998

**BACKGROUND:**

The General Educational Development (GED) test provides over 4,000 West Virginians per year a method to document that they have acquired the academic skills equivalent to a high school education.

**Purpose:**

These policies provide guidance, technical assistance and assurance of compliance with the American Council on Education's requirements for the administration of the GED Test. It includes: clarification of minimum passing scores, provision to compliment alternative education programs, time lines for completing battery of tests, fee for duplicate certificates and testing fee limits.

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TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-2  
SERIES ~~2444.4~~ 32  
ISSUANCE OF HIGH SCHOOL EQUIVALENT DIPLOMAS,  
STATE OF WEST VIRGINIA ~~(2444.4)~~

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**§126-32-Section 1. General.**

1.1. The purpose of the West Virginia High School Equivalent Diploma Test is to provide those individuals who have not completed high school an opportunity to demonstrate that they have attained academic skills at a competent high school competency completion level by satisfactorily passing the General Educational Development (GED) Test.

1.2. Authority, West Virginia Constitution, Article XII, Section 2; West Virginia Code §18-2-5.

1.3. Filing Date --

1.4. Effective Date --

~~1.5. Repeal of Former Rule --~~

~~1.6. Revision -- This policy revises the former policy as last amended on March 20, 1987.~~

**§126-32-Section 2. West Virginia High School Equivalent Diploma.**

2.1. The State Department of Education issues a West Virginia High School Equivalent Diploma upon satisfactory scores earned on the General Educational Development Tests. These tests are prepared by the General Educational Testing Service and the American Council on Education. The West Virginia High School Equivalent Diploma is issued by the State of West Virginia Department of Education only.

**§126-32-Section-3. Basis for Granting West Virginia High School Equivalent Diploma.**

3.1. The State Department of Education requires that applicants taking the General Educational Development Test ~~achieve an average standard a score of 45 or above on all five tests a score of 225 points or above on the battery of five sub-test on all five tests and a standard-score of not lower than 40 or above on each on any one of the five sub-tests.~~

3.2. Individuals successfully completing the General Educational Development Test will receive their West Virginia High School Equivalency Diploma.

3.3. The State Department of Education and GED Testing Service require that the initial testing of the battery be completed within six weeks or no more than two consecutive complete test sessions (whichever is longer in duration).

3.4. Individuals who need to retest must successfully complete all five sections of the GED within two years of initial testing in order to receive their West Virginia High School Equivalency Diploma.

~~Note: Any test(s) taken prior to April 1, 1987, will be honored under the previous passing standard of "... 40 or above on each test or an average standard score of 45 on all five tests," until April 1, 1990.~~

3.5. The proposed GED Test 2000 will not permit transference of prior series' scores due to proposed changes in format; therefore, all testing on earlier series of tests must be completed prior to the initiation of the GED 2000 series (approximate date December 1, 2000).

**§126-32-Section-4. Testing of Individuals 18 Years and Younger.**

4.1. Individuals who are 18 years of age and have been out of a traditional formal high school classroom situation (i.e. officially withdrawn, home-schooled and/or in an approved alternative education program [pursuant to West Virginia State Board Policy 2418]) for a period of ~~six months~~ three months before making application or whose original high school class of which he/she was a member has been graduated may be admitted to testing by providing written documentation from the last school/system attended stating that the student has been withdrawn and giving the withdrawal date from school and the original class graduation date.

4.2. Individuals who are 17 years of age must be officially withdrawn from the school system and may make application for GED testing if:

~~4.2.1 he or she has been and have been out of a traditional formal high school classroom situation (i.e. officially withdrawn, home-schooled and/or in an approved alternative education program [pursuant to West Virginia State Board Policy 2418] ) for a period of one year six months before making application or has been a member of a whose high school class of which he/she was a member that has been graduated may be admitted to testing under the following conditions, and~~

~~4.2.12. provided that written verification from the principal/school official of the last school/system attended stating the exact date of withdrawal from school has been. This letter must be sent directly to the testing site prior to any formal application for testing, and~~

~~4.2.23. at the written request of an employer states in writing that there is pending employment for an the applicant who must establish once a high school equivalency diploma is earned for job opportunities, or~~

~~4.2.3.4. at the written request of an official of a college or university states in writing official who that will consider accepting the applicant will be accepted upon attainment of the equivalency diploma on the basis of GED test scores, or~~

~~4.2.4. written verification of a student being enrolled in such programs as New Careers, Job Corps, Neighborhood Youth Corps, and other federal programs upon successful completion of their training certified in writing by the program administrator. (This does not include classes in preparation for the General Educational Development Test), or~~

4.2.5. seventeen (17) year old applicants for induction into the All-Volunteer Armed Forces of the United States may be admitted to take the GED tests provided:

~~4.2.5.1a. the Chief Examiner of an official GED center receives a an individual request from the recruiting officer for each the applicant to take the GED test. This request should be in the form of a letter from the recruiting officer asking admission of the applicant and stating in his/her request that the applicant meets all of the military requirements for induction except for achieving the appropriate scores on the GED test, and~~

~~4.2.5.1b. the recruiting officer submits to the Chief Examiner a copy of a letter from applicant's parent or guardian granting him/her permission to enter the Armed Forces.~~

4.3. Examinees sixteen (16), seventeen (17) or eighteen (18) years of age who are participating in residential federal programs, i.e. Job Corps, Mountaineer Challenge and/or other approved career-oriented federal residential programs, may be tested provided that they have been officially withdrawn from school with documentation at least 30 days prior to testing and have completed a vocational/prescribed training or have submitted a signed letter of intent to acquire further education and a letter of admission from an institution of higher learning. The individual must pass the test while in the program; otherwise, the examinee must meet the state policy guidelines.

**Correctional Facilities:**

4.34. Individuals who are 16, 17 or 18 years of age who are residents of West Virginia state operated correctional facilities may be admitted to testing if:

4.4.13-1a. a letter from the facility's principal or lead teacher ~~stating is sent~~ directly to the local test center prior to any testing stating: 1) that the individual has received counseling regarding educational and career opportunities; ~~assurances~~ 2) that the individual will receive ongoing counseling regarding educational and career opportunities; and 3) that the individual has declined to participate in a traditional format high school education program.

Note: These materials must be sent directly to the local test center chief examiner prior to any testing.

The test must be passed while the examinee is under the control of the facility; otherwise, the individual must qualify under the state policy guidelines to complete testing or to re-test upon release unless:

- a. court ordered or
- b. as a court-approved part of an after-care plan.

**Group Care Facilities:**

4.4.5. Adjudicated youth 16, 17 or 18 years of age who are under the control of a court, detention center, group care facility, probation or parole office may be admitted to GED testing on the order of the court even if they are still enrolled in school. The education director (from state approved group care facilities) or parole officer must submit a written request to the local Chief Examiner with the following documentation:

4.4.1-a. an official court order or a letter from a judge, parole officer, or probation officer that states the individual shall be admitted for GED Testing,

~~4.4.2.b.~~ a letter from the education director or an officer of the court stating that the individual has received counseling regarding educational and career opportunities and assurances that the individual will receive ongoing counseling regarding educational and career opportunities, and

~~4.4.3.~~ assurance that the individual has declined or is refused by local school to participate in a formal high school education program.

~~4.5.~~ Adjudicated youth 16 years of age who are under the control of a court, prison or detention center, probation or parole office may be admitted to GED Testing on the order of the court even if they are still enrolled in school. The Education Director (from state approved group care facilities) or parole officer must submit a written request with appropriate written documentation to:

4.5.1 If the youth is 16 years of age, the request shall be sent to:

Program Specialist Director of Linkage Services  
Child Protective Services  
Bureau of Social Services  
WV Department of Health and Human Services Resources  
Capitol Building 6, Room 850  
Charleston, West Virginia 25305

Documentation will include:

~~4.5.1.~~ an official court order or a letter from a judge, parole officer, or probation officer that states the individual shall be admitted for GED Testing;

~~4.5.2.~~ a letter from the education director stating that the individual has received counseling regarding educational and career opportunities and assurances that the individual will receive ongoing counseling regarding educational and career opportunities; and

~~4.5.3.~~ assurance that the individual has declined or is refused by local school to participate in a formal high school education program; and

~~4.5.4. Program Specialist/Child Protective Services Denial/approval by the Director of Linkage will then be approve and submitted~~ to the State GED Administrator for final approval/denial; ~~the~~ 4.5.5. State GED Administrator will sign off and send the information directly to the Chief Examiner.

4.5.2. All of these youth must pass the test while under the control of the group care facility; otherwise, the examinees must qualify under the State testing policy guidelines to complete testing or to re-test unless otherwise court ordered.

#### **§126-32- Section 5. Residence.**

5.1. Persons physically residing within West Virginia for a period of 30 days with proof of a West Virginia mailing address are considered residents. Military personnel, employees of business or industry who have been moved physically into the State, persons confined in state and federal penitentiaries or hospitals, and persons taking part in educational or vocational programs and physically residing within the State have the privilege of being tested. ~~-(see non-residents clause)-~~ and If the applicant they meets meet other State requirements, he/she are is eligible for a West Virginia High School Equivalent Diploma. However, if ~~such an adult~~ the applicant wishes to have his/her test results sent to his/her home state for the purpose of securing High School Equivalent Diploma, rather than applying for a High School Equivalent Diploma from West Virginia, he/she may have that privilege.

5.2. ~~Nonresidents~~ Non-residents may be tested ~~but their scores and the results~~ will be sent to the individual's home state for issuance of a diploma. There may be additional fees required by the individual's home state for the issuance of an equivalent diploma; these are the examinee's responsibility. It will be the judgment of is up to the individual's home resident state whether to accept or to reject the individual's test scores for the purpose of issuing an equivalent diploma.

~~7.2- 5.3~~ 5.3 (Equivalent diplomas earned by military personnel are mailed to home addresses only.) ~~It is also necessary that an official copy of the applicant's GED Test scores be forwarded to this office directly from the testing center, and they will be returned with the equivalent diploma.~~

#### **§126-32-Section 6. Transcripts of Scores.**

6.1. The original copy of the transcript and diploma will be issued at no cost. Persons requesting a duplicate of their GED transcript and/or diploma must do so in writing to the State GED Office. ~~The request must originate from the graduate and designate to whom it is to be sent. If the transcript and/or diploma is to be sent directly to the employer, the~~

~~military or educational institution, there will be no charge for this service. If the transcript and/or diploma is to be sent directly to the individual, there will be a \$5.00 fee for this service. 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 photo identification, an original signature and designation of to whom the transcript is to be sent. In addition, a check or money order of \$5.00 for each transcript should be submitted to the State Department of Education.~~

#### **§126-32-Section-7. Applying for Testing.**

7.1. ~~Until such time as the West Virginia General Educational Development Testing program registration is centralized, all applicants must pre-register for the GED Test in person at the local testing site. A picture ID and proof of residency will be required prior to all testing sessions. A valid photo identification with current name, birth date, proof of residency and preferably a Social Security number will be required prior to all testing sessions.~~

#### **§126-32-8. Falsification of GED Test Information and/or Center Violations.**

##### 8.1. Falsification of Test Information or Personal Security Violations.

8.1.1. Any falsification or information and/or cheating on the GED test will result in penalties as outlined in the West Virginia GED Security and Administrative Procedures.

##### 8.2. Security Compromises in Centers.

8.2.1. Testing center violations will be dealt with following the procedures outlined in the West Virginia GED Security and Administrative Procedures.

#### **§126-32-9. Testing Fees.**

9.1. Testing fee limits shall be established as outlined in the West Virginia GED Security and Administrative Procedures. Changes of GED test fees by local testing centers must be approved by the State GED Office.

**§126-32-Section 10. All correspondence Pertaining to the Above Policies regarding this policy should be directed to:**

10.1. GED State Administrator  
West Virginia Department of Education  
~~State Capitol, Building 6, Room 230~~  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
(304) 34558-6315

**POLICY 2444.4: West Virginia Issuance of High School Equivalent Diplomas  
Comments/Suggestions**

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*Directions: Please use this form in commenting on proposed Policy 2444.4. Additional sheets may be attached if needed.*

**Individual/Organization:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Name of County, School, Business, etc:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

Comments/Suggestions
<b>126-32-1. General</b>
<b>126-32-2. West Virginia High School Equivalent Diploma</b>

**126-32-3. Basis for Granting West Virginia High School Equivalent Diploma**

**126-32-4. Testing of Individuals 18 Years and Younger**

**126-32-5. Residence**

**126-32-6. Transcripts of Scores**

**126-32-7. Applying for Testing**

**126-32-8. Falsification of GED Test Information and/or Center Violations**

**126-32-9. Testing Fees**

**RETURN COMMENTS BY January 16, 1998 TO:**

**Pam Abston  
State GED Administrator  
West Virginia Department of Education  
Building 6, Room 230  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330**

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 2444.4: Issuance of High School Equivalency Diploma FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

October 28, 1997

West Virginia Department of Education

