

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED
1991 JAN -7 PM 3
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Code 18-2-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 32 (Policy 2444.4)

TITLE OF RULE BEING AMENDED: Issuance of High School Equivalent

Diplomas, State of West Virginia

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS February 19, 1991

January 27, 1991

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____
 SUBJECT Issuance of High School Equivalent Diplomas,
State of West Virginia (2444.4) FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST 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 AND ITEM 3 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	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSE					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

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

The proposed changes in this policy will not require any additional cost to the Department of Education nor to county school systems.

IMPACTS
FISCAL:

STATE STAFF:

DATE 9/24/90 AGENCY Department of Education AUTHORIZED REPRESENTATIVE _____

EXECUTIVE SUMMARY
REVISION OF STATE BOARD POLICY 2444.4
ISSUANCE OF HIGH SCHOOL EQUIVALENT DIPLOMA, STATE OF WEST VIRGINIA

Purpose

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

Background

Since 1946, the tests of General Educational Development (GED) have served the adult, nongraduate population in West Virginia by providing a formal opportunity to demonstrate a level of educational achievement comparable to that of regular high school graduates. The last revision of the State GED policy was made in March, 1987, reflecting new passing standards.

Impact

This policy establishes a procedure in which adjudicated youth 16, 17, or 18 years of age in correctional facilities and group care facilities can be admitted to GED testing. Prior to this policy, GED test guidelines were not established dealing with youth in group care facilities. Another change reflected in this policy would allow individuals 18 years of age and younger to receive their GED diploma upon successful completion of the GED Test. Previously, GED diplomas were issued only after their high school class had graduated.

Comments

A total of 14 comment forms were submitted regarding the proposed policy. Three of the comment forms emphasized the need not to allow lengthy documentation to be a hindrance for adjudicated youth needing to take the GED test. The new policy reflects a need to keep documentation as simple as possible. Two individuals requested that scores for the GED test be lowered. Three persons commented that the waiting time for 17 and 18 year old youths to take the test should be reduced. Both requests were denied because they would appear to make it too convenient for high school dropouts to take the GED tests. One comment concerned the proposed fee for duplicate GED transcripts. A \$5.00 fee will be charged for duplicate transcripts sent to the individual but there will be no charge for duplicate transcripts sent directly to an employer, the military, or educational institution. The remaining comments were regarding employee titles and vocabulary terms and were addressed accordingly.

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
Policy ~~SERIES~~ 2444.4
SERIES 32

Title: Issuance of High School Equivalent Diplomas, State of West Virginia

Section 1. General

- 1.1 The purpose of the West Virginia High School Equivalent Diploma Tests is to provide those individuals who have not completed high school an opportunity to demonstrate that they have attained academic skills at a high school competency completion level by satisfactorily passing the General Educational Development (GED) Test.
- 1.2 Authority - West Virginia Code 18-2-5
- 1.3 Filing Date - January 7, 1991
- 1.4 Effective Date - February 19, 1991
- 1.5 Repeal of Former Rule -
- 1.6 Revision - This policy revises the former policy as last amended on March 20, 1987.

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.

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 score of 45 or above on all five tests and a standard score of 40 or above on each of the five tests.
- 3.2 Individuals successfully completing the General Educational Development Test will 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.

Section 4. Testing of Individuals 18 Years and Younger

- 4.1 Individuals who are 18 years of age and have been out of a formal high school classroom situation for a period of six months before making application or whose high school of which he/she was a member has been graduated may be admitted to testing.
- 4.2 Individuals who are 17 years of age and have been out of formal high school classroom situation for a period of one year before making application or whose high school class of which he/she was a member has been graduated may be admitted to testing under the following conditions:
 - 4.2.1 written verification from the principal of the last school attended stating the exact date of withdrawal from school. This letter must be sent directly to the testing site prior to any formal application for testing, and
 - 4.2.2 at the written request of an employer for an applicant who must establish high school equivalency for job opportunities, or
 - 4.2.3 at the written request of a college or university official who will consider accepting applicant 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 Education 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:
 - 4.2.5.1 the Chief Examiner of an official GED center receives a request from the recruiting officer for each applicant to take the GED tests. 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 Tests, and
 - 4.2.5.2 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.

Correctional Facilities:

4.3 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 under the following conditions:

4.3.1 a letter from the facility's principal or lead teacher 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 that the individual has declined to participate in a formal high school education program.

These materials must be sent directly to the local chief examiner prior to any testing.

Group Care Facilities:

4.4 Adjudicated youth 17 or 18 years of age who are under the control of a court, 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 to the local Chief Examiner with the following documentation:

4.4.1 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,

4.4.2 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

4.4.3 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:

Program Specialist
 Child Protective Services
 Bureau of Social Services
 Department of Health and Human Services
 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
- 4.5.4 Program Specialist/Child Protective Services will then approve and submit to the State GED Administrator for final approval.
- 4.5.5 State GED Administrator will sign off and send directly to the Chief Examiner.

Section 5. Residence

- 5.1 Persons physically residing within West Virginia for a period of 30 days with 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, and if they meet other requirements are eligible for a West Virginia High School Equivalent Diploma. However, if such an adult wishes to have his/her test results sent to his/her home state for the purpose of securing a 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 may be tested but their scores will be sent to the individual's home state for issuance of a diploma. It will be the judgment of the individual's resident state whether to accept or reject the individual's test scores for issuing an equivalent diploma.

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 an 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.

Section 7. Applying for Testing

- 7.1 Until such time as the West Virginia General Educational Development Testing program is centralized, all applicants must 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.
- 7.2 (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.

Section 8. All Correspondence Pertaining to the Above Policies Should Be Directed to:

GED State Administrator
West Virginia Department of Education
State Capitol, Building 6, Room 230
Charleston, West Virginia 25305
(304) 348-6315



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Barbara Estep

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THE MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 32 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L. Estep

TITLE OF PERSON SIGNING: Executive Secretary M. Boyd

DATE: July 30, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.