

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

JUL 14 4 14 PM '00

OFFICE OF WEST VIRGINIA  
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. Constitution, Article XII, §2, W.Va. Code §18-2-34

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

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).

AMENDMENT TO AN EXISTING RULE: YES XX NO \_\_\_

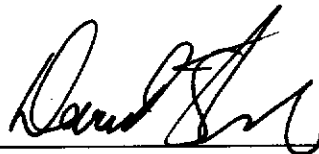
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 96

TITLE OF RULE BEING AMENDED: High School Diploma for Veterans (4355)

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS August 14, 2000



Dr. David Stewart  
State Superintendent of Schools

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

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**POLICY NUMBER AND TITLE:** Policy 4355  
High School Diploma for Veterans

**PUBLIC COMMENT PERIOD ENDS:** June 12, 2000      **ADOPTED:** July 13, 2000

**BACKGROUND:**

House Bill 4078 passed during the regular session of the West Virginia Legislature requires the state board to promulgate rules for the identification of eligible veterans and for the awarding of high school diplomas to those eligible veterans who served in World War I, World War II, the Korean Conflict, and the Vietnam Conflict but who did not graduate from high school.

**PURPOSE:**

This legislation rule establishes the procedures and regulations for providing a high school diploma to eligible veterans of World War I, World War II, the Korean Conflict, and the Vietnam Conflict.

**126SCR96**

**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 veterans of World War I, World War II, the Korean Conflict, and the Vietnam Conflict.

1.2. Authority – W. Va. Constitution, Article XII, §2; W.Va. Code §18-2-34.

1.3. Filing Date – July 14, 2000

1.4. Effective Date – August 14, 2000

**§126-96-2. Applicability.**

2.1. West Virginia 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 I, World War II, the Korean Conflict, 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. "World War I veteran" means any veteran who performed wartime service between April 6, 1917 and November 11, 1918 or has been awarded the World War I Victory Medal.

3.2. "World War II veteran" means any veteran who performed wartime service between September 16, 1940 and December 31, 1946.

3.3. "Korean Conflict veteran" means any veteran who performed military service between June 27, 1950 and January 31, 1955.

3.4. "Vietnam Conflict veteran" means any veteran who performed military service between February 28, 1961 and May 7, 1975.

## 126SCR96

### §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 Office of Veterans Affairs will notify veterans of World War I, World War II, the Korean Conflict, 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 Office of Veterans Affairs.

5.1.1. This application form shall include:

- a. veteran's military service and personal information;
- b. 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;
- c. the veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

5.1.2. The veteran will return the completed application form to the Director of the Office of Veterans Affairs. Upon verifying the application, the Director of the Office of Veterans Affairs will forward the application to the West Virginia Department of Education.

5.1.3. 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 Affairs 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.

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

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

SUBJECT Policy 4355: High School Diploma for Veterans

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

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

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET  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	\$	\$	\$	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

NO COST

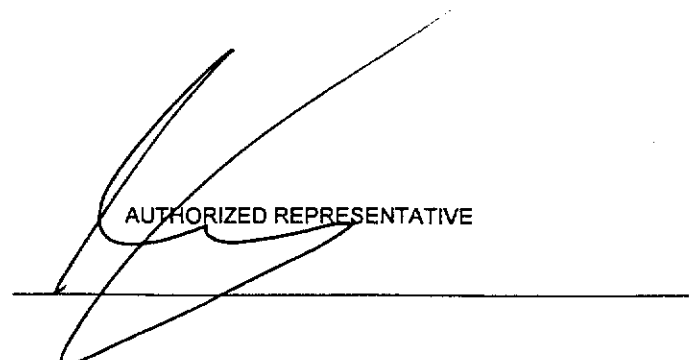
DATE

May 11, 2000

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE



Policy 4355: High School Diploma for Veterans

COMMENT LOG

June 12, 2000

ACTION TYPE  
 N: No Response - Negative  
 NA: Not Accepted + Positive  
 A: Accepted o Neutral

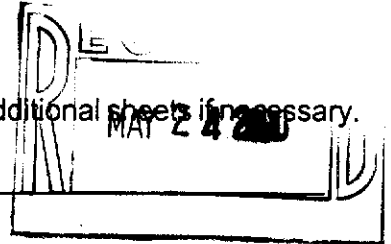
Date	Individual / Organization	Comments	Action / Type	Rationale
<b>§126-96-1. General</b>				
5-24-00	Carol M. Hall, Rt. 2 Box 230A Lewisburg WV 24901	<ol style="list-style-type: none"> <li>1. I think this HB 4078 is not very well thought out...veterans of Korea and Vietnam who want a diploma can get it through the GED program. How can there be "no cost" as stated on the back of this sheet [fiscal note]? Who pays the postage to all these vets? The taxpayer. Who pays for the printing of the notification/explanations? The taxpayer.</li> <li>2.</li> <li>3. To give these people a diploma - while they didn't earn scholastically - is simply giving them a worthless piece of paper - a memento of something they actually didn't do. A memento is usually thing that brings back a memory of something one has <u>done</u>. I believe HB 4078 is a waste of time and money. P.S. We should be able to find better ways to honor our veterans.</li> </ol>	NA / -	This policy must be enacted because of HB 4078 which passed March 2000. Personal opinion on the worth of this issue is not relevant to passage of the policy.

Date	Individual / Organization	Comments	Action / Type	Rationale
6-5-00	Gary L. Adkins, Asst. Superintendent Wayne County	This policy has my full support and appreciation!	N / +	
<b>§126-96-5. Application</b>				
6-8-00	J. Kenneth Roberts, Superintendent McDowell County Schools	<ul style="list-style-type: none"> <li>• Who verifies what records are used to indicate years attended high school?</li> <li>• If a student was not passing how do you determine possible year of graduation?</li> <li>• What if the dropout record is not available?</li> </ul>	N / 0	
<b>§126-96-6. Awarding of the High School Diploma</b>				
6-8-00	J. Kenneth Roberts, Superintendent McDowell County Schools	<ul style="list-style-type: none"> <li>• Who pays for the diploma?</li> <li>• What year of graduation is listed?</li> <li>• What is the timeline for requesting or issuance (upon request of annually with graduation?)</li> </ul>	N / 0	

Policy 4355: High School Diploma for Veterans

Please use this form when commenting on proposed Policy 4355. You may attach additional sheets if necessary.

Individual / Organization: Carol M. Hall



Title: \_\_\_\_\_  
Street Address: Rt 2 Box 230A City/State/Zip: Lewisburg WV 24901

Comments/Suggestions

126-96-1. General - <sup>①</sup> I think this HB 4078 is not very well thought out. Veterans of Korea + Vietnam who want a diploma can get it through the GED program.

② How can these "no cost" as stated on the back of this check? Who pays the postage to ALL these vets? The taxpayer. Who pays for the printing of the notification/applications? The taxpayer.

126-96-2. Applicability  
③ To give these people a diploma - which they didn't earn - is simply giving them a worthless piece of paper - a memento of something they actually didn't DO. A memento is usually a thing that keeps back a memory of something one has done.

126-96-3. Definitions  
126-96-4. Administration done.  
I believe HB 4078 is a waste of time and money.  
Carol M. Hall

126-96-5. Application  
P.S. We should be able to find better ways to honor our veterans.

126-96-6. Awarding of the High School Diploma

Return Comments by June 12, 2000 to:

Karen K. Larry  
Administrative Assistant to the State Superintendent  
West Virginia Department of Education  
Building 6, Room 262  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-mail: [klarry@access.k12.wv.us](mailto:klarry@access.k12.wv.us)  
FAX: (304) 558-0882

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

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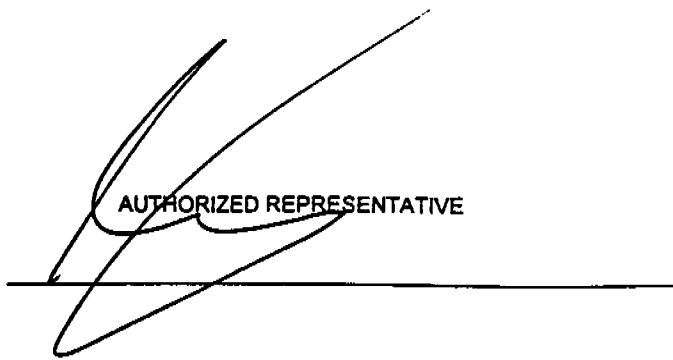
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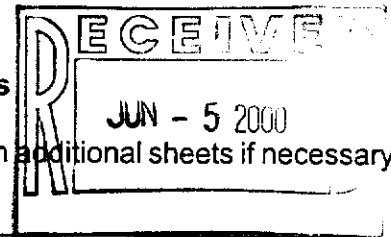
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West Virginia Department of Education

AUTHORIZED REPRESENTATIVE



**Policy 4355: High School Diploma for Veterans**



Please use this form when commenting on proposed Policy 4355. You may attach additional sheets if necessary.

Individual / Organization: GARYH ADKINS

Title: Assistant Superintendent Wayne Schools

Street Address: P.O. Box 70 City/State/Zip: Wayne 25570

**Comments/Suggestions**

126-96-1. General

*This policy has my full support and appreciation!*

126-96-2. Applicability

126-96-3. Definitions

*Thank You  
Gary Adkins*

126-96-4. Administration

126-96-5. Application

126-96-6. Awarding of the High School Diploma

**Return Comments by June 12, 2000 to:**

**Karen K. Larry**  
**Administrative Assistant to the State Superintendent**  
**West Virginia Department of Education**  
**Building 6, Room 262**  
**1900 Kanawha Boulevard, East**  
**Charleston, West Virginia 25305-0330**  
**E-mail: [klarry@access.k12.wv.us](mailto:klarry@access.k12.wv.us)**  
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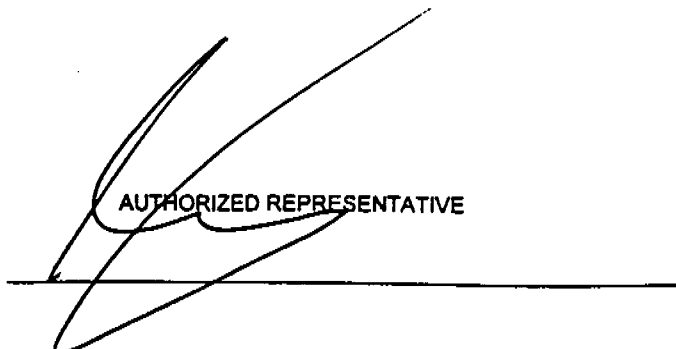
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**Policy 4355: High School Diploma for Veterans**

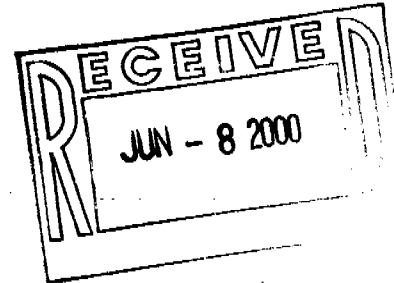
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Individual / Organization: McDowell County Schools/J. Kenneth Roberts

Title: Superintendent

Street Address: 30 Central Avenue City/State/Zip: Welch, WV 24801

**Comments/Suggestions**



**126-96-1. General**

**126-96-2. Applicability**

**126-96-3. Definitions**

**126-96-4. Administration**

**126-96-5. Application**

Who verifies/what records are used to indicate years attended in high school?

If a student was not passing how do you determine possible year of graduation?

What if the dropout record is not available?

**126-96-6. Awarding of the High School Diploma**

Who pays for the diploma?

What year of graduation is listed?

What is the timeline for requesting or issuance (Upon request or annually with graduation?)  
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