

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**Policy Number and Title: Policy 2444.4 ISSUANCE OF THE STATE OF WEST VIRGINIA GENERAL EDUCATIONAL DEVELOPMENT (GED®) DIPLOMA BASED UPON PASSAGE OF THE GED TESTS**

**Background:** Revisions to Policy 2444.4 are being recommended to implement the guidelines of the GED Option due to the Legislation amended W. Va. Code §18-8-6 relating to improving student participation, success and high school graduation rates and requiring county boards of education plan for improving student retention and increasing graduation rate....

“A GED Option state designation by the American Council on Education would allow students in this state to remain enrolled in school and continue acquiring academic and career-technical credits while pursuing a GED diploma. The GED Option would be blended with the West Virginia virtual schools or a career-technical education pathway. Upon completion, rather than being a dropout, the student would have a GED diploma and a certification in the chosen career-technical or virtual school pathway;”

**Proposal: §126-32-2. State of West Virginia GED Diploma.** GED Testing sites will be permitted to test a selected population of students still enrolled in high school.

**Impact:** Currently, West Virginia Department of Education (WVDE) GED Office requires that individuals under the age of 18 wanting to take the GED Tests cannot be enrolled in an accredited high school. Therefore, the student must withdraw from the public school prior to taking the GED Tests. GEDTS has developed a testing plan that will allow students to participate in the GED testing program without being withdrawn from an accredited high school-the GED Option. West Virginia is approved as a GED Option State.

**Proposal: §126-32-3. Applying for Testing.** This section was updated to reflect the online registration process currently used by the GED Office.

**Impact:** The online registration process results in less preparation time for the examiner and tests scores within two (2) days for the GED candidate.

**Proposal: §126-32-4. Basis for Granting the State of West Virginia GED Diploma.** The Official GED Practice Tests (OPT) scores may differ for the Adult Basic Education (ABE) learner and the GED Option student.

**Impact:** Since the GED Option student will be able to take one content area test at a time, the OPT scores will need to be at a higher level to ensure achieving a total of 2250 points to pass the GED Tests.

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

The change in the OPT scores being determined by the State GED Administrator is once again reflected in this section. The major alteration to this section is that the sixteen (16) year old will not be able to participate in GED testing without being enrolled in the GED Option.

**Impact:** Since amended W. Va. Code §18-8-6 increased the compulsory attendance age to the age of seventeen (17), the sixteen (16) year old should still be enrolled in school.

**Proposal: §126-32-6. Testing of Individuals Enrolled in the GED Option.** This section was added to reveal the guidelines for the GED Option. The most important aspect of this section is found in 6.2 concerning the credential received by the GED Option student. The GED Option student may receive a State of West Virginia GED Diploma or a high school diploma according to the completion level of the program:

- A high school diploma is earned and the student is counted as a graduate if the following requirements are met:
  - Attends GED preparation classes
  - Passes the GED Tests
  - Completes a job preparation “soft skills” curriculum
  - Completes the four (4) required core courses in a CTE skilled pathway concentration or any program of study resulting in a certification
  - Meets the standards on the WorkKeys® job skills assessments
  - Reaches or exceeds the cut score set by WVDE on the End-of-Concentration Performance Assessment
- A high school diploma is earned and the student is counted as a graduate if the following requirements are met:
  - Is deficient in a class during the senior year that is assessed by the GED Tests
  - Attends GED preparation classes for the deficient content class
  - Passes the content area GED Test with a minimum score as determined by the State GED Office
  - Continues attending and maintaining passing grades in all other classes
- The State of West Virginia General Educational Development (GED®) Diploma is earned and the student is counted as a completer but not a dropout or graduate if the following requirements are met:
  - Reaches the seventeenth ( ) birthday
  - Passes the GED Tests prior to leaving the public school system

**Impact:** The desired result of the GED Option program is to keep the student enrolled in the high school rather than dropping out of school and to issue more high school diplomas. Nevertheless, at age seventeen (17) if the student cannot be convinced to remain in school, the hope is to have the student to complete the GED Tests prior to dropping out of school.

**Proposal: §126-32-7. Testing of Individuals Participating in a Government Program or a West Virginia State Institutional Facility.** A title was added to this section to make the read of the policy more user friendly. The GED Option guidelines were defined for these programs so that the sixteen (16) year old can only be involved with GED Testing if enrolled in a GED Option program.

**Impact:** By implementing the GED Option program in these facilities more high school diplomas should be issued.

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 32  
ISSUANCE OF THE STATE OF WEST VIRGINIA GENERAL EDUCATIONAL  
DEVELOPMENT (GED®) 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 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.

1.1.1. The GED Tests mirror the core content 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. -- ~~March 13, 2008~~.

1.4. Effective Date. -- ~~July 1, 2008~~.

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 ~~High School Equivalency~~ General Educational Development (GED®) Diploma Based Upon Passage of the ~~General Educational Development (GED) Tests~~, filed ~~February 13, 2004~~ March 13, 2008 and effective ~~March 15, 2004~~ July 1, 2008.

**§126-32-2. State of West Virginia GED Diploma.**

2.1. The West Virginia Department of Education, hereinafter State Department, issues a State of West Virginia GED Diploma based upon satisfactory scores earned on the GED Tests. 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 Option State. GED 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 program. The student may earn a

State of West Virginia GED Diploma or a high school diploma, according to the completion level of the program.

### **§126-32-3. Applying for Testing.**

~~3.1. Until such time as the West Virginia GED Testing program registration is centralized, all applicants must register for the GED Tests in person at least five business days prior to testing at the site designated by the local testing site.~~

3.2~~1~~. First time applicants are required to complete the local GED Testing Orientation Seminar or the GED Option Orientation Seminar which includes ~~completion of the demographic form~~, viewing of the calculator and alternate format video, calculator practice exercises, taking and passing the Official GED Practice Test (OPT) with the minimum score as determined by the State GED Office and ~~the completing online registration form~~ at least five business days prior to testing.

3.3~~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. Failure to present applicable photo identification will result in a loss of testing privilege until such identification is presented. (See also Section ~~67~~.1.)

### **§126-32-4. Basis for Granting the State of West Virginia GED Diploma.**

4.1. The State Department requires that applicants taking the GED Tests 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.

4.2. Prior to taking the GED Tests, individuals must provide written documentation from an Adult Basic Education (ABE) instructor or a GED Option instructor of taking and passing the Official GED Practice Tests (OPT) by achieving a the minimum score of 410 on each individual subtest with a total score of 2250 as determined by the State GED Office evidenced by written documentation from an Adult Basic Education (ABE) instructor.

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 will receive a State of West Virginia GED Diploma. Students enrolled in the GED Option and passing the GED Tests may receive a State of West Virginia GED Diploma 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 GED testing, 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:

~~5.2.1. 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 take and pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250, as evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~

5.2.21. 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 American Council on Education GED Testing Service~~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 Official GED Practice Tests (OPT) by achieving a the minimum score of 410 on each individual subtest with a total score of 2250, as determined by the State GED Office; or evidenced by written documentation from an Adult Basic Education (ABE) instructor.

5.2.2. The candidate is enrolled in the GED Option.

5.3. Individuals who are ~~sixteen (16) or~~ seventeen (17) years of age are eligible to test by qualifying under any of the following categories:

5.3.1. 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 Official GED Practice Tests (OPT) by achieving a the minimum score of 410 on each individual subtest with a total score of 2250, as determined by the State GED Office ~~evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~

5.3.2. 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 ~~American Council on Education GED Testing Service~~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 ~~sixteen (16) or~~ seventeen (17) years of age candidate must also provide

~~written documentation from an ABE instructor of taking and passing the Official GED Practice Tests (OPT) by achieving a the minimum score of 410 on each individual subtest with a total score of 2250, as determined by the State GED Office evidenced by written documentation from an Adult Basic Education (ABE) instructor; or~~

5.3.3. The candidate is enrolled in the GED Option.

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

5.4.1. The candidate is enrolled in the GED Option.

5.4.2. 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.**

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

6.1.1. The school, government program or institutional facility was approved by the West Virginia GED Office to implement the GED Option.

6.1.2. The course content must be rigorous enough to support passage of the GED Tests and align with the academic expectations of the high school. GED Option 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.

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

6.1.4. The GED Option student receives counseling prior to entering the program, while participating in the program and upon exiting the program.

6.1.5. 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.

6.1.6. The candidate must also provide written documentation from the GED Option instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office.

6.1.7. 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.

6.2. The GED Option student may receive a State of West Virginia GED Diploma or a high

school diploma according to the completion level of the program.

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

- a. Attends GED preparation classes;
- b. Passes the GED Tests;
- c. Completes a 21<sup>st</sup> Century job preparation “soft skills” curriculum;
- d. 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;
- e. Meets the standards on the WorkKeys® job skills assessments; and
- f. Reaches or exceeds the cut score set by the State Department on the End-of-Concentration Performance Assessments if applicable.

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

- a. Is deficient in a class during the senior year that is assessed by the GED Tests;
- b. Attends GED preparation classes for the deficient content class;
- c. Passes the content area GED Test by achieving the minimum score a determined by the State GED Office; and
- d. Continues attending and maintaining passing grades in all other classes.

6.2.3. The State of West Virginia GED 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 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.**

5.4.7.1. 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:

5.4.1-7.1.1. The candidate 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 ~~the American Council on Education GED Testing Service~~GEDTS) ~~at least 30 days prior to testing~~ as evidenced by written documentation from the last school/system attended, ~~And~~ or



7.1.2. If the program is approved as a GED Option 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 guidelines.

~~5.4.2.7.1.3.~~ The candidate has taken the ~~Official GED Practice Tests (OPT)~~ as evidenced by written documentation from an instructor at the facility.

~~5.4.3. Documentation of 5.4.1. and 5.4.2. shall be submitted to the GED Examiner at registration and/or with registration materials; or~~

~~5.4.4.7.1.4.~~ A 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.

~~5.5.7.2.~~ 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.

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

~~5.6.7.3.~~ 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:

~~5.6.1.7.3.1.~~ 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

~~5.6.2.7.3.2.~~ 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 (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by the ~~American Council on Education GED Testing Service (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.;

a. Prior to testing, the GED candidate 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.

b. ~~and m~~ Must pass the ~~Official GED Practice Tests (OPT)~~ as evidenced by written documentation from an instructor at the facility.

c. If the program is approved as a GED Option 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 guidelines.

~~5.7.7.4.~~ All youth who have taken the GED Tests as per section ~~5.5-5.6.7.1.-7.3.~~ but did not pass the GED 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:

~~5.6.1.7.4.1.~~ 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 ~~is to~~ will take the GED Tests. 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

~~5.6.2.7.4.2.~~ 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.

### **§126-32-68. Residence.**

~~68.1.~~ Persons meeting all criteria and demonstrating themselves eligible under the State of West Virginia GED Diploma guidelines shall be admitted to GED testing for the purpose of securing a State of West Virginia GED 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.

### **§126-32-79. Transcripts of Scores.**

~~79.1.~~ The fact that a person has or has not taken the GED Tests 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 agrees that information will be shared with necessary West Virginia public school systems for data sharing purposes.

~~79.2.~~ 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 Diploma as evidenced by passing the GED Tests must do so in writing to the State GED Office. 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, Capitol Complex, Building 6, Room 250, 1900 Kanawha Boulevard,

East, Charleston, WV 25305.

**§126-32-~~810~~. Falsification of GED Tests Information and/or Center Violations.**

810.1. Falsification of Test Information or Personal Security Violations.

810.1.1. Any falsification of information and/or cheating on the GED Tests 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.

810.2. Security Compromises in Centers.

810.2.1. 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-~~911~~. Testing Fees.**

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

**§126-32-~~1012~~. All correspondence regarding this policy should be directed to:**

1012.1. State GED Coordinator.

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

**§126-32-~~1113~~. Severability.**

1113.1. 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.

### FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policy 2444.4 Issuance of the State of West Virginia General Educational Development (GED®) Diploma

Type of Rule:  Legislative  Interpretive  Procedural

Agency: West Virginia Department of Education

Division of Technical and Adult Education Service

Address: Capitol Complex, Building 6, Room

1900 Kanawha Blvd East

Charleston, WV 25305

Phone Number: 304-558-6315

Email: dkimbler@access.k12.wv.us

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#### **Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia GED Diploma.
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#### **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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-" for "-")	Next Increase/Decrease (use "-" for "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	\$-0-	\$-0-	\$-0-
Personal Services	\$-0-	\$-0-	\$-0-
Current Expenses	\$-0-	\$-0-	\$-0-
Repairs & Alterations	\$-0-	\$-0-	\$-0-
Assets	\$-0-	\$-0-	\$-0-
Other	\$-0-	\$-0-	\$-0-
<b>2. Estimated Total Revenues</b>	\$-0-	\$-0-	\$-0-

Rule Title: Policy 2444.4 Issuance of the State of West Virginia General Educational Development (GED®) Diploma

Rule Title: Policy 2444.4 Issuance of the State of West Virginia General Educational Development (GED®) Diploma

3. **Explanation of above estimates (including long-range effect);**  
Please include any increase or decrease in fees in your estimated total revenues.

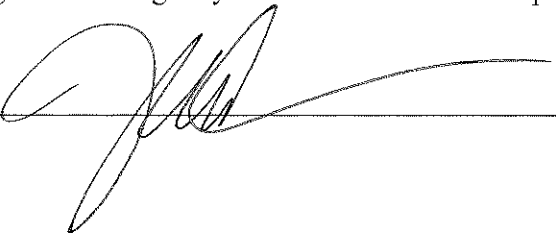
No state costs or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia GED Diploma.

**MEMORANDUM**

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 costs or revenues will be impacted by the proposed amendment of Policy 2444.4 Issuance of the State of West Virginia GED Diploma.

Signature of Agency Head or Authorized Representative



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Date

5-19-10

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