



TO: Scott Swisher, Ed.D.
Deputy Commissioner of Education

FROM: Sharon Katt, Administrator, Adult Program Services; Vicki Bauer, Director, Adult Education

SUBJECT: Title 92, Nebraska Administrative Code, Chapter 81

Proposed Board Action:

It is recommended that the State Board of Education approve the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81, Regulations for the High School Equivalency Program.

Background Information:

The State Board of Education approved the hearing draft on June 7, 2013. The legal notice of the hearing was published on June 14, 2013.

The hearing was conducted on July 19, 2013 in the State Board Room at the Nebraska Department of Education. An overview of the proposed changes to Rule 81 was presented by Vicki Bauer. No other testimony, either written or oral, was received.

Estimated Cost:

The cost of the public notice, hearing, and printing of the final rule is estimated to be approximately \$600.

Supporting Documentation Included:

Summary of the hearing
Copy of the approved hearing draft from the June 7, 2013 State Board meeting

For Additional Information on this item:

Sharon Katt: phone 402-471-2405 e-mail sharon.katt@nebraska.gov
Vicki Bauer: phone 402-471-4807 e-mail vicki.l.bauer@nebraska.gov



Roger D. Breed, Ed.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

301 Centennial Mall South Tel: (402) 471-2295
PO Box 94987 Fax: (402) 471-0117
Lincoln, NE 68509-4987 Web: www.education.ne.gov

TO: State Board of Education

FROM: Scott Summers, Legal Counsel III – Commissioner’s Appointed Staff Person to Conduct a Rule Hearing on revisions to Title 92, Nebraska Administrative Code, Chapter 81, Regulations for the High School Equivalency Program *SS*

DATE: July 19, 2013

RE: Summary of rulemaking hearing on proposed revisions to 92 NAC 81

On June 7, 2013, the State Board of Education approved a hearing draft and to set a hearing date and location as well as designate a staff person to conduct a hearing on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81. By a memorandum dated June 11, 2013, the Commissioner appointed me to conduct a hearing on this Rule on July 19, 2013, commencing at 1:00 p.m. After the proper legal notice was published, this hearing was held at the Nebraska State Office Building, Nebraska Department of Education, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska. Pursuant to State Board of Education Policy B9, what follows is a written summary of the hearing testimony.

An audio recording of the hearing is available if any members of the Board wish to hear the tape.

SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 81 Regulations for the High School Equivalency Program

Scott Summers, staff attorney and the hearing official, called this hearing to order, read into the record the name of the newspaper in which a legal notice of the hearing was published and the date the notice appeared, outlined the procedures for the hearing and introduced **Ms. Vicki Bauer**, GED Administrator, Nebraska Department of Education.

Ms. Bauer introduced and explained the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81. Ms. Bauer’s testimony is attached.

No other oral or written testimony was received.



Roger D. Breed, Ed.D., Commissioner
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Rule 81 hearing at 1:00 pm on Friday, July 19, 2013.
State Board Room – NDE – Lincoln, NE.

Testimony:

My name is Vicki Bauer and I am the Director of the Adult Education section of the Adult Program Services Team at the NE Dept. of Education.

The proposed revisions to Rule 81 are due to:

1. New minimum score requirements for the 2014 series of the GED tests
2. Update of 16 & 17 year old requirements for testing due to mandatory attendance requirements of Section 79-20, which affects students dropping out of school and entering our program.
3. Updating of language/small technical edits from the last Rule 81 changes in 2001.

I will mention only the major changes and the small technical edits are identified in the document.

Major changes include:

On page 4, Section 004.01C2 regarding the handwritten letter and Section 004.02 in reference to the 60 day waiting period have both been deleted because the requirements are outdated and no longer needed. And due to the 2012 Section 79-201 changes in mandatory requirements for dropping out of school.

On page 5, Section 004.03A has been re-numbered as 004.02A and this changes the number of days before re-testing from 60 days to 30 days to reflect the consensus of the Adult Education directors and GED testing centers in providing a more reasonable response to the needs of the GED examinees.

On page 5, Section 005.01A reflects the new score requirements for the 2014 series of the GED assessment, commencing on January 1, 2014.

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 81 - RULES AND REGULATIONS FOR THE HIGH SCHOOL
EQUIVALENCY PROGRAM

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TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 81 - RULES AND REGULATIONS FOR THE HIGH SCHOOL
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001 General Provisions

001.01 Statutory Authority. The State Board of Education is authorized to adopt reasonable rules and regulations for the administration of the High School Equivalency Program ~~as provided in Nebraska Statutes pursuant to Sections 79-730 through 79-733 R.R.S. Neb. of the Revised Statutes of Nebraska (R.R.S.).~~ The decision of the State Board of Education with reference to the eligibility of an applicant for a diploma of high school equivalency shall be final.

001.02 Implementation Date. Regardless of the effective date of the approval of this chapter, the implementation date will be January 1, ~~2002~~ 2014.

002 Definition of Terms As used in this chapter:

002.01 Approved Tests shall mean the General Educational Development Tests as prepared and furnished by ~~the American Council on Education~~ GED® Testing Service.

002.02 Diploma shall mean a certificate or document signifying the successful acquisition of competencies specified as equivalent to the educational development and abilities of the typical high school graduate.

002.03 ~~G.E.D.~~ GED® shall mean General Educational Development.

002.04 Official ~~G.E.D.~~ GED® Testing Centers are those public secondary and post secondary institutions located throughout the State of Nebraska which are authorized by the Commissioner of Education to administer the ~~G.E.D.~~ GED® examination.

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002.05 Reasonable certainty, with respect to the achievement of educational development abilities shall mean a standard score commensurate with those standard scores which would be attained by the typical high school graduate or as established by the Commissioner of Education.

003 Eligibility Criteria for Diploma Recipients

003.01 The Commissioner of Education has the authority to issue a High School Equivalency Diploma conveying all the significance and privilege of a regular high school diploma to any person who is not a high school graduate and who meets the following requirements:

003.01A The applicant must have been a resident of Nebraska for at least thirty (30) days immediately preceding the date of application, or the final period of high school attendance during which credit was earned toward graduation was in a Nebraska high school. (79-730(1))

003.01B On the basis of achievement in approved tests and other criteria deemed pertinent by the Commissioner of Education, there is reasonable certainty that the applicant has attained the educational development and abilities of the typical high school graduate. (79-730(2))

003.01C The applicant must be at least eighteen years of age and is unable to secure a diploma from the last attended high school; or the class in which the applicant was enrolled at the time of withdrawal from school has been graduated for at least one (1) year. (79-730(3))

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004 Application and Testing Procedures

004.01 Application:

004.01A An application must be properly completed when presented at an official ~~G.E.D.~~ GED® Testing Center.

004.01B Verification of Age.

004.01B1 The local ~~G.E.D.~~ GED® Chief Examiner will verify the applicant's age by a copy of his or her birth certificate, baptismal certificate, draft card, high school transcript, DD214 (discharge) form, Military Identification Card or a valid official state driver's license, photo bearing identification card or passport.

004.01C An applicant, under the age of 18, must present:

004.01C1 A properly completed application.

~~004.01C2 His/her handwritten letter stating the reason(s) for dropping from school, for wanting to write the examination early, their future plans, and the name of the school official or counselor contacted.~~

004.01C3 A copy of his/her transcript of credits from the last high school attended indicating the date of withdrawal from school and for all applicants who were required by Section 79-202(1) R.R.S. to have a signed withdrawal form or notarized release form prior to withdrawing before graduation, a copy of such form.

~~004.02 Waiting period: There will be at least a 60-day waiting period between withdrawing from school and writing the GED Examination, unless a waiver of the waiting period is requested by the last school attended.~~

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004.032 Retesting:

004.032A An applicant whose scores are below acceptable standards may retest ~~when sufficient evidence of additional study in the area of the test(s) failed is presented, or with the passage of 60~~ 30 days since the test was taken.

004.032B Retesting is only required for the test(s) failed.

004.043 No person under the age of 16 shall write the ~~GED~~ GED® Test.

005 Issuance of the Diploma

005.01 The Commissioner of Education shall issue a High School Equivalency Diploma based upon the following requirements:

005.01A Minimum test scores: ~~Commencing July 1, 1997, a standard score of 40 on each of the five General Educational Development (G.E.D.) Tests and an average standard score of 45 on all five has been earned. Commencing January 1, 2002 and continuing through December 31, 2013,~~ a standard score of 410 on each of the five General Educational Development (G.E.D.) (GED®) Tests and an average standard score of 450 on all five has been earned. Commencing January 1, 2014, the passing standard on each of the four content modules will be 150. The minimum battery passing score will be the sum of the four module passing scores, which is a total of 600. Test scores are accepted as official only when reported directly by Official ~~G.E.D.~~ GED® Centers, the Defense Activity for Non-Traditional Education Support (DANTES), directors of Veterans Administration hospitals, or the GED Testing Service.

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005.01B Age and Class membership: (1) The diploma candidate has attained his or her eighteenth birthday and is unable to secure a diploma from the high school he or she last attended; or (2) the class of which he/she was a member at the time of withdrawal from school has been graduated for one year.

005.01C Residence: The diploma recipient has been a resident of Nebraska for at least 30 days immediately preceding application, or the final period of high school attendance during which credit was earned toward graduation was in a Nebraska high school.

005.01D Fees:

005.01D1 The diploma candidate has paid a fee of \$5.00.

005.01D2 A duplicate of the diploma maybe acquired by the remittance of the fee of \$2.00.

005.01D3 An official transcript of scores may be acquired by the remittance of a fee of \$2.00.

006 Testing Facilities

006.01 A ~~GED~~ GED® Testing Center is established upon determination of need by the Commissioner of Education when the proposed site and its agency meet the requirements of the ~~Commission on Educational Credit~~ GED® Testing Service.