

CR 91-95

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to high school equivalency diplomas and certificates of general educational development was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

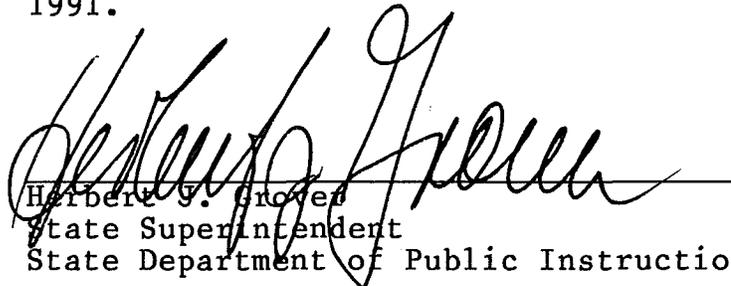
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Revisor of Statutes  
Bureau

11:07 AM

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 10<sup>th</sup> day of April, 1991.

  
Herbert G. Groves  
State Superintendent  
State Department of Public Instruction

7-1-92

**ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AMENDING RULES**

The state superintendent of public instruction hereby amends PI 5.05 (1) and 5.09 (1), and creates PI 5.05 (1) (b) and (c) of ch. PI 5, relating to high school equivalency diplomas and certificates of general educational development.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 115.29 (4) and 227.11 (2) (a), Stats.

Statute interpreted: s. 115.29 (4), Stats.

Proposed amendments to ch. PI 5 would do the following:

1. Allow a person who is 17 years of age and who is enrolled in an approved program leading to a high school equivalency diploma under an approved contracted arrangement between the local high school district of residence and a vocational, technical and adult education district or a community-based organization to begin taking the general educational development (GED) test except that the person may not take the final test prior to three weeks before the end of the semester in which he or she turns 18 or three weeks before his or her class graduates and only if the person remains continuously enrolled and attending a program in compliance with s. 118.15(1)(c)2, Stats.
2. Allow the Department of Corrections (DOC) to establish and seek approval of a program for high school equivalency.

Currently, s. PI 5.04 makes certain provisions for 17 year olds to take the GED test in order to obtain a certificate of general education development. However, s. PI 5.05 does not have such provisions and does not clearly state at what age a person may take the GED test in order to obtain a high school equivalency diploma. The department has always taken the position that a person must be at least 18 years and 6 months in age or the class with which the person entered grade 9 has graduated from high school before that person could take the GED test. However, on September 21, 1990, the department requested that the GED Testing Service grant a waiver to allow certain youth enrolled in high school to take the GED test in order to prevent 17 year olds from dropping out of school or 18 year olds from leaving school without a high school equivalency diploma based on the GED test. The waiver was granted from the GED Testing Service and will

take effect July 1, 1991.

It should be noted that although a 17 year old person may take the final GED test three weeks prior to the end of the semester in which he or she turns 18 or three weeks before his or her class graduates, the high school equivalency diploma may not be granted until the end of the semester in which he or she takes the final GED test.

The proposed amendment to s. PI 5.09 will allow the DOC to establish and seek approval of a program for high school equivalency. Since the DOC is not currently listed as one of the entities which may submit a plan to the state superintendent requesting approval of a program for determining high school equivalency, this section of the rule is being amended.

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1           **SECTION 1.** PI 5.02(6m) is created to read:

2           PI 5.02(6m) "Graduated from high school" for purposes of compulsory attendance  
3 under s. 118.15(1)(a), Stats., means having received a diploma in satisfaction of school  
4 board requirements under s. 118.33, Stats., or a high school equivalency diploma under s.  
5 115.29(4), Stats.

6           **SECTION 2.** PI 5.035 is created to read:

7           PI 5.035 GENERAL EDUCATIONAL DEVELOPMENT TEST. No person may  
8 take the general educational development test unless the person is at least 18 years and 6  
9 months of age or the class with which the person entered grade 9 has graduated from  
10 high school except as follows:

11           (1) A person who meets the requirements under s. PI 5.03(1), (3) and (4) and who  
12 is at least 17 years of age may take the general educational development test if one of  
13 the following applies:

14           (a) The person is or has been incarcerated in a correctional institution and has  
15 written recommendation of the person responsible for the educational program in the  
16 correctional institution; or

1 (b) The person is enrolled in a federal job corps center program and has the  
2 written recommendation to take the general educational development test from the  
3 person responsible for the educational program in the job corps center. After July 1,  
4 1992, no person may take the GED test under this subdivision unless the program at the  
5 job corps center has been approved under s. PI 5.09; or

6 (c) The person provides written verification that he or she was excused from  
7 regular school attendance under s.118.15(1)(c)2, Stats., is enrolled in a program approved  
8 under s. PI 5.09, and has written permission to take the test from his or her parent or  
9 legal guardian.

10 (2)(a) A person who meets the requirements under s. PI 5.03(1) and (4) and who  
11 is at least 17 years of age may begin taking the general educational development tests  
12 except that the person may not take the final test until he or she is eligible as specified  
13 under par. (b) and only if the person is continuously enrolled and attending a program  
14 under a contracted arrangement between the local high school of residence and a VTAE  
15 district or a community-based organization which leads to a high school equivalency  
16 diploma and meets the requirements under s.118.15(1)(c)2, Stats.

17 (b) A person who begins taking the general educational development test under  
18 par. (a) may take the final test no sooner than three weeks prior to the end of the  
19 semester in which the person turns 18 years of age or three weeks prior to the  
20 graduation date of the class in which the person entered grade 9.

21 **SECTION 3.** PI 5.04(1) is renumbered PI 5.04.

22 **SECTION 4.** PI 5.04(2) is repealed.

23 **SECTION 5.** PI 5.05(intro.) is renumbered PI 5.05(1).

1           **SECTION 6.** PI 5.05(2) is created to read:

2           PI 5.05(2) Notwithstanding s. PI 5.03(2), the state superintendent may grant a high  
3 school equivalency diploma to a person who meets the requirements under s. 5.035(2)  
4 and all of the requirements under this section. The high school equivalency diploma may  
5 be granted no sooner than at the end of the semester in which he or she takes the final  
6 general educational development test under s. 5.035(2)(b).

7           **SECTION 7.** PI 5.09 (1) is amended as follows:

8           PI 5.09 (1) A VTAE district, college, university, community-based organization, ~~or~~  
9 a federal job corps center or the department of corrections may submit a plan to the  
10 state superintendent requesting approval of a program for determining high school  
11 equivalency. The program shall be designed to determine whether a person has attained  
12 the knowledge and skills generally associated with graduation from high school, including  
13 employability skills, career awareness, citizenship, and each of the subject areas under s.  
14 118.33(1)(a), Stats., except physical education. The plan shall include all of the following:

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 10<sup>th</sup> day of April, 1992

  
Herbert J. Grover  
State Superintendent