



**GENERAL INFORMATION**

Rule No.  PI 5	Relating to  Age waivers for general educational development tests	Rule Type  Permanent and Emergency
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**SIGNATURE**

State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature  	Date Signed Mo./Day/Yr.
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**NARRATIVE**

1. Finding/nature of the emergency (Emergency Rule only).

Due to the novel coronavirus (“COVID-19”) pandemic, there is an increased concern about the number of students who are credit deficient or may become credit deficient and the demand for credit recovery. The COVID-19 pandemic also has left test centers and adult basic education programs that contract with school districts in an unpredictable situation due to testing centers allowing fewer students to test or closing altogether. This has resulted in wait lists and has created a challenge for students who were using general educational development (GED) tests to meet high school requirements. As such, the department is proposing an emergency rule that waives the minimum age requirement for taking the GED test and allows students to take the test when they are ready. An age waiver would allow students to complete the test and allow other students to move into the program. The department will use the experience with the emergency rule to determine if similar flexibilities should be promulgated under a permanent rule outside of a pandemic.

2. A description of the objective of the proposed rule.

The proposed rule seeks to clarify the means in which the minimum age requirement may be waived for persons seeking a certificate of educational development.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Chapter PI 5 of the Wisconsin Administrative Code contains the current standards by which high school equivalency may be determined in order to provide a credential to adults who did not graduate from high school, which includes the granting of a certificate of general educational development to persons who obtain passing scores on the GED test. Under the current rule, no person may take the GED test unless the person is at least 18 years and 6 months of age or the class with which the person entered grade 9 has graduated from high school with the exception of persons at least 17 years of age who: 1) are incarcerated in a correctional institution and has written recommendation of the person responsible of the educational program in the correctional institution; 2) the person is enrolled in a federal job corps center program and has the written recommendation to take the general educational development test from the person responsible for the educational program in the job corps center; and 3) the person provides written verification that he or she was excused from regular school attendance, is enrolled in an approved high school equivalency program, and has written permission to take the test from his or her parent or legal guardian. Also under the rule, a person at least 17 years of age who begins taking the GED test may take the final test no sooner than three weeks prior to the end of the semester in which the person turns 18 years of age or three weeks prior to the graduation date of the class in which the person entered grade 9.

Since the rules were written, the COVID-19 pandemic has rendered portions of PI 5 restrictive as it relates to persons taking the GED test. Many schools that serve affected students are requesting waivers from the minimum age requirements under the rule and cite concerns such as the closing of testing centers, longer wait lists, and disengaged students due to the wait times. The proposed rule under this statement of scope will provide clarity in the way age waivers may be given to students seeking a high school credential by allowing individuals to take the GED test when they are ready and not have to wait until the end of the semester in which the individual turns 18 years of age. Additionally, the proposed rule may permit age waivers for pupils that are enrolled in postsecondary education or job training program, enlisted in the military, employed full-time, or have experienced family or medical reasons for pursuing a waiver. The proposed rule would ensure that students do not disengage while they are waiting to take the test under current age requirements. Without a rule change, the department will be required to implement ch. PI 5 as it is currently written and the minimum age requirement for pupils taking the GED test may not be waived.

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**NARRATIVE (cont'd)**

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4. The statutory authority for the proposed rule.

Under s. 115.29 (4) (a), Stats., the state superintendent may establish the standards by which high school graduation equivalency is determined, which may include a general educational development certificate of high school equivalency issued by an agency of the U.S. government:

- (4)** High school graduation equivalency.

**(a)** Grant a declaration of equivalency of high school graduation to an individual if the individual has successfully completed the civics test required under s. 118.33 (1m) (a) and if, in the state superintendent's judgment, the individual has presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. The state superintendent may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, a general educational development certificate of high school equivalency issued by an agency of the U.S. government, course credits received in schools meeting the approval of the state superintendent, or other standards established by the state superintendent.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

School districts, test takers, and administrators of the GED test will be impacted by this rule change.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

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