

## EmR1324

### ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

**Filed With LRB: December 27, 2013**

**Publication Date: December 27, 2013**

**Effective Dates: December 27, 2013 to May 25, 2014**

**Extension through: July 24, 2014**

The scope statement for this rule, SS 093-13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers, on August 27, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The State Superintendent of Public Instruction hereby proposes to amend ss. PI 5.02 (6) and (11m), PI 5.035 (6), and PI 5.04, relating to high school equivalency diplomas and certificates of general educational development.

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### ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

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

**Statutory authority:** s. 115.29(4), Stats.

**Explanation of agency authority:**

**115.29 General powers.** The state superintendent may:

(4) HIGH SCHOOL GRADUATION EQUIVALENCY.

(a) Grant declarations of equivalency of high school graduation to persons, if in the state superintendent's judgment they have 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.

(b) Promulgate rules establishing fees for issuing a declaration of equivalency of high school graduation or a general educational development certificate under par. (a). The rules may provide exemptions from the fees based on financial need.

**Related statute or rule:** N/A.

**Plain language analysis:**

PI 5 governs the issuance of high school completion credentials by the State Superintendent, which includes the certificate for completion of the General Educational Development (GED) Test and the High School Equivalency Diploma (HSED). This rule change is designed to align the rule with changes in the GED Test. The current rule references the number of subtests and the passing scores for the GED, which will be changing in January 2014 when a new test is implemented by GED Testing Service. Additionally, technical changes are needed to align the rule with statute.

The following changes were made to PI 5:

- Changed the name of the corporation who owns the test based on changes in incorporation for GED Testing Service, LLC.
- Changed the number of subtests from 5 to 4 because the new test only has 4 subtests.
- Corrected the language to indicate that the passing score will now be 150 on each of the 4 subtests and that there will be no average score to be attained.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A.

**Comparison with rules in adjacent states:** No information.

**Summary of factual data and analytical methodologies:**

This rule change is designed to align the rule with changes in the GED Test and with current statute.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:**

The GED Test and the HSED credentials are used by persons applying for employment or post-secondary education to demonstrate high school completion. A well educated work force that is college and career ready is critical to the economic prosperity of the citizens of Wisconsin. Aligning the rule to the changes in the GED test facilitates this process.

**Anticipated costs incurred by private sector:**

There is not expected to be a cost to the private sector.

**Effect on small business:**

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

**Agency contact person: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

Comments should be submitted to Katie Schumacher, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at [Katie.Schumacher@dpi.wi.gov](mailto:Katie.Schumacher@dpi.wi.gov). The department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

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**SECTION 1. PI 5.02(6) and (11m) are amended to read:**

**PI 5.02** (6) "General educational development test" means the test developed by ~~the American council on education~~ GED Testing Service, and administered in Wisconsin at testing sites approved by the state superintendent and ~~the American council on education.~~ GED Testing Service.

(11m) "Subtest" means one of the ~~5~~ 4 content area tests given under the general educational development test.

**SECTION 2. PI 5.035(6) is amended to read:**

- PI 5.035** (6) Based on the process specified under sub. (3), the state superintendent establishes the general educational development subtest and test passing scores as follows:
- ~~(a) A~~ a minimum standard score of no less than ~~440~~150 shall be required on each subtest in the battery of ~~54~~ subtests; ~~and~~.
  - ~~(b) A total average score of the 5 subtests may not be less than 450.~~

**SECTION 3. PI 5.04 is amended to read:**

- PI 5.04** The state superintendent shall grant a certificate of general educational development to a person who meets the requirements under s. PI 5.03 and completes the general educational development test with a passing score on each subtest ~~and a passing average score~~ as determined by the state superintendent.

**SECTION 4. STATEMENT OF EMERGENCY:**

**FINDING OF EMERGENCY**

The Department of Public Instruction finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

The number of subtests and the passing scores for the General Educational Development (GED) Test will be changing in January 2014 when a new test is implemented by the GED Testing Service.

Unless the rule is changed to reflect these new subtests and passing scores, the Department may be prevented from issuing credentials for test takers who pass the GED Test because the required passing scores will be incorrect.

**SECTION 5. EFFECTIVE DATE:**

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013

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Tony Evers, PhD  
State Superintendent