

1 COUNCIL ON POSTSECONDARY EDUCATION

2 (Amendment)

3 13 KAR 3:010. GED® Testing Program.

4 RELATES TO: KRS 164.0064(1)(a) [~~151B.125(1)(a)~~]

5 STATUTORY AUTHORITY: KRS 164.0064(1)(a), 164.0234[~~151B.125(1)(a)~~, ~~151B.410~~]

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.0234(1)[~~151B.410(1)~~] re-  
7 quires the Kentucky Adult Education Program to administer a statewide adult education  
8 and literacy system[~~program~~], and to promulgate administrative regulations to effect this  
9 mandate. KRS 164.0064 requires that a high school equivalency diploma be issued upon  
10 passage of the test given by the Kentucky Adult Education Program's approved testing  
11 centers in conformance with requirements of the GED® Testing Service[~~KRS 151B.125~~  
12 ~~recognizes the Tests of General Educational Development or GED Tests for high school~~  
13 ~~equivalency purposes in Kentucky~~] and authorizes Kentucky Adult Education to establish  
14 fees for the issuance of a duplicate high school equivalency diploma and for issuance of a  
15 duplicate transcript[~~score report~~]. This administrative regulation establishes the procedure  
16 for testing an adult for the GED® diploma.

17 Section 1. Test Purpose. The GED® test [~~GED Tests~~] shall provide a valid means of  
18 measuring the educational achievement of an adult who is a nonhigh school graduate and  
19 of comparing the adult's competency to that of high school graduates. The test [~~tests~~] shall  
20 cover [~~be a high school level battery consisting of five (5) comprehensive examinations~~  
21 ~~covering~~]:

- 1 (1) ~~Language arts,~~ Writing;
- 2 (2) Social studies;
- 3 (3) Science;
- 4 (4) ~~Language arts,~~ Reading; and
- 5 (5) Mathematics.

6 Section 2. Test Centers. Official GED® testing centers shall be established under  
7 agreement ~~[contract]~~ with the GED® Testing Service. Kentucky Adult Education shall au-  
8 thorize the location of these centers.

9 Section 3. Test Scores. ~~[(1) Kentucky Adult Education shall:~~

10 ~~(a) Administer the scoring of the tests;~~

11 ~~(b) Accept scores as official if reported by:~~

12 ~~1. A state, territorial, or provincial department of education;~~

13 ~~2. A GED® testing center;~~

14 ~~3. The GED® Testing Service; or~~

15 ~~4. The Defense Activity for Nontraditional Education Support, DANTES (as the reposito-~~  
16 ~~ry of score reports issued by the U.S. Armed Forces Institute).~~

17 ~~(2)]~~ In order for an applicant to be issued a Commonwealth of Kentucky High School  
18 Equivalency Diploma and an official GED® transcript, an applicant shall achieve the mini-  
19 mum passing standard~~[standard score on each subtest and the minimum overall average~~  
20 ~~score]~~ on the Official GED® test~~[GED Tests]~~ as set by GED® Testing Service.

21 Section 4. Commonwealth of Kentucky High School Equivalency Diploma~~[GED® Diplo-~~  
22 ~~ma]~~. Kentucky Adult Education shall provide a high school equivalency diploma to an ap-  
23 plicant who meets all the provisions of this administrative regulation and the eligibility re-

1 requirements established by 13 KAR 3:050~~[785 KAR 1:130]~~.

2 Section 5. Test Fees. (1) The GED® test shall be offered at official GED® testing cen-  
3 ters at a fee set and collected by GED® Testing Service. [For test on or before June 30,  
4 2009, the testing fee shall be a uniform fee of:

5 (a) ~~Forty (40) dollars, if the applicant is taking all five (5) subtests in a test session; or~~

6 (b) ~~Ten (10) dollars per subtest, except as provided in subsection (5) of this section.~~

7 (2) ~~Effective July 1, 2009, The testing fee shall be a uniform fee of:~~

8 (a) ~~Fifty (50) dollars, if the applicant is taking all five (5) subtests in a test session; or~~

9 (b) ~~Twenty five (25) dollars per subsession, except as provided in subsection (5) of this~~  
10 ~~section.~~

11 (3) ~~Effective July 1, 2010, the testing fee shall be a uniform fee of:~~

12 (a) ~~Fifty five (55) dollars, if the applicant is taking all five (5) subtests in a test session; or~~

13 (b) ~~Twenty five (25) dollars per subsession, except as provided in subsection (5) of this~~  
14 ~~section.~~

15 (4) ~~Effective July 1, 2011, The testing fee shall be a uniform fee of:~~

16 (a) ~~Sixty (60) dollars, if the applicant is taking all five (5) subtests in a test session; or~~

17 (b) ~~Thirty (30) dollars per subsession, except as provided in subsection (5) of this sec-~~  
18 ~~tion.~~

19 (5) ~~A person who retests shall be assessed the fee established in subsection (1)(b),~~  
20 ~~(2)(b), or (3)(b) of this section as appropriate to the date of the retest, but subject to the lim-~~  
21 ~~itation that the total amount assessed shall not exceed the limit established in subsection~~  
22 ~~(1)(a), (2)(a), or (3)(a) of this section regardless of the number of subsession retests at-~~  
23 ~~tempted.]~~

1        ~~(2)~~[(6)] A request for a duplicate transcript or diploma from Kentucky Adult Education  
2 shall be in writing and shall carry the signature, birth date, and Social Security number of  
3 the test-taker[examinee] and shall be accompanied by the payment of:

4        (a) A ten (10) dollar processing fee assessed for the issuance of a duplicate transcript  
5 request; or

6        (b) A twenty-five (25) dollar fee assessed for the issuance of a duplicate diploma.

9-12-13  
Date

Pam Miller  
Pam Miller, Chair  
Council on Postsecondary Education

APPROVED AS TO FORM:

9-12-13  
Date

Travis Powell  
Travis Powell, General Counsel  
Council on Postsecondary Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on October 22, 2013 at 10:00 a.m. at the Council on Postsecondary Education, 1024 Capital Center Drive, Suite 320, Frankfort, Kentucky, 40601 in Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2013.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:**

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REGULATORY IMPACT ANALYSIS  
AND TIERING STATEMENT

Administrative Regulation 13 KAR 3:010. *GED Testing Program*

Contact person: Travis Powell  
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- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation establishes a testing program for the Commonwealth of Kentucky High School Equivalency Diploma, authorizes the creation of testing centers, sets minimum standards for successful completion of the GED® test, and currently establishes a fee for the test and for securing duplicate copies of test scores and diplomas.
  - (b) The necessity of this administrative regulation: KRS 164.0234(1) requires the Kentucky Adult Education Program (KYAE) to administer a statewide adult education and literacy system and to promulgate administrative regulations to effect this mandate. KRS 164.0064 requires that a high school equivalency diploma be issued upon passage of the test given by KYAE's approved testing centers in conformance with requirements of GED® Testing Service and authorizes Kentucky Adult Education to establish fees for the issuance of a duplicate high school equivalency diploma and for issuance of a duplicate transcript.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 164.0234 requires that KYAE promulgate administrative regulations to administer the statewide adult education and literacy system.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance to students and to testing centers who offer the GED® tests. The GED®

tests are administered by approved testing centers who operate through a contract with GED® Testing Service. It also currently sets forth fees to be paid by students.

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation: This amendment removes the testing fee as set by KYAE. It also makes various technical changes for language clarification.
  - (b) The necessity of the amendment to this administrative regulation: Beginning January 2, 2014, GED® Testing Service will be offering the 2014 GED® test series through official GED® testing centers at a fee set and collected by GED® Testing Service. At that time, the paper-based 2002 GED® test series will no longer be offered.
  - (c) How the amendment conforms to the content of the authorizing statutes: The amendment is within KYAE's regulation promulgation authority and therefore conforms exactly to the authorizing statute.
  - (d) How the amendment will assist in the effective administration of the statutes: The amendment will make it clear that KYAE no longer sets forth the fee structure for the GED® tests.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The primary individuals and organizations affected by this regulation are the testing centers who administer the GED® tests, the adult education providers who refer students to testing centers, and the GED® test-takers.
- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: GED® Testing Service shall set and collect the fee to take the GED® tests and test-takers will pay said fee.

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Test-takers will pay the base rate fee as prescribed by GED® Testing Service. Currently the fee is set at \$120 for the entire test battery. There should not be an additional cost to the testing centers to comply with this amendment.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By paying the fee required by GED® Testing Service to take GED® tests and achieving the minimum passing standard, eligible test-takers will obtain a Commonwealth of Kentucky high school equivalency diploma.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: There should be no cost to implement this amendment initially.
  - (b) On a continuing basis: There should be no cost to implement this amendment on a continual basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General fund, federal funds, and transcript fees collected.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increased funding will be necessary.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for duplicate high school equivalency diplomas and GED® transcripts but will no longer set fees for the GED® test.
- (9) TIERING: Is tiering applied? Tiering is not applied.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 13 KAR 3:010. GED® Testing Program.

Contact Person: Travis Powell

Phone: 502.573.1555 ext. 142

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KYAE is responsible for implementation. Local adult education providers, which include public universities and community colleges, local school boards, and local educational cooperatives, will be affected in that they will provide their students with this information.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.0234 and 164.0064.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This change will have no impact.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Approximately \$173,000

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? See 3(a).

(c) How much will it cost to administer this program for the first year? See below.

(d) How much will it cost to administer this program for subsequent years? See below.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The primary purpose of this regulation is to set forth the requirements for issuance of a high school equivalency diploma and to set fees for duplicate transcripts and diplomas. Duplicate transcript and diploma requests are filled by two full time Kentucky Adult Education staff members.