

1 COUNCIL ON POSTSECONDARY EDUCATION

2 (Amendment)

3 785 KAR 1:010. GED[®] Testing Program.

4 RELATES TO: KRS 151B.125

5 STATUTORY AUTHORITY: KRS 151B.023, 151B.410~~[, EO 2004-725]~~

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.410(1) requires the Kentucky

7 ~~[Department for] Adult Education program [and Literacy]~~ to administer a statewide adult

8 education and literacy program, and to promulgate [necessary] administrative regulations to

9 effect this mandate [and administer a statewide adult education and literacy system throughout

10 ~~the state.~~ KRS 151B.023 requires Kentucky ~~[the Department for] Adult Education [and~~

11 ~~Literacy]~~ to implement a [the] twenty (20) year state strategy to reduce the number of adults at

12 the lowest levels of literacy and most in need of adult education and literacy services. KRS

13 151B.125 recognizes the Tests of General Educational Development or GED Tests [test] for high

14 school equivalency purposes in Kentucky. ~~[EO 2004-725 abolished the Department for Adult~~

15 ~~Education and Literacy and transferred its duties to the Council on Postsecondary Education.]~~

16 This administrative regulation establishes the procedure for testing an adult for the GED

17 diploma.

18 Section 1. Test Purpose. The GED Tests [test] shall provide a valid means of measuring the

19 educational achievement of an adult who is a non-high school graduate and of comparing the

20 adult's competency to [with] that of high school graduates. The tests [test] shall be a high school

21 level battery consisting of five (5) comprehensive examinations 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 contract with
7 the GED Testing Service. Kentucky Adult Education shall authorize the location of these
8 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 Non-traditional Education Support, DANTES, (as the
16 repository of score reports issued by the U.S. Armed Forces Institute).

17 (2) An applicant shall achieve ~~{score}~~ the minimum standard score on each subtest and
18 the minimum overall average score on the Official GED Tests ~~{Test}~~ as set by GED Testing
19 Service. If an applicant passes the five (5) subtests with a minimum standard test score on each
20 subtest, but does not attain an overall average standard score, the student ~~{he}~~ shall be eligible to
21 retake any subtest ~~{in an attempt to raise the overall standard score}~~.

22 Section 4. GED Diploma. Kentucky Adult Education shall provide a high school
23 equivalency diploma to an applicant who meets all the provisions of this administrative

1 regulation and the eligibility requirements established by 785 KAR 1:130.

2 Section 5. Test Fees.

3 (1) Effective July 1, 2009, the testing fee shall be a uniform fee of:

4 (a) fifty (50) ~~forty (40)~~ dollars, if the applicant is taking all five (5) subtests in a test
5 session; or

6 (b) Twenty-five (25) ~~ten (10)~~ dollars per sub-session ~~[subtest]~~ . ~~[The testing fee shall be a~~
7 uniform fee of forty (40) dollars per test or ten (10) dollars per subtest.]

8 (2) Effective July 1, 2010, the testing fee shall be a uniform fee of:

9 (a) fifty-five (55) dollars, if the applicant is taking all five (5) subtests in a test session; or

10 (b) Twenty-five (25) dollars per sub-session.

11 (3) Effective July 1, 2011, the testing fee shall be a uniform fee of:

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

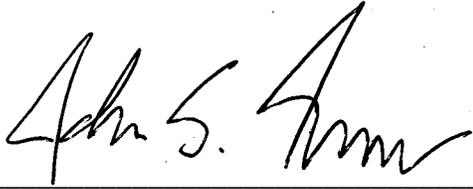
13 (b) thirty (30) dollars per sub-session.

14 (4) A person who retests shall be assessed the fee contained in (1)(b), (2)(b), or (3)(b) of this
15 Section as appropriate to the date of the re-test, but subject to the limitation that the total amount
16 assessed shall not exceed the limit contained in (1)(a), (2)(a), or (3)(a) of this Section regardless
17 of the number of sub-session retests attempted.

18 (5) A request for a duplicate transcript or diploma shall be in writing and shall carry the
19 signature, birth date, and Social Security number of the examinee and shall be accompanied by
20 the payment of:

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

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



John Turner
Chair
Council on Postsecondary Education

9/28/2008

Date

APPROVED AS TO FORM:

Dennis L. Taulbee
General Counsel
Council on Postsecondary Education

Date

PUBLIC HEARING: A public hearing on 785 KAR 1:010: GED® Testing Program shall be held on November 25, 2008 at 10:00 a.m. at the Council on Postsecondary Education, Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing by November 18, 2008, five working days 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.

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
785 KAR 1:010. GED® Testing Program

Administrative Regulation 785 KAR 1:010. *GED Testing Program.*

Contact person:

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation, 785 KAR 1:010. GED Testing Program, establishes a testing program for the General Educational Development diploma (GED), authorizes the creation of testing centers, sets minimum standards for successful completion of the GED Tests, and establishes fee for the tests and for securing duplicate copies of test scores and diplomas.

(b) The necessity of this administrative regulation: KRS 151B.023 authorizes the Council to administer a statewide adult education and literacy program. The GED Tests is an integral part of the adult education and literacy program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms explicitly to the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation provides guidance to students and to the testing centers who offer the GED Tests. The GED Tests are administered by approved testing centers who operate under the direction of the Kentucky Adult Education program, and through a contract with the GED Testing Service®.

(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: Test fees are increased from forty dollars (\$40.00) to fifty (\$50) dollars effective July 1, 2009 for students taking the entire series of five (5) tests. This fee, then increases to fifty-five (\$55) dollars on July 1, 2010, and sixty (\$60) effective July 1, 2011. Test fees for each of the three (3) sub-sessions will increase from ten dollars (\$10.00) to twenty-five (\$25) dollars effective July 1, 2009 and then to thirty (\$30) dollars on July 1, 2011. The fee for a duplicate transcript increases from five dollars (\$5.00) to ten (\$10) dollars.

(b) The necessity of the amendment to this administrative regulation: Several of the testing centers created by the Kentucky Adult Education program have indicated that they are losing money as a testing center and that they will decline to serve as a testing center unless they are able to increase fees. Testing centers need to provide examiners each time a test is offered and pay for the cost of the tests from the fees they charge.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms exactly to the authorizing statute.

(d) How the amendment will assist in the effective administration of the statutes: Test centers are expected to recover their costs in administering the test from the fees charged to students who take the GED Tests. The prospect of losing test centers because they are unable to recover costs is imminent and could seriously impair the Kentucky Adult Education program's ability to implement the statutes requiring the administration of a statewide adult education and literacy program. By providing for a gradual increase in fees, students will better be able to understand their costs, and testing centers will better be able to predict revenue from this service.

(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 the 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: GED test-takers will have to pay increased fees both for individual subject matter tests and for the five (5) part comprehensive test, but they will continue to be served by the same testing centers. If a number of testing centers close, GED test-takers will be severely inconvenienced.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No additional cost to the test centers or to the Kentucky Adult Education program is anticipated.

(b) On a continuing basis: No additional cost is contemplated. Test centers currently pay for the costs in excess of fees earned.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Student fees.

(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: Yes. The purpose of this amendment is to change the fee structure, and to avoid the prospect of severe cuts in services.

(9) TIERING: Is tiering applied? Tiering is not appropriate under these circumstances.