



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

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NOTICE OF FINAL RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(11), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), (15), and (17) (2012 Repl. & 2015 Supp.)), hereby gives notice of the adoption of the following amendments, to create a new Chapter 84 (General Educational Development (GED®) Testing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”), and to delete Section 2320 (General Educational Development (GED®) Testing) of Chapter 23 (Curriculum and Testing) in Subtitle E (Original Title 5), Title 5 (Education) DCMR.

The purpose of the final rulemaking is to (1) align regulations with the 2014 Series of the GED® test, which is now a computer-based test; (2) to provide the flexibility needed to allow the District of Columbia to continue to act as the national GED® jurisdiction, which gives the Office of the State Superintendent of Education (OSSE) the authority to provide GED® testing and credentialing to a range of non-residents; and (3) establish new eligibility requirements for test takers.

A Notice of Emergency and Proposed Rulemaking was first published in the *D.C. Register* on January 22, 2016 at 63 DCR 932. OSSE did not receive any comments. OSSE has made one minor technical change to Subsection 8405.1 by striking the word “section” and replacing it with “chapter”. This amendment clarifies the intended inclusion of the entire chapter and not just that section of the rulemaking. No other changes were made.

These rules were adopted as final on March 2, 2016, and will become effective upon publication of this notice in the *D.C. Register*.

Add a new Chapter 84, GENERAL EDUCATIONAL DEVELOPMENT (GED®) TESTING, to Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, as follows:

8400 GENERAL PROVISIONS

8400.1 The Office of the State Superintendent of Education (“OSSE” or “State Superintendent”) is the sole entity authorized and responsible for the administration of the tests of General Educational Development (GED® test) for eligible applicants in the District of Columbia; and, is the sole entity

authorized to certify and monitor other entities as official GED® testing sites for eligible applicants in the District of Columbia.

8401 ADMINISTRATION OF THE GED® TEST

8401.1 The content of the GED® test administered by the OSSE shall be determined or supplied by GED Testing Service.

8401.2 The State Superintendent shall refer all applicants seeking test-taking accommodations to GED Testing Service. The decision to provide test-taking accommodations is made solely by GED Testing Service.

8401.3 The GED® test is a computer-based test and shall be given on computer at an approved test center.

8401.4 A resident must complete all subjects in the same language in order to earn a GED® test credential.

8401.5 The GED® test shall not be administered for any purpose prohibited by GED Testing Service.

8402 ELIGIBILITY REQUIREMENTS

8402.1 An applicant is eligible to take the GED® tests in the District of Columbia if the applicant:

(a) Establishes evidence of residence in the District of Columbia, as defined in this chapter, at the time of both application and examination by presenting documentation in compliance with D.C. Official Code §§ 38-309-310;

(b) Has not already graduated or matriculated from a traditional high school program;

(c) Prior to taking each GED® subject test, demonstrates preparedness to successfully complete the test by:

(1) Providing documentation of the completion of the corresponding GED® subject test of the official practice test,

the GED Ready®, with a result of “likely to pass” or “too close to call” for that Module; or

- (2) Providing a letter from a GED® preparation program recognized by the State Superintendent stating that the applicant has participated in that program and is prepared to successfully complete the corresponding GED® subject test. And

(d) Is at least eighteen (18) years old, and meets one of the following criteria:

- (1) The applicant has not been enrolled in a traditional high school program for a period of not less than six (6) months prior to submitting an application;
- (2) The applicant was a member of a high school class which has already graduated;
- (3) The applicant has officially withdrawn from a traditional high school program without re-enrollment for a period of not less than six (6) months, during which time the applicant has been enrolled in a GED® preparatory class; or
- (4) The applicant is certified by a GED® preparation program sponsored by the government of the District of Columbia or the federal government.

8402.2 Exceptions to the criteria stated in §§ 8402.1(c) or (d) shall be approved by the State Superintendent or an authorized designee.

8402.3 Nonresidents of the District of Columbia who are otherwise eligible may apply and participate in GED® testing and credentialing in the District if they fall under one (1) of the following criteria:

- (a) The applicant is currently serving as a member, or dependent family member, of the Armed Forces of the United States on active duty assignment in the District of Columbia;

(b) The applicant is a trainee in a program sponsored by the government of the District of Columbia or federal government which is operated in the District of Columbia; or

(c) The applicant is a ward of the District of Columbia.

8402.4 Notwithstanding the criteria established for nonresidents in subsection 8402.3 of this chapter, the State Superintendent may waive the residency requirements of Subsection 8402.1(a) of this chapter and provide GED® testing and credentialing to nonresidents who are otherwise qualified under GED® Testing Service’s testing policies.

8402.5 The State Superintendent shall also provide GED® testing and credentialing services to persons incarcerated or confined in institutions located in the District of Columbia or operated by the District outside the physical boundaries of the District.

8403 RETESTING

8403.1 An applicant who has taken any GED® subject test and failed to meet the minimum standards for qualification may apply to retake the test that was failed after the expiration of the applicable waiting period, as follows:

(a) Thirty (30) calendar days, if the applicant has taken the corresponding GED Ready® test, the official practice test for the GED® test and achieved a result of “likely to pass” or “too close to call” since the date of their failed attempt; or

(b) Sixty (60) calendar days if the applicant has tested and failed the subject test three (3) times and sixty (60) calendar days waiting period between each subsequent administration of the same subject test.

8403.2 Exceptions to the criteria stated in § 8403.1 shall be approved by the State Superintendent or an authorized designee.

8404 FEE SCHEDULE

8404.1 The Superintendent shall adopt and publicize uniform fees for the administration of each GED® test and subsequent re-tests.

8404.2 Waivers of the testing fees stated in § 8404.1 may be approved by the State Superintendent or an authorized designee in cases of demonstrated financial hardship.

8405 ISSUANCE OF THE GED® CREDENTIAL

8405.1 The State Superintendent shall approve the issuance of the District of Columbia GED® credential, as defined in this chapter, pursuant to statutory requirements, the requirements of GED Testing Service, and the provisions of this chapter.

8405.2 Approval of the issuance of GED® credentials by the State Superintendent shall be based upon certification that the applicants are qualified by virtue of having fulfilled all requirements for issuance of the credential.

8405.3 GED Testing Service shall establish the minimum qualifying score for issuance of a District of Columbia GED® Credential and the Superintendent shall reserve the option of establishing a higher passing score for the District of Columbia at any time.

8499 DEFINITIONS

“Applicant” means the individual who is seeking to take the GED® test.

“Credential” means the certificate and/or the state diploma provided by OSSE for successfully passing the GED® test.

“GED® test” means the nationally recognized high school equivalency test.

“Module” means a single subject area being measured by the GED® test.

“OSSE” means the Office of the State Superintendent of Education.

“Residence” means the address where the applicant’s parent, legal guardian, custodian or other primary caregiver resides, if the applicant is under eighteen (18), or if the applicant is an adult, or emancipated minor, the address where the applicant actually resides.

Chapter 23, CURRICULUM AND TESTING, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2320, GENERAL EDUCATIONAL DEVELOPMENT (GED®) TESTING, is deleted in its entirety.