

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter C. Texas Certificate of High School Equivalency

§89.42. Official Testing Centers.

- (a) Entities eligible to serve as official computer-based testing centers include:
- (1) an accredited school district;
 - (2) an institution of higher education;
 - (3) an education service center;
 - (4) a local workforce development board;
 - (5) a United States Department of Labor One-Stop Career Center;
 - (6) a United States Department of Labor Job Corps Center;
 - (7) a public or private correctional institution;
 - (8) a public or private technical institution or career preparation school;
 - (9) any other public or private postsecondary institution offering academic or technical education or vocational training under a certificate program or an associate degree program; and
 - (10) an independent, stand-alone testing center.
- (b) Entities eligible to serve as official paper-based testing centers include:
- (1) an accredited school district;
 - (2) an institution of higher education; and
 - (3) an education service center.
- (c) ~~(b)~~ The appropriate official of an eligible entity desiring to provide the testing service to residents in the community must request approval from the Texas Education Agency (TEA) to apply for authorization from the authorized testing organization. If the need for a testing center in the location exists, the appropriate entity official, in writing, shall inform the state administrator appointed by the commissioner of education that the establishment of an official testing center is requested at that particular entity. The contract to operate a center shall be between the applicant entity and the authorized testing organization and its partners.
- (d) ~~(c)~~ The authorization to function as an official testing center may be withdrawn by the TEA if the testing center is in violation of State Board of Education rules. Potential violations include neglecting to follow test, vendor, or jurisdictional policies and procedures; unauthorized use or sale of test candidate information; or misrepresentation of the testing center's authority to issue transcripts or credentials on behalf of the TEA.
- (e) ~~(d)~~ A testing center may administer the test by paper, ~~or~~ computer, or both, as approved by the TEA, as appropriate, at the testing center to eligible candidates who are 16 years of age or older.

§89.43. Eligibility for a Texas Certificate of High School Equivalency.

- (a) An applicant for a certificate of high school equivalency shall meet the following requirements.
- (1) Residence. The applicant must be a resident of Texas or a member of the United States armed forces stationed at a Texas installation.
 - (2) Age.

- (A) The applicant must be at least 18 years old.
- (B) An applicant who is 17 years of age is eligible with parental or guardian consent. An applicant who is 17 years of age must submit permission of the applicant's parent or guardian according to procedures established by the Texas Education Agency (TEA). An applicant who is 17 years of age and married, who has entered military service, who has been declared an adult by the court, or who has otherwise legally severed the child/parent relationship is not required to present parent or guardian permission to be tested.
- (C) An applicant who is at least 16 years of age may test if recommended by a public agency having supervision or custody under a court order. Recommendations must include the applicant's name and date of birth and must be submitted according to procedures established by the TEA by an official of the public agency having supervision or custody of the person under a court order. An applicant who is at least 16 years old may also test if:
 - (i) required to take the examination under a court order issued under the Texas Family Code, §65.103(a)(3) ;
 - (ii) enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 United States Code, §§2801 et seq.) and its subsequent amendments; or
 - (iii) enrolled in the Texas Military Department's Texas ChalleNGe Academy program.
- (3) Educational status. The applicant must not have received a high school diploma from an accredited high school in the United States. The applicant must not be enrolled in school, unless the applicant is enrolled in a High School Equivalency Program (HSEP) approved by the TEA. A student who is 17 years of age is eligible to test if the student is enrolled in an HSEP approved by the TEA. The student must comply with the provisions of the HSEP.
- (4) Minimum test scores. An applicant must achieve the appropriate minimum standard scores in effect at the time the applicant tested as established by the TEA or the designated test organization, as appropriate.
- (b) Verification that any person being tested meets the eligibility requirements in this section will be provided according to procedures established by the TEA.

§89.46. Accommodations.

- (a) Reasonable and appropriate accommodations shall be provided to applicants with documented disabilities that prevent fair access to the high school equivalency examinations.
- (b) Requests for accommodations must:
 - (1) be submitted in writing for approval from the examination provider; and
 - (2) include appropriate documentation of disability and rationale for each modification requested.
- (c) No fees or prepayments may be charged to the applicant to evaluate an accommodation request.
- (d) No additional fees may be charged to the applicant for the administration of the examinations with approved accommodations.

§89.47. Issuance of the Certificate.

- (a) A nonrefundable state administrative fee , calculated by dividing \$25 by the number of tests in the battery, ~~[of \$3.00]~~ will be assessed for each individual test upon registration ~~[through December 31, 2013. A nonrefundable fee of \$3.75 will be assessed for each individual test upon registration beginning January 1, 2014]~~ . A permanent file shall be maintained for all certificates issued.

- (b) Duplicate certificates will be issued upon request from the client. The client is required to pay a nonrefundable fee of \$5.00 for each request for a duplicate certificate. An additional convenience fee of no more than \$2.00 per transaction shall be charged to cover the cost of printing certificates online.
- (c) The certificate of high school equivalency shall indicate the language, format, and provider [~~version~~] of each [~~the~~] test taken by the applicant.
- (d) The state administrator appointed by the commissioner of education may disapprove issuance of a certificate or may cancel a certificate under the following conditions:
 - (1) an applicant does not meet eligibility requirements under §89.43 of this title (relating to Eligibility for a Texas Certificate of High School Equivalency);
 - (2) the applicant in any way violates security of the restricted test material;
 - (3) the applicant presents fraudulent identification or is not who he or she purports to be;
 - (4) the applicant uses another person's certificate or test scores in an attempt to defraud; or
 - (5) the applicant willingly allows another person to use his or her certificate or test scores in an attempt to defraud.
- (e) In the case of nonissuance or cancellation of a certificate, the applicant shall be notified in writing by the state administrator [~~testing entity~~] that the certificate will not be issued or may be canceled. A decision by the state administrator appointed by the commissioner is final and may not be appealed.