

Chapter 89. Adaptations for Special Populations

Subchapter C. Texas Certificate of High School Equivalency

Statutory Authority: The provisions of this Subchapter C issued under the Texas Education Code, §7.111, unless otherwise noted.

§89.41. Policy.

The Texas Education Agency shall be the only agency in Texas authorized to issue a certificate of high school equivalency. Tests shall be administered by authorized contracted testing centers under applicable state law and rules of the State Board of Education.

Source: The provisions of this §89.41 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.42. Official Testing Centers.

- (a) When authorized by the Texas Education Agency (TEA), official testing centers shall be established by annual contract with an accredited school district, an institution of higher education (IHE), or an education service center (ESC). The testing center must be located at a high school in an accredited district, an accredited IHE, or an ESC. The chief administrative officer of a school, an IHE, or an ESC desiring to provide the testing service to residents in the community must request authorization to do so from the TEA. If the need for a testing center in the location exists, the appropriate entity official, in writing, shall inform the commissioner of education that the establishment of an official testing center is requested at that particular entity. The center shall be sent an annual contract, together with order forms and other material, relating to the operation of the testing center.
- (b) The chief administrative officer of the entity at which an official testing center is established must agree to provide appropriate storage for restricted test materials and to provide a suitable place for administering the test. Each center is responsible for selecting and ordering test materials.
- (c) The administrative officer of a testing center must designate a professional person with a bachelor's degree and a background in teaching, training, testing, or counseling to serve as chief examiner. The chief administrative officer must obtain prior authorization from the TEA to change the chief examiner or the location of a testing center. The person designated as chief examiner must attend annual training conducted by the TEA.
- (d) A testing center may transport restricted test material to correctional facilities, health facilities, or schools if authorization to do so has been obtained. The chief administrative officer of an entity housing an official testing center and the administrator of the correctional facility, health facility, or school must request authorization to provide the testing services from the TEA. Only the exact number of tests plus one needed at a test session may be transported to the addendum site. Testing services at correctional or health facilities shall be limited to inmates or patients of the facility, and the tests must be administered by an employee of an official testing center. To maintain the integrity of the test, a complete inventory of all secure testing materials shall be conducted:
 - (1) before leaving the official testing center;
 - (2) upon arrival at the addendum site;
 - (3) immediately before and after the test administration;
 - (4) before departure from the addendum site; and
 - (5) upon return to the official testing center.
- (e) The authorization to function as an official testing center may be withdrawn by the TEA when a center has failed to maintain the integrity of the testing program. The TEA may suspend testing at a center if restricted

test material is reported missing or if conditions reported by the TEA site visit indicate that the testing center is in violation of State Board of Education rules.

- (f) An official testing center may charge a fee to cover the costs for test administration. The amount of the fee shall be determined by the administration or board of the entity housing the testing center and be approved by the TEA.
- (g) The administration or board of an entity housing an official testing center shall have a written policy concerning the operation of the center, a written emergency plan, and a testing schedule. Each official testing center must provide the following assurances:
 - (1) appropriate resources;
 - (2) suitable physical facilities;
 - (3) adequate staffing;
 - (4) full testing support services;
 - (5) cooperation with the TEA;
 - (6) financial management; and
 - (7) test security.

Source: The provisions of this §89.42 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373.

§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 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 present written permission signed by the applicant's parent or guardian. 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 signed 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 justice or municipal court order issued under the Code of Criminal Procedure, Article 45.054(a)(1)(C) (formerly codified as Family Code, §54.021(d)(1)(B));
 - (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 adjutant general's department's ChalleNGe Corps.
 - (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 Texas Education

Agency (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.
- (b) Test centers shall verify that any person being tested meets the eligibility requirements in this section.

Source: The provisions of this §89.43 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.44. Identification.

Test centers shall require each examinee to present a driver's license or Texas Department of Public Safety identification card, or a government issued identification card (both national and foreign), provided that the identification includes date of birth, photograph, address, and signature. The examinee must also meet the age, residency, and other requirements of this subchapter.

Source: The provisions of this §89.44 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.45. Retesting.

An examinee who fails to achieve a minimum passing score on one or more of the tests may retest on the tests he or she failed, except for instances in which the American Council on Education establishes that scores may not be combined across a General Educational Development test series, in which case the examinee must successfully complete the full battery of tests in a series. Each retest must be on a different form of the test.

Source: The provisions of this §89.45 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.46. Examinees with Disabilities.

- (a) An applicant with a physical disability who is unable to mark an answer sheet may be assisted by the chief examiner or proctor. The examinee must read the questions without assistance and indicate the answer for the proctor to mark.
- (b) An applicant who is unable to take the printed form of the test may be administered a taped version of the test upon written authorization of the Texas Education Agency. A request by the chief examiner must be accompanied by certification by a physician that verifies a medical diagnosis of the disability that renders the potential examinee unable to take the printed form of the test.
- (c) An applicant with a visual impairment may take the test in a Braille, large print, or taped version.

Source: The provisions of this §89.46 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.47. Issuance of the Certificate.

- (a) Following review for eligibility and approval, certificates will be issued directly to clients. A nonrefundable fee of \$15 will be assessed for issuance of a certificate and a copy of test scores. An additional convenience fee of no more than \$2.00 per transaction shall be charged to cover the cost of printing certificates online. 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 version of the test taken by the applicant: audiotape, large print, Braille, English, French, or Spanish.
- (d) The state administrator 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 that the certificate will not be issued or may be canceled.
- (f) An applicant who has been notified that his or her certificate will not be issued or may be canceled may appeal to the state administrator within 30 days of receiving written notification.
- (g) If, after further review, the state administrator does not approve issuance of the certificate or cancels a certificate, this decision may be appealed to the commissioner of education under Chapter 157 of this title (relating to Hearings and Appeals).

Source: The provisions of this §89.47 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective June 6, 2004, 29 TexReg 5343; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373.

§89.48. Online Testing.

- (a) The State Board of Education shall develop and approve high school equivalency examinations and provide for the administration of the examinations online.
- (b) An examinee must be 18 years of age or older to take the high school equivalency examination online. The examinee must also meet the residency and other requirements of this subchapter.
- (c) Test centers shall require each examinee to present a driver's license or Texas Department of Public Safety identification card, or a government issued identification card (both national and foreign), provided that the identification includes date of birth, photograph, address, and signature.
- (d) A fee of \$200 will be assessed for each complete test battery to cover costs of administering the examinations online. An additional convenience fee of no more than \$2.00 per transaction shall be charged to cover the cost of printing certificates online.

Source: The provisions of this §89.48 adopted to be effective December 11, 2011, 36 TexReg 8373.