

FIRST REGULAR SESSION

HOUSE BILL NO. 405

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GANNON.

0952L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 161.094 and 161.095, RSMo, and to enact in lieu thereof two new sections relating to high school equivalency degree testing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 161.094 and 161.095, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 161.094 and 161.095, to read as follows:

161.094. **1.** The department of elementary and secondary education shall provide for examination of such applicants at least twice each year at places reasonably convenient for the applicants. The examination shall be designed to test the applicant's knowledge of subject matter usually presented in the courses required to be successfully completed by those graduating from the public high schools of the state. The certificate of equivalence may also be issued on the basis of test scores certified to the state board of education by the United States Armed Forces Institute, or a similar agency approved by the state board of education.

2. The department of elementary and secondary education shall ensure that any high school equivalency test be administered in a manner that does not discriminate against students with a diagnosis by a qualified medical professional of a mental health condition that affects learning or students with learning disabilities that have been documented by a qualified professional or through an individualized education program. If an applicant possesses any such condition or disability, the department shall administer an individualized test to accommodate the applicant.

3. Notwithstanding any other provision of law, beginning January 1, 2016, the department shall offer applicants at least one additional high school equivalency testing option selected by the state board of education as an alternative to the HiSET testing

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 program developed by Educational Testing Service and the Iowa Testing Program which
19 was adopted by the department as the exclusive high school equivalency test beginning in
20 January, 2014. When selecting the additional test or tests to offer to applicants, the state
21 board of education shall consider:

22 (1) Substantial equivalency of test scope and rigor with a comprehensive high
23 school course of study leading to diploma;

24 (2) The recognition of the test, or lack thereof, by other states;

25 (3) The portability of the test;

26 (4) The cost to test takers, with priority given to achieving the lowest cost; and

27 (5) Other criteria that meet the needs of individual test takers.

161.095. 1. The state board of education may charge an examination fee of each
2 applicant to cover the cost of administering the program. **Notwithstanding any other provision**
3 **of law, the board shall adopt rules or regulations for a waiver of the fees associated with**
4 **the examination that shall include a sliding-fee scale as determined by the department of**
5 **elementary and secondary education. To be eligible for a financial hardship fee waiver**
6 **under regulations adopted by the board, the applicant shall demonstrate that he or she has**
7 **achieved a minimum passing score on a high school equivalency practice test.**

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
9 created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
11 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
12 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,
15 shall be invalid and void.

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