

FIRST REGULAR SESSION

# SENATE BILL NO. 171

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 29, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0591S.011

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Section A. Sections 161.094 and 161.095, RSMo, are repealed and two new  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

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

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

19 **3.** Beginning January 1, 2016, the department shall offer

20 applicants at least one additional high school equivalency testing  
21 option selected by the state board of education as an alternative to the  
22 HiSET testing program developed by Educational Testing Service and  
23 the Iowa Testing Program which was adopted by the department as the  
24 exclusive high school equivalency test beginning in January,  
25 2014. When selecting the additional test or tests to offer to applicants,  
26 the state board of education shall consider the following factors:

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

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

30 (3) The portability of the test;

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

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

161.095. 1. The state board of education may charge an examination fee  
2 of each applicant to cover the cost of administering the program. The board  
3 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  
5 the department of elementary and secondary education. To be eligible  
6 for a financial hardship fee waiver under regulations adopted by the  
7 board, the applicant shall demonstrate that he or she has achieved a  
8 minimum passing score on a high school equivalency practice test.

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

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