

HB0266



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0266

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the School Code. With respect to the administration of State assessments, prohibits the State Board of Education from assessing any student whose parent or guardian has requested that the student not be assessed. Requires the State Board to develop a form that allows for such requests, which form must be distributed by school districts to their students. Effective immediately.

LRB100 05541 MLM 15555 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 2-3.64a-5 as follows:

6 (105 ILCS 5/2-3.64a-5)

7 Sec. 2-3.64a-5. State goals and assessment.

8 (a) For the assessment and accountability purposes of this
9 Section, "students" includes those students enrolled in a
10 public or State-operated elementary school, secondary school,
11 or cooperative or joint agreement with a governing body or
12 board of control, a charter school operating in compliance with
13 the Charter Schools Law, a school operated by a regional office
14 of education under Section 13A-3 of this Code, or a public
15 school administered by a local public agency or the Department
16 of Human Services.

17 (b) The State Board of Education shall establish the
18 academic standards that are to be applicable to students who
19 are subject to State assessments under this Section. The State
20 Board of Education shall not establish any such standards in
21 final form without first providing opportunities for public
22 participation and local input in the development of the final
23 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the
4 State Board of Education shall annually assess all students
5 enrolled in grades 3 through 8 in English language arts and
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the
8 State Board of Education shall annually assess all students in
9 science at one grade in grades 3 through 5, at one grade in
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools
12 that operate a secondary education program, as defined in
13 Section 22-22 of this Code, in English language arts and
14 mathematics. The State Board of Education shall administer no
15 more than 3 assessments, per student, of English language arts
16 and mathematics for students in a secondary education program.
17 One of these assessments shall include a college and career
18 ready determination that shall be accepted by this State's
19 public institutions of higher education, as defined in the
20 Board of Higher Education Act, for the purpose of student
21 application or admissions consideration.

22 Students who are not assessed for college and career ready
23 determinations may not receive a regular high school diploma
24 unless the student's parent or guardian has requested that the
25 student not be assessed under subsection (c-5) of this Section
26 or the student is exempted from taking State assessments under

1 subsection (d) of this Section because (i) the student's
2 individualized educational program developed under Article 14
3 of this Code identifies the State assessment as inappropriate
4 for the student, (ii) the student is enrolled in a program of
5 adult and continuing education, as defined in the Adult
6 Education Act, (iii) the school district is not required to
7 assess the individual student for purposes of accountability
8 under federal No Child Left Behind Act of 2001 requirements,
9 (iv) the student has been determined to be an English learner
10 and has been enrolled in schools in the United States for less
11 than 12 months, or (v) the student is otherwise identified by
12 the State Board of Education, through rules, as being exempt
13 from the assessment.

14 The State Board of Education shall not assess students
15 under this Section in subjects not required by this Section.

16 Districts shall inform their students of the timelines and
17 procedures applicable to their participation in every yearly
18 administration of the State assessments. The State Board of
19 Education shall establish periods of time in each school year
20 during which State assessments shall occur to meet the
21 objectives of this Section.

22 (c-5) The State Board of Education may not assess any
23 student under this Section whose parent or guardian has
24 requested that the student not be assessed under this Section.
25 The State Board of Education shall develop a form that allows
26 for such requests, which form must be distributed by school

1 districts to their students.

2 (d) Every individualized educational program as described
3 in Article 14 shall identify if the State assessment or
4 components thereof are appropriate for the student. The State
5 Board of Education shall develop rules governing the
6 administration of an alternate assessment that may be available
7 to students for whom participation in this State's regular
8 assessments is not appropriate, even with accommodations as
9 allowed under this Section.

10 Students receiving special education services whose
11 individualized educational programs identify them as eligible
12 for the alternative State assessments nevertheless shall have
13 the option of taking this State's regular assessment that
14 includes a college and career ready determination, which shall
15 be administered in accordance with the eligible accommodations
16 appropriate for meeting these students' respective needs.

17 All students determined to be English learners shall
18 participate in the State assessments, excepting those students
19 who have been enrolled in schools in the United States for less
20 than 12 months. Such students may be exempted from
21 participation in one annual administration of the English
22 language arts assessment. Any student determined to be an
23 English learner shall receive appropriate assessment
24 accommodations, including language supports, which shall be
25 established by rule. Approved assessment accommodations must
26 be provided until the student's English language skills develop

1 to the extent that the student is no longer considered to be an
2 English learner, as demonstrated through a State-identified
3 English language proficiency assessment.

4 (e) The results or scores of each assessment taken under
5 this Section shall be made available to the parents of each
6 student.

7 In each school year, the scores attained by a student on
8 the State assessment that includes a college and career ready
9 determination must be placed in the student's permanent record
10 and must be entered on the student's transcript pursuant to
11 rules that the State Board of Education shall adopt for that
12 purpose in accordance with Section 3 of the Illinois School
13 Student Records Act. In each school year, the scores attained
14 by a student on the State assessments administered in grades 3
15 through 8 must be placed in the student's temporary record.

16 (f) All schools shall administer an academic assessment of
17 English language proficiency in oral language (listening and
18 speaking) and reading and writing skills to all children
19 determined to be English learners.

20 (g) All schools in this State that are part of the sample
21 drawn by the National Center for Education Statistics, in
22 collaboration with their school districts and the State Board
23 of Education, shall administer the biennial academic
24 assessments under the National Assessment of Educational
25 Progress carried out under Section 411(b)(2) of the federal
26 National Education Statistics Act of 1994 (20 U.S.C. 9010) if

1 the U.S. Secretary of Education pays the costs of administering
2 the assessments.

3 (h) Subject to available funds to this State for the
4 purpose of student assessment, the State Board of Education
5 shall provide additional assessments and assessment resources
6 that may be used by school districts for local assessment
7 purposes. The State Board of Education shall annually
8 distribute a listing of these additional resources.

9 (i) For the purposes of this subsection (i), "academically
10 based assessments" means assessments consisting of questions
11 and answers that are measurable and quantifiable to measure the
12 knowledge, skills, and ability of students in the subject
13 matters covered by the assessments. All assessments
14 administered pursuant to this Section must be academically
15 based assessments. The scoring of academically based
16 assessments shall be reliable, valid, and fair and shall meet
17 the guidelines for assessment development and use prescribed by
18 the American Psychological Association, the National Council
19 on Measurement in Education, and the American Educational
20 Research Association.

21 The State Board of Education shall review the use of all
22 assessment item types in order to ensure that they are valid
23 and reliable indicators of student performance aligned to the
24 learning standards being assessed and that the development,
25 administration, and scoring of these item types are justifiable
26 in terms of cost.

1 (j) The State Superintendent of Education shall appoint a
2 committee of no more than 21 members, consisting of parents,
3 teachers, school administrators, school board members,
4 assessment experts, regional superintendents of schools, and
5 citizens, to review the State assessments administered by the
6 State Board of Education. The Committee shall select one of its
7 members as its chairperson. The Committee shall meet on an
8 ongoing basis to review the content and design of the
9 assessments (including whether the requirements of subsection
10 (i) of this Section have been met), the time and money expended
11 at the local and State levels to prepare for and administer the
12 assessments, the collective results of the assessments as
13 measured against the stated purpose of assessing student
14 performance, and other issues involving the assessments
15 identified by the Committee. The Committee shall make periodic
16 recommendations to the State Superintendent of Education and
17 the General Assembly concerning the assessments.

18 (k) The State Board of Education may adopt rules to
19 implement this Section.

20 (Source: P.A. 98-972, eff. 8-15-14; 99-30, eff. 7-10-15;
21 99-185, eff. 1-1-16; 99-642, eff. 7-28-16.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.