



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5149

Introduced 1/27/2022, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the School Code. Prohibits the State Board of Education from taking any action that requires students enrolled in grades 3 through 8 to take the annual assessment or any part of the annual assessment in English language arts and mathematics more than once per school year. Effective immediately.

LRB102 22909 CMG 32062 b

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
13 with the Charter Schools Law, a school operated by a regional
14 office of education under Section 13A-3 of this Code, or a
15 public school administered by a local public agency or the
16 Department 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. The State Board of Education may not take any
7 action that requires students to take this assessment or any
8 part of this assessment more than once per school year.

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

13 The State Board of Education shall annually assess schools
14 that operate a secondary education program, as defined in
15 Section 22-22 of this Code, in English language arts and
16 mathematics. The State Board of Education shall administer no
17 more than 3 assessments, per student, of English language arts
18 and mathematics for students in a secondary education program.
19 One of these assessments shall be recognized by this State's
20 public institutions of higher education, as defined in the
21 Board of Higher Education Act, for the purpose of student
22 application or admissions consideration. The assessment
23 administered by the State Board of Education for the purpose
24 of student application to or admissions consideration by
25 institutions of higher education must be administered on a
26 school day during regular student attendance hours.

1 Students who do not take the State's final accountability
2 assessment or its approved alternate assessment may not
3 receive a regular high school diploma unless the student is
4 exempted from taking the State assessments under subsection
5 (d) of this Section because the student is enrolled in a
6 program of adult and continuing education, as defined in the
7 Adult Education Act, or the student is identified by the State
8 Board of Education, through rules, as being exempt from the
9 assessment.

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

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

18 The requirements of this subsection do not apply if the
19 State Board of Education has received a waiver from the
20 administration of assessments from the U.S. Department of
21 Education.

22 (d) Every individualized educational program as described
23 in Article 14 shall identify if the State assessment or
24 components thereof require accommodation for the student. The
25 State Board of Education shall develop rules governing the
26 administration of an alternate assessment that may be

1 available to students for whom participation in this State's
2 regular assessments is not appropriate, even with
3 accommodations as allowed under this Section.

4 Students receiving special education services whose
5 individualized educational programs identify them as eligible
6 for the alternative State assessments nevertheless shall have
7 the option of also taking this State's regular final
8 accountability assessment, which shall be administered in
9 accordance with the eligible accommodations appropriate for
10 meeting these students' respective needs.

11 All students determined to be English learners shall
12 participate in the State assessments. The scores of those
13 students who have been enrolled in schools in the United
14 States for less than 12 months may not be used for the purposes
15 of accountability. Any student determined to be an English
16 learner shall receive appropriate assessment accommodations,
17 including language supports, which shall be established by
18 rule. Approved assessment accommodations must be provided
19 until the student's English language skills develop to the
20 extent that the student is no longer considered to be an
21 English learner, as demonstrated through a State-identified
22 English language proficiency assessment.

23 (e) The results or scores of each assessment taken under
24 this Section shall be made available to the parents of each
25 student.

26 In each school year, the scores attained by a student on

1 the final accountability assessment must be placed in the
2 student's permanent record pursuant to rules that the State
3 Board of Education shall adopt for that purpose in accordance
4 with Section 3 of the Illinois School Student Records Act. In
5 each school year, the scores attained by a student on the State
6 assessments administered in grades 3 through 8 must be placed
7 in the student's temporary record.

8 (f) All schools shall administer the State's academic
9 assessment of English language proficiency to all children
10 determined to be English learners.

11 (g) All schools in this State that are part of the sample
12 drawn by the National Center for Education Statistics, in
13 collaboration with their school districts and the State Board
14 of Education, shall administer the academic assessments under
15 the National Assessment of Educational Progress carried out
16 under Section 411(b)(2) of the federal National Education
17 Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary
18 of Education pays the costs of administering the assessments.

19 (h) (Blank).

20 (i) For the purposes of this subsection (i), "academically
21 based assessments" means assessments consisting of questions
22 and answers that are measurable and quantifiable to measure
23 the knowledge, skills, and ability of students in the subject
24 matters covered by the assessments. All assessments
25 administered pursuant to this Section must be academically
26 based assessments. The scoring of academically based

1 assessments shall be reliable, valid, and fair and shall meet
2 the guidelines for assessment development and use prescribed
3 by the American Psychological Association, the National
4 Council on Measurement in Education, and the American
5 Educational Research Association.

6 The State Board of Education shall review the use of all
7 assessment item types in order to ensure that they are valid
8 and reliable indicators of student performance aligned to the
9 learning standards being assessed and that the development,
10 administration, and scoring of these item types are
11 justifiable in terms of cost.

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

1 recommendations to the State Superintendent of Education and
2 the General Assembly concerning the assessments.

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

5 (Source: P.A. 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;
6 100-863, eff. 8-14-18; 100-1046, eff. 8-23-18; 101-643, eff.
7 6-18-20.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.