



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 2/6/2004, by Tom Cross

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the School Code. Makes a technical change in a Section concerning State goals and assessment.

LRB093 14905 NHT 40471 b

1 AN ACT regarding 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 2-3.64 as follows:

6 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

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

8 (a) Beginning in the 1998-1999 school year, the State Board  
9 of Education must ~~shall~~ establish standards and periodically,  
10 in collaboration with local school districts, conduct studies  
11 of student performance in the learning areas of fine arts and  
12 physical development/health.

13 Beginning with the 1998-1999 school year until the  
14 2005-2006 school year at the latest, the State Board of  
15 Education shall annually test: (i) all pupils enrolled in the  
16 3rd, 5th, and 8th grades in English language arts (reading,  
17 writing, and English grammar) and mathematics; and (ii) all  
18 pupils enrolled in the 4th and 7th grades in the biological and  
19 physical sciences and the social sciences (history, geography,  
20 civics, economics, and government). The maximum time allowed  
21 for all actual testing required under this paragraph shall not  
22 exceed 25 hours, as allocated among the required tests by the  
23 State Board of Education, across all grades tested.

24 Beginning no later than the 2005-2006 school year, the  
25 State Board of Education shall annually test: (i) all pupils  
26 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
27 reading and mathematics; (ii) all pupils enrolled in 3rd, 4th,  
28 6th, and 8th grades in writing; (iii) all pupils enrolled in  
29 the 4th and 7th grades in the biological and physical sciences;  
30 and (iv) all pupils enrolled in 5th and 8th grades in the  
31 social sciences (history, geography, economics, civics, and  
32 government). The State Board of Education shall sample student

1 performance in the learning area of physical development and  
2 health in grades 4 and 7 through the science tests and in the  
3 learning area of fine arts in grades 5 and 8 through the social  
4 sciences tests. After the addition of subjects and grades as  
5 delineated in this paragraph and including whatever other tests  
6 that may be approved from time to time no later than the  
7 2005-2006 school year, the maximum time allowed for all State  
8 testing in grades 3 through 8 shall not exceed 38 hours across  
9 those grades.

10 The State Board of Education shall establish the academic  
11 standards that are to be applicable to pupils who are subject  
12 to State tests under this Section beginning with the 1998-1999  
13 school year. However, the State Board of Education shall not  
14 establish any such standards in final form without first  
15 providing opportunities for public participation and local  
16 input in the development of the final academic standards. Those  
17 opportunities shall include a well-publicized period of public  
18 comment, public hearings throughout the State, and  
19 opportunities to file written comments. Beginning with the  
20 1998-99 school year and thereafter, the State tests will  
21 identify pupils in the 3rd grade or 5th grade who do not meet  
22 the State standards.

23 If, by performance on the State tests or local assessments  
24 or by teacher judgment, a student's performance is determined  
25 to be 2 or more grades below current placement, the student  
26 shall be provided a remediation program developed by the  
27 district in consultation with a parent or guardian. Such  
28 remediation programs may include, but shall not be limited to,  
29 increased or concentrated instructional time, a remedial  
30 summer school program of not less than 90 hours, improved  
31 instructional approaches, tutorial sessions, retention in  
32 grade, and modifications to instructional materials. Each  
33 pupil for whom a remediation program is developed under this  
34 subsection shall be required to enroll in and attend whatever  
35 program the district determines is appropriate for the pupil.  
36 Districts may combine students in remediation programs where

1 appropriate and may cooperate with other districts in the  
2 design and delivery of those programs. The parent or guardian  
3 of a student required to attend a remediation program under  
4 this Section shall be given written notice of that requirement  
5 by the school district a reasonable time prior to commencement  
6 of the remediation program that the student is to attend. The  
7 State shall be responsible for providing school districts with  
8 the new and additional funding, under Section 2-3.51.5 or by  
9 other or additional means, that is required to enable the  
10 districts to operate remediation programs for the pupils who  
11 are required to enroll in and attend those programs under this  
12 Section. Every individualized educational program as described  
13 in Article 14 shall identify if the State test or components  
14 thereof are appropriate for that student. The State Board of  
15 Education shall develop rules and regulations governing the  
16 administration of alternative tests prescribed within each  
17 student's individualized educational program which are  
18 appropriate to the disability of each student.

19 All pupils who are in a State approved transitional  
20 bilingual education program or transitional program of  
21 instruction shall participate in the State tests. Any student  
22 who has been enrolled in a State approved bilingual education  
23 program less than 3 cumulative academic years may take an  
24 accommodated State test, to be known as the Illinois Measure of  
25 Annual Growth in English (IMAGE), if the student's lack of  
26 English as determined by an English language proficiency test  
27 would keep the student from understanding the regular State  
28 test. If the school district determines, on a case-by-case  
29 individual basis, that IMAGE would likely yield more accurate  
30 and reliable information on what the student knows and can do,  
31 the school district may make a determination to assess the  
32 student using IMAGE for a period that does not exceed 2  
33 additional consecutive years, provided that the student has not  
34 yet reached a level of English language proficiency sufficient  
35 to yield valid and reliable information on what the student  
36 knows and can do on the regular State test.

1 Reasonable accommodations as prescribed by the State Board  
2 of Education shall be provided for individual students in the  
3 testing procedure. All test procedures prescribed by the State  
4 Board of Education shall require: (i) that each test used for  
5 State and local student testing under this Section identify by  
6 name the pupil taking the test; (ii) that the name of the pupil  
7 taking the test be placed on the test at the time the test is  
8 taken; (iii) that the results or scores of each test taken  
9 under this Section by a pupil of the school district be  
10 reported to that district and identify by name the pupil who  
11 received the reported results or scores; and (iv) that the  
12 results or scores of each test taken under this Section be made  
13 available to the parents of the pupil. In addition, in each  
14 school year the highest scores attained by a student on the  
15 Prairie State Achievement Examination administered under  
16 subsection (c) of this Section and any Prairie State  
17 Achievement Awards received by the student shall become part of  
18 the student's permanent record and shall be entered on the  
19 student's transcript pursuant to regulations that the State  
20 Board of Education shall promulgate for that purpose in  
21 accordance with Section 3 and subsection (e) of Section 2 of  
22 the Illinois School Student Records Act. Beginning with the  
23 1998-1999 school year and in every school year thereafter,  
24 scores received by students on the State assessment tests  
25 administered in grades 3 through 8 shall be placed into  
26 students' temporary records.

27 The State Board of Education shall establish a period of  
28 time, to be referred to as the State test window, in each  
29 school year for which State testing shall occur to meet the  
30 objectives of this Section. However, if the schools of a  
31 district are closed and classes are not scheduled during any  
32 week that is established by the State Board of Education as the  
33 State test window, the school district may (at the discretion  
34 of the State Board of Education) move its State test window one  
35 week earlier or one week later than the established State test  
36 window, so long as the school district gives the State Board of

1 Education written notice of its intention to deviate from the  
2 established schedule by December 1 of the school year in which  
3 falls the State test window established by the State Board of  
4 Education for the testing.

5 (a-5) All tests administered pursuant to this Section shall  
6 be academically based. For the purposes of this Section  
7 "academically based tests" shall mean tests consisting of  
8 questions and answers that are measurable and quantifiable to  
9 measure the knowledge, skill, and ability of students in the  
10 subject matters covered by tests. The scoring of academically  
11 based tests shall be reliable, valid, unbiased and shall meet  
12 the guidelines for test development and use prescribed by the  
13 American Psychological Association, the National Council of  
14 Measurement and Evaluation, and the American Educational  
15 Research Association. Academically based tests shall not  
16 include assessments or evaluations of attitudes, values, or  
17 beliefs, or testing of personality, self-esteem, or  
18 self-concept. Nothing in this amendatory Act is intended, nor  
19 shall it be construed, to nullify, supersede, or contradict the  
20 legislative intent on academic testing expressed during the  
21 passage of HB 1005/P.A. 90-296. Nothing in this Section is  
22 intended, nor shall it be construed, to nullify, supersede, or  
23 contradict the legislative intent on academic testing  
24 expressed in the preamble of this amendatory Act of the 93rd  
25 General Assembly.

26 The State Board of Education shall monitor the use of short  
27 answer questions in the math and reading assessments or in  
28 other assessments in order to demonstrate that the use of short  
29 answer questions results in a statistically significant  
30 improvement in student achievement as measured on the State  
31 assessments for math and reading or on other State assessments  
32 and is justifiable in terms of cost and student performance.

33 (b) It shall be the policy of the State to encourage school  
34 districts to continuously test pupil proficiency in the  
35 fundamental learning areas in order to: (i) provide timely  
36 information on individual students' performance relative to

1 State standards that is adequate to guide instructional  
2 strategies; (ii) improve future instruction; and (iii)  
3 complement the information provided by the State testing system  
4 described in this Section. Each district's school improvement  
5 plan must address specific activities the district intends to  
6 implement to assist pupils who by teacher judgment and test  
7 results as prescribed in subsection (a) of this Section  
8 demonstrate that they are not meeting State standards or local  
9 objectives. Such activities may include, but shall not be  
10 limited to, summer school, extended school day, special  
11 homework, tutorial sessions, modified instructional materials,  
12 other modifications in the instructional program, reduced  
13 class size or retention in grade. To assist school districts in  
14 testing pupil proficiency in reading in the primary grades, the  
15 State Board shall make optional reading inventories for  
16 diagnostic purposes available to each school district that  
17 requests such assistance. Districts that administer the  
18 reading inventories may develop remediation programs for  
19 students who perform in the bottom half of the student  
20 population. Those remediation programs may be funded by moneys  
21 provided under the School Safety and Educational Improvement  
22 Block Grant Program established under Section 2-3.51.5.  
23 Nothing in this Section shall prevent school districts from  
24 implementing testing and remediation policies for grades not  
25 required under this Section.

26 (c) Beginning with the 2000-2001 school year, each school  
27 district that operates a high school program for students in  
28 grades 9 through 12 shall annually administer the Prairie State  
29 Achievement Examination established under this subsection to  
30 its students as set forth below. The Prairie State Achievement  
31 Examination shall be developed by the State Board of Education  
32 to measure student performance in the academic areas of  
33 reading, writing, mathematics, science, and social sciences.  
34 The State Board of Education shall establish the academic  
35 standards that are to apply in measuring student performance on  
36 the Prairie State Achievement Examination including the

1 minimum examination score in each area that will qualify a  
2 student to receive a Prairie State Achievement Award from the  
3 State in recognition of the student's excellent performance.  
4 Each school district that is subject to the requirements of  
5 this subsection (c) shall afford all students 2 opportunities  
6 to take the Prairie State Achievement Examination beginning as  
7 late as practical during the second semester of grade 11, but  
8 in no event before March 1. The State Board of Education shall  
9 annually notify districts of the weeks during which these test  
10 administrations shall be required to occur. Every  
11 individualized educational program as described in Article 14  
12 shall identify if the Prairie State Achievement Examination or  
13 components thereof are appropriate for that student. Each  
14 student, exclusive of a student whose individualized  
15 educational program developed under Article 14 identifies the  
16 Prairie State Achievement Examination as inappropriate for the  
17 student, shall be required to take the examination in grade 11.  
18 For each academic area the State Board of Education shall  
19 establish the score that qualifies for the Prairie State  
20 Achievement Award on that portion of the examination. Any  
21 student who fails to earn a qualifying score for a Prairie  
22 State Achievement Award in any one or more of the academic  
23 areas on the initial test administration or who wishes to  
24 improve his or her score on any portion of the examination  
25 shall be permitted to retake such portion or portions of the  
26 examination during grade 12. Districts shall inform their  
27 students of the timelines and procedures applicable to their  
28 participation in every yearly administration of the Prairie  
29 State Achievement Examination. Students receiving special  
30 education services whose individualized educational programs  
31 identify the Prairie State Achievement Examination as  
32 inappropriate for them nevertheless shall have the option of  
33 taking the examination, which shall be administered to those  
34 students in accordance with standards adopted by the State  
35 Board of Education to accommodate the respective disabilities  
36 of those students. A student who successfully completes all



1 other applicable high school graduation requirements but fails  
2 to receive a score on the Prairie State Achievement Examination  
3 that qualifies the student for receipt of a Prairie State  
4 Achievement Award shall nevertheless qualify for the receipt of  
5 a regular high school diploma.

6 (d) Beginning with the 2002-2003 school year, all schools  
7 in this State that are part of the sample drawn by the National  
8 Center for Education Statistics, in collaboration with their  
9 school districts and the State Board of Education, shall  
10 administer the biennial State academic assessments of 4th and  
11 8th grade reading and mathematics under the National Assessment  
12 of Educational Progress carried out under Section m11(b) (2) of  
13 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
14 if the Secretary of Education pays the costs of administering  
15 the assessments.

16 (e) Beginning no later than the 2005-2006 school year,  
17 subject to available federal funds to this State for the  
18 purpose of student assessment, the State Board of Education  
19 shall provide additional tests and assessment resources that  
20 may be used by school districts for local diagnostic purposes.  
21 These tests and resources shall include without limitation  
22 additional high school writing, physical development and  
23 health, and fine arts assessments. The State Board of Education  
24 shall annually distribute a listing of these additional tests  
25 and resources, using funds available from appropriations made  
26 for student assessment purposes.

27 (f) For the assessment and accountability purposes of this  
28 Section, "all pupils" includes those pupils enrolled in a  
29 public or State-operated elementary school, secondary school,  
30 or cooperative or joint agreement with a governing body or  
31 board of control, a charter school operating in compliance with  
32 the Charter Schools Law, a school operated by a regional office  
33 of education under Section 13A-3 of this Code, or a public  
34 school administered by a local public agency or the Department  
35 of Human Services.

36 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03.)