



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0678

Introduced 1/31/2005, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the School Code. Provides that for elementary school students who are in a State-approved transitional bilingual education program or transitional program of instruction, the time allotted to take State tests may be extended as determined by the State Board of Education by rule.

LRB094 06607 NHT 36699 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 2-3.64 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 shall establish standards and periodically, in
10 collaboration with local school districts, conduct studies of
11 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 2004-2005 school year, the State Board of Education shall
15 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
16 grades in English language arts (reading, writing, and English
17 grammar) and mathematics; and (ii) all pupils enrolled in the
18 4th and 7th grades in the biological and physical sciences and
19 the social sciences (history, geography, civics, economics,
20 and government). Unless the testing required to be implemented
21 no later than the 2005-2006 school year under this subsection
22 (a) is implemented for the 2004-2005 school year, for the
23 2004-2005 school year, the State Board of Education shall test:
24 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
25 English language arts (reading and English grammar) and
26 mathematics and (ii) all pupils enrolled in the 4th and 7th
27 grades in the biological and physical sciences. The maximum
28 time allowed for all actual testing required under this
29 paragraph shall not exceed 25 hours, as allocated among the
30 required tests by the State Board of Education, across all
31 grades tested.

32 Beginning no later than the 2005-2006 school year, the

1 State Board of Education shall annually test: (i) all pupils
2 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
3 reading and mathematics and (ii) all pupils enrolled in the 4th
4 and 7th grades in the biological and physical sciences. After
5 the addition of grades and change in subjects as delineated in
6 this paragraph and including whatever other tests that may be
7 approved from time to time no later than the 2005-2006 school
8 year, the maximum time allowed for all State testing in grades
9 3 through 8 shall not exceed 38 hours across those grades.

10 Beginning with the 2004-2005 school year, the State Board
11 of Education shall not test pupils under this subsection (a) in
12 writing, physical development and health, fine arts, and the
13 social sciences (history, geography, civics, economics, and
14 government).

15 The State Board of Education shall establish the academic
16 standards that are to be applicable to pupils who are subject
17 to State tests under this Section beginning with the 1998-1999
18 school year. However, the State Board of Education shall not
19 establish any such standards in final form without first
20 providing opportunities for public participation and local
21 input in the development of the final academic standards. Those
22 opportunities shall include a well-publicized period of public
23 comment, public hearings throughout the State, and
24 opportunities to file written comments. Beginning with the
25 1998-99 school year and thereafter, the State tests will
26 identify pupils in the 3rd grade or 5th grade who do not meet
27 the State standards.

28 If, by performance on the State tests or local assessments
29 or by teacher judgment, a student's performance is determined
30 to be 2 or more grades below current placement, the student
31 shall be provided a remediation program developed by the
32 district in consultation with a parent or guardian. Such
33 remediation programs may include, but shall not be limited to,
34 increased or concentrated instructional time, a remedial
35 summer school program of not less than 90 hours, improved
36 instructional approaches, tutorial sessions, retention in

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

24 All pupils who are in a State approved transitional
25 bilingual education program or transitional program of
26 instruction shall participate in the State tests. The time
27 allotted to take the State tests, however, may be extended as
28 determined by the State Board of Education by rule. Any student
29 who has been enrolled in a State approved bilingual education
30 program less than 3 cumulative academic years may take an
31 accommodated State test, to be known as the Illinois Measure of
32 Annual Growth in English (IMAGE), if the student's lack of
33 English as determined by an English language proficiency test
34 would keep the student from understanding the regular State
35 test. If the school district determines, on a case-by-case
36 individual basis, that IMAGE would likely yield more accurate

1 and reliable information on what the student knows and can do,
2 the school district may make a determination to assess the
3 student using IMAGE for a period that does not exceed 2
4 additional consecutive years, provided that the student has not
5 yet reached a level of English language proficiency sufficient
6 to yield valid and reliable information on what the student
7 knows and can do on the regular State test.

8 Reasonable accommodations as prescribed by the State Board
9 of Education shall be provided for individual students in the
10 testing procedure. All test procedures prescribed by the State
11 Board of Education shall require: (i) that each test used for
12 State and local student testing under this Section identify by
13 name the pupil taking the test; (ii) that the name of the pupil
14 taking the test be placed on the test at the time the test is
15 taken; (iii) that the results or scores of each test taken
16 under this Section by a pupil of the school district be
17 reported to that district and identify by name the pupil who
18 received the reported results or scores; and (iv) that the
19 results or scores of each test taken under this Section be made
20 available to the parents of the pupil. In addition, in each
21 school year the highest scores attained by a student on the
22 Prairie State Achievement Examination administered under
23 subsection (c) of this Section and any Prairie State
24 Achievement Awards received by the student shall become part of
25 the student's permanent record and shall be entered on the
26 student's transcript pursuant to regulations that the State
27 Board of Education shall promulgate for that purpose in
28 accordance with Section 3 and subsection (e) of Section 2 of
29 the Illinois School Student Records Act. Beginning with the
30 1998-1999 school year and in every school year thereafter,
31 scores received by students on the State assessment tests
32 administered in grades 3 through 8 shall be placed into
33 students' temporary records.

34 The State Board of Education shall establish a period of
35 time, to be referred to as the State test window, in each
36 school year for which State testing shall occur to meet the

1 objectives of this Section. However, if the schools of a
2 district are closed and classes are not scheduled during any
3 week that is established by the State Board of Education as the
4 State test window, the school district may (at the discretion
5 of the State Board of Education) move its State test window one
6 week earlier or one week later than the established State test
7 window, so long as the school district gives the State Board of
8 Education written notice of its intention to deviate from the
9 established schedule by December 1 of the school year in which
10 falls the State test window established by the State Board of
11 Education for the testing.

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

33 The State Board of Education shall monitor the use of short
34 answer questions in the math and reading assessments or in
35 other assessments in order to demonstrate that the use of short
36 answer questions results in a statistically significant

1 improvement in student achievement as measured on the State
2 assessments for math and reading or on other State assessments
3 and is justifiable in terms of cost and student performance.

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

33 (c) Beginning with the 2000-2001 school year, each school
34 district that operates a high school program for students in
35 grades 9 through 12 shall annually administer the Prairie State
36 Achievement Examination established under this subsection to

1 its students as set forth below. The Prairie State Achievement
2 Examination shall be developed by the State Board of Education
3 to measure student performance in the academic areas of
4 reading, writing, mathematics, science, and social sciences.
5 Beginning with the 2004-2005 school year, however, the State
6 Board of Education shall not test a student in writing and the
7 social sciences (history, geography, civics, economics, and
8 government) as part of the Prairie State Achievement
9 Examination unless the student is retaking the Prairie State
10 Achievement Examination in the fall of 2004. The State Board of
11 Education shall establish the academic standards that are to
12 apply in measuring student performance on the Prairie State
13 Achievement Examination including the minimum examination
14 score in each area that will qualify a student to receive a
15 Prairie State Achievement Award from the State in recognition
16 of the student's excellent performance. Each school district
17 that is subject to the requirements of this subsection (c)
18 shall afford all students 2 opportunities to take the Prairie
19 State Achievement Examination beginning as late as practical
20 during the second semester of grade 11, but in no event before
21 March 1. The State Board of Education shall annually notify
22 districts of the weeks during which these test administrations
23 shall be required to occur. Every individualized educational
24 program as described in Article 14 shall identify if the
25 Prairie State Achievement Examination or components thereof
26 are appropriate for that student. Each student, exclusive of a
27 student whose individualized educational program developed
28 under Article 14 identifies the Prairie State Achievement
29 Examination as inappropriate for the student, shall be required
30 to take the examination in grade 11. For each academic area the
31 State Board of Education shall establish the score that
32 qualifies for the Prairie State Achievement Award on that
33 portion of the examination. Any student who fails to earn a
34 qualifying score for a Prairie State Achievement Award in any
35 one or more of the academic areas on the initial test
36 administration or who wishes to improve his or her score on any

1 portion of the examination shall be permitted to retake such
2 portion or portions of the examination during grade 12.
3 Districts shall inform their students of the timelines and
4 procedures applicable to their participation in every yearly
5 administration of the Prairie State Achievement Examination.
6 Students receiving special education services whose
7 individualized educational programs identify the Prairie State
8 Achievement Examination as inappropriate for them nevertheless
9 shall have the option of taking the examination, which shall be
10 administered to those students in accordance with standards
11 adopted by the State Board of Education to accommodate the
12 respective disabilities of those students. A student who
13 successfully completes all other applicable high school
14 graduation requirements but fails to receive a score on the
15 Prairie State Achievement Examination that qualifies the
16 student for receipt of a Prairie State Achievement Award shall
17 nevertheless qualify for the receipt of a regular high school
18 diploma. In no case, however, shall a student receive a regular
19 high school diploma without taking the Prairie State
20 Achievement Examination, unless the student is exempted from
21 taking the Prairie State Achievement Examination under this
22 subsection (c) because the student's individualized
23 educational program developed under Article 14 of this Code
24 identifies the Prairie State Achievement Examination as
25 inappropriate for the student, (ii) the student is exempt due
26 to the student's lack of English language proficiency under
27 subsection (a) of this Section, or (iii) the student is
28 enrolled in a program of Adult and Continuing Education as
29 defined in the Adult Education Act.

30 (d) Beginning with the 2002-2003 school year, all schools
31 in this State that are part of the sample drawn by the National
32 Center for Education Statistics, in collaboration with their
33 school districts and the State Board of Education, shall
34 administer the biennial State academic assessments of 4th and
35 8th grade reading and mathematics under the National Assessment
36 of Educational Progress carried out under Section m11(b) (2) of

1 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
2 if the Secretary of Education pays the costs of administering
3 the assessments.

4 (e) Beginning no later than the 2005-2006 school year,
5 subject to available federal funds to this State for the
6 purpose of student assessment, the State Board of Education
7 shall provide additional tests and assessment resources that
8 may be used by school districts for local diagnostic purposes.
9 These tests and resources shall include without limitation
10 additional high school writing, physical development and
11 health, and fine arts assessments. The State Board of Education
12 shall annually distribute a listing of these additional tests
13 and resources, using funds available from appropriations made
14 for student assessment purposes.

15 (f) For the assessment and accountability purposes of this
16 Section, "all pupils" includes those pupils enrolled in a
17 public or State-operated elementary school, secondary school,
18 or cooperative or joint agreement with a governing body or
19 board of control, a charter school operating in compliance with
20 the Charter Schools Law, a school operated by a regional office
21 of education under Section 13A-3 of this Code, or a public
22 school administered by a local public agency or the Department
23 of Human Services.

24 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838,
25 eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)