

**HB1113**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1113**

Introduced 02/08/05, by Rep. Jerry L. Mitchell

**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.

LRB094 09603 NHT 39857 b

**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 2-3.64 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 ~~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. Any student  
27 who has been enrolled in a State approved bilingual education  
28 program less than 3 cumulative academic years may take an  
29 accommodated State test, to be known as the Illinois Measure of  
30 Annual Growth in English (IMAGE), if the student's lack of  
31 English as determined by an English language proficiency test  
32 would keep the student from understanding the regular State  
33 test. If the school district determines, on a case-by-case  
34 individual basis, that IMAGE would likely yield more accurate  
35 and reliable information on what the student knows and can do,  
36 the school district may make a determination to assess the

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

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

32 The State Board of Education shall establish a period of  
33 time, to be referred to as the State test window, in each  
34 school year for which State testing shall occur to meet the  
35 objectives of this Section. However, if the schools of a  
36 district are closed and classes are not scheduled during any

1 week that is established by the State Board of Education as the  
2 State test window, the school district may (at the discretion  
3 of the State Board of Education) move its State test window one  
4 week earlier or one week later than the established State test  
5 window, so long as the school district gives the State Board of  
6 Education written notice of its intention to deviate from the  
7 established schedule by December 1 of the school year in which  
8 falls the State test window established by the State Board of  
9 Education for the testing.

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

31 The State Board of Education shall monitor the use of short  
32 answer questions in the math and reading assessments or in  
33 other assessments in order to demonstrate that the use of short  
34 answer questions results in a statistically significant  
35 improvement in student achievement as measured on the State  
36 assessments for math and reading or on other State assessments

1 and is justifiable in terms of cost and student performance.

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

31 (c) Beginning with the 2000-2001 school year, each school  
32 district that operates a high school program for students in  
33 grades 9 through 12 shall annually administer the Prairie State  
34 Achievement Examination established under this subsection to  
35 its students as set forth below. The Prairie State Achievement  
36 Examination shall be developed by the State Board of Education

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



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

28 (d) Beginning with the 2002-2003 school year, all schools  
29 in this State that are part of the sample drawn by the National  
30 Center for Education Statistics, in collaboration with their  
31 school districts and the State Board of Education, shall  
32 administer the biennial State academic assessments of 4th and  
33 8th grade reading and mathematics under the National Assessment  
34 of Educational Progress carried out under Section m11(b) (2) of  
35 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
36 if the Secretary of Education pays the costs of administering

1 the assessments.

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

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

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