



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5549

Introduced 01/27/06, by Rep. Calvin L. Giles

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the State goals and assessment provisions of the School Code. Provides that, on a case-by-case basis, schools operating on a full year school plan may have a different State test window than the State test window established by the State Board of Education. Provides that in order to protect test security and to secure proper handling and return of State test materials, the State Board of Education shall allow a school district to move its State test window for the Illinois Standards Achievement Test or the Limited English Proficient student academic content assessment for grades 3 through 8 one week earlier if the district's spring break occurs during the week that immediately follows the State test window established by the State Board. Effective July 1, 2006.

LRB094 16294 NHT 51542 b

FISCAL NOTE ACT
MAY APPLY

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. In
5 addition, the State Board of Education shall test (1) all
6 pupils enrolled in the 5th and 8th grades in writing during the
7 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
8 and 8th grades in writing during the 2007-2008 school year; and
9 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
10 writing during the 2008-2009 school year and each school year
11 thereafter. After the addition of grades and change in subjects
12 as delineated in this paragraph and including whatever other
13 tests that may be approved from time to time no later than the
14 2005-2006 school year, the maximum time allowed for all State
15 testing in grades 3 through 8 shall not exceed 38 hours across
16 those grades.

17 Beginning with the 2004-2005 school year, the State Board
18 of Education shall not test pupils under this subsection (a) in
19 physical development and health, fine arts, and the social
20 sciences (history, geography, civics, economics, and
21 government). The State Board of Education shall not test pupils
22 under this subsection (a) in writing during the 2005-2006
23 school year.

24 The State Board of Education shall establish the academic
25 standards that are to be applicable to pupils who are subject
26 to State tests under this Section beginning with the 1998-1999
27 school year. However, the State Board of Education shall not
28 establish any such standards in final form without first
29 providing opportunities for public participation and local
30 input in the development of the final academic standards. Those
31 opportunities shall include a well-publicized period of public
32 comment, public hearings throughout the State, and
33 opportunities to file written comments. Beginning with the
34 1998-99 school year and thereafter, the State tests will
35 identify pupils in the 3rd grade or 5th grade who do not meet
36 the State standards.

1 If, by performance on the State tests or local assessments
2 or by teacher judgment, a student's performance is determined
3 to be 2 or more grades below current placement, the student
4 shall be provided a remediation program developed by the
5 district in consultation with a parent or guardian. Such
6 remediation programs may include, but shall not be limited to,
7 increased or concentrated instructional time, a remedial
8 summer school program of not less than 90 hours, improved
9 instructional approaches, tutorial sessions, retention in
10 grade, and modifications to instructional materials. Each
11 pupil for whom a remediation program is developed under this
12 subsection shall be required to enroll in and attend whatever
13 program the district determines is appropriate for the pupil.
14 Districts may combine students in remediation programs where
15 appropriate and may cooperate with other districts in the
16 design and delivery of those programs. The parent or guardian
17 of a student required to attend a remediation program under
18 this Section shall be given written notice of that requirement
19 by the school district a reasonable time prior to commencement
20 of the remediation program that the student is to attend. The
21 State shall be responsible for providing school districts with
22 the new and additional funding, under Section 2-3.51.5 or by
23 other or additional means, that is required to enable the
24 districts to operate remediation programs for the pupils who
25 are required to enroll in and attend those programs under this
26 Section. Every individualized educational program as described
27 in Article 14 shall identify if the State test or components
28 thereof are appropriate for that student. The State Board of
29 Education shall develop rules and regulations governing the
30 administration of alternative tests prescribed within each
31 student's individualized educational program which are
32 appropriate to the disability of each student.

33 All pupils who are in a State approved transitional
34 bilingual education program or transitional program of
35 instruction shall participate in the State tests. The time
36 allotted to take the State tests, however, may be extended as

1 determined by the State Board of Education by rule. Any student
2 who has been enrolled in a State approved bilingual education
3 program less than 3 cumulative academic years may take an
4 accommodated Limited English Proficient student academic
5 content assessment, as determined by the State Board of
6 Education, if the student's lack of English as determined by an
7 English language proficiency test would keep the student from
8 understanding the regular State test. If the school district
9 determines, on a case-by-case individual basis, that a Limited
10 English Proficient student academic content assessment would
11 likely yield more accurate and reliable information on what the
12 student knows and can do, the school district may make a
13 determination to assess the student using a Limited English
14 Proficient student academic content assessment for a period
15 that does not exceed 2 additional consecutive years, provided
16 that the student has not yet reached a level of English
17 language proficiency sufficient to yield valid and reliable
18 information on what the student knows and can do on the regular
19 State test.

20 Reasonable accommodations as prescribed by the State Board
21 of Education shall be provided for individual students in the
22 testing procedure. All test procedures prescribed by the State
23 Board of Education shall require: (i) that each test used for
24 State and local student testing under this Section identify by
25 name the pupil taking the test; (ii) that the name of the pupil
26 taking the test be placed on the test at the time the test is
27 taken; (iii) that the results or scores of each test taken
28 under this Section by a pupil of the school district be
29 reported to that district and identify by name the pupil who
30 received the reported results or scores; and (iv) that the
31 results or scores of each test taken under this Section be made
32 available to the parents of the pupil. In addition, in each
33 school year the highest scores attained by a student on the
34 Prairie State Achievement Examination administered under
35 subsection (c) of this Section and any Prairie State
36 Achievement Awards received by the student shall become part of

1 the student's permanent record and shall be entered on the
2 student's transcript pursuant to regulations that the State
3 Board of Education shall promulgate for that purpose in
4 accordance with Section 3 and subsection (e) of Section 2 of
5 the Illinois School Student Records Act. Beginning with the
6 1998-1999 school year and in every school year thereafter,
7 scores received by students on the State assessment tests
8 administered in grades 3 through 8 shall be placed into
9 students' temporary records.

10 The State Board of Education shall establish a period of
11 time, to be referred to as the State test window, in each
12 school year for which State testing shall occur to meet the
13 objectives of this Section. However, if the schools of a
14 district are closed and classes are not scheduled due to a
15 spring break during any week that is established by the State
16 Board of Education as the State test window, the school
17 district may (at the discretion of the State Board of
18 Education) move its State test window one week earlier or one
19 week later than the established State test window, so long as
20 the school district gives the State Board of Education written
21 notice of its intention to deviate from the established
22 schedule by December 1 of the school year in which falls the
23 State test window established by the State Board of Education
24 for the testing. On a case-by-case basis, schools operating on
25 a full year school plan may have a different State test window
26 than the State test window established by the State Board of
27 Education. This different State test window must be determined
28 in consultation with the State Board of Education. In order to
29 protect test security and to secure proper handling and return
30 of State test materials, the State Board of Education shall
31 allow a school district to move its State test window for the
32 Illinois Standards Achievement Test or the Limited English
33 Proficient student academic content assessment for grades 3
34 through 8 one week earlier if the district's spring break
35 occurs during the week that immediately follows the State test
36 window established by the State Board of Education, provided

1 that these test security concerns are documented by district
2 personnel and approved by the school board and the State Board
3 of Education is given written notice of the change by December
4 1 of the school year in which the State test window established
5 by the State Board of Education falls.

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

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

34 (b) It shall be the policy of the State to encourage school
35 districts to continuously test pupil proficiency in the
36 fundamental learning areas in order to: (i) provide timely

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

27 (c) Beginning with the 2000-2001 school year, each school
28 district that operates a high school program for students in
29 grades 9 through 12 shall annually administer the Prairie State
30 Achievement Examination established under this subsection to
31 its students as set forth below. The Prairie State Achievement
32 Examination shall be developed by the State Board of Education
33 to measure student performance in the academic areas of
34 reading, writing, mathematics, science, and social sciences.
35 Beginning with the 2004-2005 school year, however, the State
36 Board of Education shall not test a student in the social

1 sciences (history, geography, civics, economics, and
2 government) as part of the Prairie State Achievement
3 Examination unless the student is retaking the Prairie State
4 Achievement Examination in the fall of 2004. In addition, the
5 State Board of Education shall not test a student in writing as
6 part of the Prairie State Achievement Examination during the
7 2005-2006 school year. The State Board of Education shall
8 establish the academic standards that are to apply in measuring
9 student performance on the Prairie State Achievement
10 Examination including the minimum examination score in each
11 area that will qualify a student to receive a Prairie State
12 Achievement Award from the State in recognition of the
13 student's excellent performance. Each school district that is
14 subject to the requirements of this subsection (c) shall afford
15 all students 2 opportunities to take the Prairie State
16 Achievement Examination beginning as late as practical during
17 the second semester of grade 11, but in no event before March
18 1. The State Board of Education shall annually notify districts
19 of the weeks during which these test administrations shall be
20 required to occur. Every individualized educational program as
21 described in Article 14 shall identify if the Prairie State
22 Achievement Examination or components thereof are appropriate
23 for that student. Each student, exclusive of a student whose
24 individualized educational program developed under Article 14
25 identifies the Prairie State Achievement Examination as
26 inappropriate for the student, shall be required to take the
27 examination in grade 11. For each academic area the State Board
28 of Education shall establish the score that qualifies for the
29 Prairie State Achievement Award on that portion of the
30 examination. Any student who fails to earn a qualifying score
31 for a Prairie State Achievement Award in any one or more of the
32 academic areas on the initial test administration or who wishes
33 to improve his or her score on any portion of the examination
34 shall be permitted to retake such portion or portions of the
35 examination during grade 12. Districts shall inform their
36 students of the timelines and procedures applicable to their

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

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

36 (e) Beginning no later than the 2005-2006 school year,

1 subject to available federal funds to this State for the
2 purpose of student assessment, the State Board of Education
3 shall provide additional tests and assessment resources that
4 may be used by school districts for local diagnostic purposes.
5 These tests and resources shall include without limitation
6 additional high school writing, physical development and
7 health, and fine arts assessments. The State Board of Education
8 shall annually distribute a listing of these additional tests
9 and resources, using funds available from appropriations made
10 for student assessment purposes.

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

20 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
21 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
22 revised 10-11-05.)

23 Section 99. Effective date. This Act takes effect July 1,
24 2006.