

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.
5 Beginning with the 2006-2007 school year, the State Board of
6 Education shall also annually test all pupils enrolled in the
7 3rd, 5th, 6th, and 8th grades in writing. After the addition of
8 grades and change in subjects as delineated in this paragraph
9 and including whatever other tests that may be approved from
10 time to time no later than the 2005-2006 school year, the
11 maximum time allowed for all State testing in grades 3 through
12 8 shall not exceed 38 hours across those grades.

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

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

33 If, by performance on the State tests or local assessments
34 or by teacher judgment, a student's performance is determined
35 to be 2 or more grades below current placement, the student
36 shall be provided a remediation program developed by the

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

29 All pupils who are in a State approved transitional
30 bilingual education program or transitional program of
31 instruction shall participate in the State tests. Any student
32 who has been enrolled in a State approved bilingual education
33 program less than 3 cumulative academic years may take an
34 accommodated State test, to be known as the Illinois Measure of
35 Annual Growth in English (IMAGE), if the student's lack of
36 English as determined by an English language proficiency test

1 would keep the student from understanding the regular State
2 test. If the school district determines, on a case-by-case
3 individual basis, that IMAGE would likely yield more accurate
4 and reliable information on what the student knows and can do,
5 the school district may make a determination to assess the
6 student using IMAGE for a period that does not exceed 2
7 additional consecutive years, provided that the student has not
8 yet reached a level of English language proficiency sufficient
9 to yield valid and reliable information on what the student
10 knows and can do on the regular State test.

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

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

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

36 The State Board of Education shall monitor the use of short

1 answer questions in the math and reading assessments or in
2 other assessments in order to demonstrate that the use of short
3 answer questions results in a statistically significant
4 improvement in student achievement as measured on the State
5 assessments for math and reading or on other State assessments
6 and is justifiable in terms of cost and student performance.

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

36 (c) Beginning with the 2000-2001 school year, each school

1 district that operates a high school program for students in
2 grades 9 through 12 shall annually administer the Prairie State
3 Achievement Examination established under this subsection to
4 its students as set forth below. The Prairie State Achievement
5 Examination shall be developed by the State Board of Education
6 to measure student performance in the academic areas of
7 reading, writing, mathematics, science, and social sciences.
8 Beginning with the 2004-2005 school year, however, the State
9 Board of Education shall not test a student in ~~writing and~~ the
10 social sciences (history, geography, civics, economics, and
11 government) as part of the Prairie State Achievement
12 Examination unless the student is retaking the Prairie State
13 Achievement Examination in the fall of 2004. In addition, the
14 State Board of Education shall not test a student in writing as
15 part of the Prairie State Achievement Examination during the
16 2005-2006 school year. The State Board of Education shall
17 establish the academic standards that are to apply in measuring
18 student performance on the Prairie State Achievement
19 Examination including the minimum examination score in each
20 area that will qualify a student to receive a Prairie State
21 Achievement Award from the State in recognition of the
22 student's excellent performance. Each school district that is
23 subject to the requirements of this subsection (c) shall afford
24 all students 2 opportunities to take the Prairie State
25 Achievement Examination beginning as late as practical during
26 the second semester of grade 11, but in no event before March
27 1. The State Board of Education shall annually notify districts
28 of the weeks during which these test administrations shall be
29 required to occur. Every individualized educational program as
30 described in Article 14 shall identify if the Prairie State
31 Achievement Examination or components thereof are appropriate
32 for that student. Each student, exclusive of a student whose
33 individualized educational program developed under Article 14
34 identifies the Prairie State Achievement Examination as
35 inappropriate for the student, shall be required to take the
36 examination in grade 11. For each academic area the State Board

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

35 (d) Beginning with the 2002-2003 school year, all schools
36 in this State that are part of the sample drawn by the National

1 Center for Education Statistics, in collaboration with their
2 school districts and the State Board of Education, shall
3 administer the biennial State academic assessments of 4th and
4 8th grade reading and mathematics under the National Assessment
5 of Educational Progress carried out under Section m11(b)(2) of
6 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
7 if the Secretary of Education pays the costs of administering
8 the assessments.

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

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

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

31 Section 99. Effective date. This Act takes effect July 1,
32 2005.