



Sen. Miguel del Valle

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1 AMENDMENT TO SENATE BILL 41

2 AMENDMENT NO. _____. Amend Senate Bill 41 by replacing
3 everything after the enacting clause with the following:

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

1 English language arts (reading and English grammar) and
2 mathematics and (ii) all pupils enrolled in the 4th and 7th
3 grades in the biological and physical sciences. The maximum
4 time allowed for all actual testing required under this
5 paragraph shall not exceed 25 hours, as allocated among the
6 required tests by the State Board of Education, across all
7 grades tested.

8 Beginning no later than the 2005-2006 school year, the
9 State Board of Education shall annually test: (i) all pupils
10 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
11 reading and mathematics and (ii) all pupils enrolled in the 4th
12 and 7th grades in the biological and physical sciences.
13 Beginning with the 2006-2007 school year, the State Board of
14 Education shall also annually test all pupils enrolled in the
15 3rd, 5th, 6th, and 8th grades in writing. After the addition of
16 grades and change in subjects as delineated in this paragraph
17 and including whatever other tests that may be approved from
18 time to time no later than the 2005-2006 school year, the
19 maximum time allowed for all State testing in grades 3 through
20 8 shall not exceed 38 hours across those grades.

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

28 The State Board of Education shall establish the academic
29 standards that are to be applicable to pupils who are subject
30 to State tests under this Section beginning with the 1998-1999
31 school year. However, the State Board of Education shall not
32 establish any such standards in final form without first
33 providing opportunities for public participation and local
34 input in the development of the final academic standards. Those

1 opportunities shall include a well-publicized period of public
2 comment, public hearings throughout the State, and
3 opportunities to file written comments. Beginning with the
4 1998-99 school year and thereafter, the State tests will
5 identify pupils in the 3rd grade or 5th grade who do not meet
6 the State standards.

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

1 Education shall develop rules and regulations governing the
2 administration of alternative tests prescribed within each
3 student's individualized educational program which are
4 appropriate to the disability of each student.

5 All pupils who are in a State approved transitional
6 bilingual education program or transitional program of
7 instruction shall participate in the State tests. Any student
8 who has been enrolled in a State approved bilingual education
9 program less than 3 cumulative academic years may take an
10 accommodated State test, to be known as the Illinois Measure of
11 Annual Growth in English (IMAGE), if the student's lack of
12 English as determined by an English language proficiency test
13 would keep the student from understanding the regular State
14 test. If the school district determines, on a case-by-case
15 individual basis, that IMAGE would likely yield more accurate
16 and reliable information on what the student knows and can do,
17 the school district may make a determination to assess the
18 student using IMAGE for a period that does not exceed 2
19 additional consecutive years, provided that the student has not
20 yet reached a level of English language proficiency sufficient
21 to yield valid and reliable information on what the student
22 knows and can do on the regular State test.

23 Reasonable accommodations as prescribed by the State Board
24 of Education shall be provided for individual students in the
25 testing procedure. All test procedures prescribed by the State
26 Board of Education shall require: (i) that each test used for
27 State and local student testing under this Section identify by
28 name the pupil taking the test; (ii) that the name of the pupil
29 taking the test be placed on the test at the time the test is
30 taken; (iii) that the results or scores of each test taken
31 under this Section by a pupil of the school district be
32 reported to that district and identify by name the pupil who
33 received the reported results or scores; and (iv) that the
34 results or scores of each test taken under this Section be made

1 available to the parents of the pupil. In addition, in each
2 school year the highest scores attained by a student on the
3 Prairie State Achievement Examination administered under
4 subsection (c) of this Section and any Prairie State
5 Achievement Awards received by the student shall become part of
6 the student's permanent record and shall be entered on the
7 student's transcript pursuant to regulations that the State
8 Board of Education shall promulgate for that purpose in
9 accordance with Section 3 and subsection (e) of Section 2 of
10 the Illinois School Student Records Act. Beginning with the
11 1998-1999 school year and in every school year thereafter,
12 scores received by students on the State assessment tests
13 administered in grades 3 through 8 shall be placed into
14 students' temporary records.

15 The State Board of Education shall establish a period of
16 time, to be referred to as the State test window, in each
17 school year for which State testing shall occur to meet the
18 objectives of this Section. However, if the schools of a
19 district are closed and classes are not scheduled during any
20 week that is established by the State Board of Education as the
21 State test window, the school district may (at the discretion
22 of the State Board of Education) move its State test window one
23 week earlier or one week later than the established State test
24 window, so long as the school district gives the State Board of
25 Education written notice of its intention to deviate from the
26 established schedule by December 1 of the school year in which
27 falls the State test window established by the State Board of
28 Education for the testing.

29 (a-5) All tests administered pursuant to this Section shall
30 be academically based. For the purposes of this Section
31 "academically based tests" shall mean tests consisting of
32 questions and answers that are measurable and quantifiable to
33 measure the knowledge, skill, and ability of students in the
34 subject matters covered by tests. The scoring of academically

1 based tests shall be reliable, valid, unbiased and shall meet
2 the guidelines for test development and use prescribed by the
3 American Psychological Association, the National Council of
4 Measurement and Evaluation, and the American Educational
5 Research Association. Academically based tests shall not
6 include assessments or evaluations of attitudes, values, or
7 beliefs, or testing of personality, self-esteem, or
8 self-concept. Nothing in this amendatory Act is intended, nor
9 shall it be construed, to nullify, supersede, or contradict the
10 legislative intent on academic testing expressed during the
11 passage of HB 1005/P.A. 90-296. Nothing in this Section is
12 intended, nor shall it be construed, to nullify, supersede, or
13 contradict the legislative intent on academic testing
14 expressed in the preamble of this amendatory Act of the 93rd
15 General Assembly.

16 The State Board of Education shall monitor the use of short
17 answer questions in the math and reading assessments or in
18 other assessments in order to demonstrate that the use of short
19 answer questions results in a statistically significant
20 improvement in student achievement as measured on the State
21 assessments for math and reading or on other State assessments
22 and is justifiable in terms of cost and student performance.

23 (b) It shall be the policy of the State to encourage school
24 districts to continuously test pupil proficiency in the
25 fundamental learning areas in order to: (i) provide timely
26 information on individual students' performance relative to
27 State standards that is adequate to guide instructional
28 strategies; (ii) improve future instruction; and (iii)
29 complement the information provided by the State testing system
30 described in this Section. Each district's school improvement
31 plan must address specific activities the district intends to
32 implement to assist pupils who by teacher judgment and test
33 results as prescribed in subsection (a) of this Section
34 demonstrate that they are not meeting State standards or local

1 objectives. Such activities may include, but shall not be
2 limited to, summer school, extended school day, special
3 homework, tutorial sessions, modified instructional materials,
4 other modifications in the instructional program, reduced
5 class size or retention in grade. To assist school districts in
6 testing pupil proficiency in reading in the primary grades, the
7 State Board shall make optional reading inventories for
8 diagnostic purposes available to each school district that
9 requests such assistance. Districts that administer the
10 reading inventories may develop remediation programs for
11 students who perform in the bottom half of the student
12 population. Those remediation programs may be funded by moneys
13 provided under the School Safety and Educational Improvement
14 Block Grant Program established under Section 2-3.51.5.
15 Nothing in this Section shall prevent school districts from
16 implementing testing and remediation policies for grades not
17 required under this Section.

18 (c) Beginning with the 2000-2001 school year, each school
19 district that operates a high school program for students in
20 grades 9 through 12 shall annually administer the Prairie State
21 Achievement Examination established under this subsection to
22 its students as set forth below. The Prairie State Achievement
23 Examination shall be developed by the State Board of Education
24 to measure student performance in the academic areas of
25 reading, writing, mathematics, science, and social sciences.
26 Beginning with the 2004-2005 school year, however, the State
27 Board of Education shall not test a student in ~~writing and~~ the
28 social sciences (history, geography, civics, economics, and
29 government) as part of the Prairie State Achievement
30 Examination unless the student is retaking the Prairie State
31 Achievement Examination in the fall of 2004. In addition, the
32 State Board of Education shall not test a student in writing as
33 part of the Prairie State Achievement Examination during the
34 2005-2006 school year. The State Board of Education shall

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

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

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

31 (e) Beginning no later than the 2005-2006 school year,
32 subject to available federal funds to this State for the
33 purpose of student assessment, the State Board of Education
34 shall provide additional tests and assessment resources that

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

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

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

19 Section 99. Effective date. This Act takes effect July 1,
20 2005."