



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0138

Introduced 1/18/2011, by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the School Code. With respect to students in grades kindergarten, one, 2, 4, 5, and 7, prohibits the Chicago school district from using a State test that is designed for students who are in a grade that is more than 2 grade levels higher than the grade the student is currently in or was in when he or she previously took a State test, whichever is applicable for the student's particular grade.

LRB097 05196 NHT 45245 b

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:

1 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
2 English language arts (reading and English grammar) and
3 mathematics and (ii) all pupils enrolled in the 4th and 7th
4 grades in the biological and physical sciences. The maximum
5 time allowed for all actual testing required under this
6 paragraph shall not exceed 25 hours, as allocated among the
7 required tests by the State Board of Education, across all
8 grades tested.

9 Beginning no later than the 2005-2006 school year, the
10 State Board of Education shall annually test: (i) all pupils
11 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
12 reading and mathematics and (ii) all pupils enrolled in the 4th
13 and 7th grades in the biological and physical sciences. In
14 addition, the State Board of Education shall test (1) all
15 pupils enrolled in the 5th and 8th grades in writing during the
16 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
17 and 8th grades in writing during the 2007-2008 school year; and
18 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
19 writing during the 2008-2009 school year and each school year
20 thereafter. After the addition of grades and change in subjects
21 as delineated in this paragraph and including whatever other
22 tests that may be approved from time to time no later than the
23 2005-2006 school year, the maximum time allowed for all State
24 testing in grades 3 through 8 shall not exceed 38 hours across
25 those grades.

26 Beginning with the 2004-2005 school year, the State Board

1 of Education shall not test pupils under this subsection (a) in
2 physical development and health, fine arts, and the social
3 sciences (history, geography, civics, economics, and
4 government). The State Board of Education shall not test pupils
5 under this subsection (a) in writing during the 2005-2006
6 school year.

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

20 If, by performance on the State tests or local assessments
21 or by teacher judgment, a student's performance is determined
22 to be 2 or more grades below current placement, the student
23 shall be provided a remediation program developed by the
24 district in consultation with a parent or guardian. Such
25 remediation programs may include, but shall not be limited to,
26 increased or concentrated instructional time, a remedial

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

26 All pupils who are in a State approved transitional

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

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

22 The State Board of Education shall establish a period of
23 time, to be referred to as the State test window, in each
24 school year for which State testing shall occur to meet the
25 objectives of this Section. However, if the schools of a
26 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

1 intended, nor shall it be construed, to nullify, supersede, or
2 contradict the legislative intent on academic testing
3 expressed in the preamble of this amendatory Act of the 93rd
4 General Assembly.

5 The State Board of Education shall monitor the use of short
6 answer questions in the math and reading assessments or in
7 other assessments in order to demonstrate that the use of short
8 answer questions results in a statistically significant
9 improvement in student achievement as measured on the State
10 assessments for math and reading or on other State assessments
11 and is justifiable in terms of cost and student performance.

12 (b) It shall be the policy of the State to encourage school
13 districts to continuously test pupil proficiency in the
14 fundamental learning areas in order to: (i) provide timely
15 information on individual students' performance relative to
16 State standards that is adequate to guide instructional
17 strategies; (ii) improve future instruction; and (iii)
18 complement the information provided by the State testing system
19 described in this Section. To assist school districts in
20 testing pupil proficiency in reading in the primary grades, the
21 State Board shall make optional reading inventories for
22 diagnostic purposes available to each school district that
23 requests such assistance. Districts that administer the
24 reading inventories may develop remediation programs for
25 students who perform in the bottom half of the student
26 population. Those remediation programs may be funded by moneys

1 provided under the School Safety and Educational Improvement
2 Block Grant Program established under Section 2-3.51.5.

3 (c) Beginning with the 2000-2001 school year, each school
4 district that operates a high school program for students in
5 grades 9 through 12 shall annually administer the Prairie State
6 Achievement Examination established under this subsection to
7 its students as set forth below. The Prairie State Achievement
8 Examination shall be developed by the State Board of Education
9 to measure student performance in the academic areas of
10 reading, writing, mathematics, science, and social sciences.
11 Beginning with the 2004-2005 school year, however, the State
12 Board of Education shall not test a student in the social
13 sciences (history, geography, civics, economics, and
14 government) as part of the Prairie State Achievement
15 Examination unless the student is retaking the Prairie State
16 Achievement Examination in the fall of 2004. In addition, the
17 State Board of Education shall not test a student in writing as
18 part of the Prairie State Achievement Examination during the
19 2005-2006 school year. The State Board of Education shall
20 establish the academic standards that are to apply in measuring
21 student performance on the Prairie State Achievement
22 Examination including the minimum examination score in each
23 area that will qualify a student to receive a Prairie State
24 Achievement Award from the State in recognition of the
25 student's excellent performance. Each school district that is
26 subject to the requirements of this subsection (c) shall afford

1 all students one opportunity to take the Prairie State
2 Achievement Examination beginning as late as practical during
3 the spring semester of grade 11, but in no event before March
4 1. The State Board of Education shall annually notify districts
5 of the weeks during which this test administration shall be
6 required to occur. Every individualized educational program as
7 described in Article 14 shall identify if the Prairie State
8 Achievement Examination or components thereof are appropriate
9 for that student. Each student, exclusive of a student whose
10 individualized educational program developed under Article 14
11 identifies the Prairie State Achievement Examination as
12 inappropriate for the student, shall be required to take the
13 examination in grade 11. For each academic area the State Board
14 of Education shall establish the score that qualifies for the
15 Prairie State Achievement Award on that portion of the
16 examination. Districts shall inform their students of the
17 timelines and procedures applicable to their participation in
18 every yearly administration of the Prairie State Achievement
19 Examination. Students receiving special education services
20 whose individualized educational programs identify the Prairie
21 State Achievement Examination as inappropriate for them
22 nevertheless shall have the option of taking the examination,
23 which shall be administered to those students in accordance
24 with standards adopted by the State Board of Education to
25 accommodate the respective disabilities of those students. A
26 student who successfully completes all other applicable high

1 school graduation requirements but fails to receive a score on
2 the Prairie State Achievement Examination that qualifies the
3 student for receipt of a Prairie State Achievement Award shall
4 nevertheless qualify for the receipt of a regular high school
5 diploma. In no case, however, shall a student receive a regular
6 high school diploma without taking the Prairie State
7 Achievement Examination, unless the student is exempted from
8 taking the Prairie State Achievement Examination under this
9 subsection (c) because (i) the student's individualized
10 educational program developed under Article 14 of this Code
11 identifies the Prairie State Achievement Examination as
12 inappropriate for the student, (ii) the student is exempt due
13 to the student's lack of English language proficiency under
14 subsection (a) of this Section, (iii) the student is enrolled
15 in a program of Adult and Continuing Education as defined in
16 the Adult Education Act, (iv) the school district is not
17 required to test the individual student for purposes of
18 accountability under federal No Child Left Behind Act of 2001
19 requirements, or (v) the student is otherwise identified by the
20 State Board of Education through rules as being exempt from the
21 assessment.

22 (d) Beginning with the 2002-2003 school year, all schools
23 in this State that are part of the sample drawn by the National
24 Center for Education Statistics, in collaboration with their
25 school districts and the State Board of Education, shall
26 administer the biennial State academic assessments of 4th and

1 8th grade reading and mathematics under the National Assessment
2 of Educational Progress carried out under Section 411(b) (2) of
3 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
4 if the Secretary of Education pays the costs of administering
5 the assessments.

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

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

26 (g) With respect to students in grades kindergarten, one,

1 2, 4, 5, and 7, a school district organized under Article 34 of
2 this Code is prohibited from using a State test under this
3 Section that is designed for students who are in a grade that
4 is more than 2 grade levels higher than the grade the student
5 is currently in or was in when he or she previously took a
6 State test under this Section, whichever is applicable for the
7 student's particular grade.

8 (Source: P.A. 96-430, eff. 8-13-09; 96-1000, eff. 7-2-10.)