



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2944

by Rep. Scott Drury

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. With respect to the testing of all pupils enrolled in 3rd through 8th grade, provides that for assessment and accountability purposes, "all pupils" includes those pupils enrolled in a nonpublic school recognized by the State Board of Education. Provides that testing of a nonpublic school pupil is at the discretion of his or her parent or guardian. Provides that the testing of nonpublic school pupils must be administered at a public school in the school district where the nonpublic school is located at the same time as the test is administered at that public school. Allows the State Board of Education and the school district to charge a reasonable fee to nonpublic school pupils to cover the costs of test administration. Makes related changes. Requires the State Board to adopt rules to implement the amendatory changes. Effective July 1, 2013.

LRB098 07477 NHT 41110 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, the performance of a student, other
22 than a student of a nonpublic school, a student's performance
23 is determined to be 2 or more grades below current placement,
24 the student shall be provided a remediation program developed
25 by the district in consultation with a parent or guardian. Such
26 remediation programs may include, but shall not be limited to,

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

1 tests prescribed within each student's individualized
2 educational program which are appropriate to the disability of
3 each student.

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

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

1 beliefs, or testing of personality, self-esteem, or
2 self-concept. Nothing in this amendatory Act is intended, nor
3 shall it be construed, to nullify, supersede, or contradict the
4 legislative intent on academic testing expressed during the
5 passage of HB 1005/P.A. 90-296. Nothing in this Section is
6 intended, nor shall it be construed, to nullify, supersede, or
7 contradict the legislative intent on academic testing
8 expressed in the preamble of this amendatory Act of the 93rd
9 General Assembly.

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

17 (b) It shall be the policy of the State to encourage school
18 districts to continuously test pupil proficiency in the
19 fundamental learning areas in order to: (i) provide timely
20 information on individual students' performance relative to
21 State standards that is adequate to guide instructional
22 strategies; (ii) improve future instruction; and (iii)
23 complement the information provided by the State testing system
24 described in this Section. To assist school districts in
25 testing pupil proficiency in reading in the primary grades, the
26 State Board shall make optional reading inventories for

1 diagnostic purposes available to each school district that
2 requests such assistance. Districts that administer the
3 reading inventories may develop remediation programs for
4 students who perform in the bottom half of the student
5 population. Those remediation programs may be funded by moneys
6 provided under the School Safety and Educational Improvement
7 Block Grant Program established under Section 2-3.51.5.

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

1 Examination including the minimum examination score in each
2 area that will qualify a student to receive a Prairie State
3 Achievement Award from the State in recognition of the
4 student's excellent performance. Each school district that is
5 subject to the requirements of this subsection (c) shall afford
6 all students one opportunity to take the Prairie State
7 Achievement Examination beginning as late as practical during
8 the spring semester of grade 11, but in no event before March
9 1. The State Board of Education shall annually notify districts
10 of the weeks during which this test administration shall be
11 required to occur. Every individualized educational program as
12 described in Article 14 shall identify if the Prairie State
13 Achievement Examination or components thereof are appropriate
14 for that student. Each student, exclusive of a student whose
15 individualized educational program developed under Article 14
16 identifies the Prairie State Achievement Examination as
17 inappropriate for the student, shall be required to take the
18 examination in grade 11. For each academic area the State Board
19 of Education shall establish the score that qualifies for the
20 Prairie State Achievement Award on that portion of the
21 examination. Districts shall inform their students of the
22 timelines and procedures applicable to their participation in
23 every yearly administration of the Prairie State Achievement
24 Examination. Students receiving special education services
25 whose individualized educational programs identify the Prairie
26 State Achievement Examination as inappropriate for them

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

1 (d) Beginning with the 2002-2003 school year, all schools
2 in this State that are part of the sample drawn by the National
3 Center for Education Statistics, in collaboration with their
4 school districts and the State Board of Education, shall
5 administer the biennial State academic assessments of 4th and
6 8th grade reading and mathematics under the National Assessment
7 of Educational Progress carried out under Section 411(b)(2) of
8 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
9 if the Secretary of Education pays the costs of administering
10 the assessments.

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

22 (f) For the assessment and accountability purposes of this
23 Section, "all pupils" includes those pupils enrolled in a
24 public or State-operated elementary school, secondary school,
25 or cooperative or joint agreement with a governing body or
26 board of control, a charter school operating in compliance with

1 the Charter Schools Law, a school operated by a regional office
2 of education under Section 13A-3 of this Code, ~~or~~ a public
3 school administered by a local public agency or the Department
4 of Human Services, or a nonpublic school recognized by the
5 State Board of Education. With respect to the testing of pupils
6 attending nonpublic schools, testing of a pupil is at the
7 discretion of his or her parent or guardian. The testing of
8 nonpublic school pupils must be administered at a public school
9 in the school district where the nonpublic school is located at
10 the same time as the test is administered at that public
11 school. The State Board of Education and the school district
12 may charge a reasonable fee to nonpublic school pupils to cover
13 the costs of test administration.

14 The State Board of Education shall adopt rules to implement
15 the changes to this Section made by this amendatory Act of the
16 98th General Assembly.

17 (Source: P.A. 96-430, eff. 8-13-09; 96-1000, eff. 7-2-10;
18 97-86, eff. 1-1-12.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2013.