

# HB5163



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5163

by Rep. Jim Durkin - Sandra M. Pihos

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the School Code. Makes technical changes in a Section concerning State goals and assessment.

LRB098 18414 NHT 53551 b

A BILL FOR

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 ~~the~~ 1998-1999 school year, the State  
9 Board of Education shall establish standards and periodically,  
10 in collaboration with local school districts, conduct studies  
11 of 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 (with an  
2 emphasis on reading and mathematics if the student has  
3 performed below grade level for 2 consecutive school years),  
4 improved instructional approaches, tutorial sessions,  
5 retention in grade, and modifications to instructional  
6 materials. Each pupil for whom a remediation program is  
7 developed under this subsection shall be required to enroll in  
8 and attend whatever program the district determines is  
9 appropriate for the pupil. Districts may combine students in  
10 remediation programs where appropriate and may cooperate with  
11 other districts in the design and delivery of those programs.  
12 The parent or guardian of a student required to attend a  
13 remediation program under this Section shall be given written  
14 notice of that requirement by the school district a reasonable  
15 time prior to commencement of the remediation program that the  
16 student is to attend. The State shall be responsible for  
17 providing school districts with the new and additional funding,  
18 under Section 2-3.51.5 or by other or additional means, that is  
19 required to enable the districts to operate remediation  
20 programs for the pupils who are required to enroll in and  
21 attend those programs under this Section. Every individualized  
22 educational program as described in Article 14 shall identify  
23 if the State test or components thereof are appropriate for  
24 that student. The State Board of Education shall develop rules  
25 and regulations governing the administration of alternative  
26 tests prescribed within each student's individualized

1 educational program which are appropriate to the disability of  
2 each student.

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

26 Reasonable accommodations as prescribed by the State Board

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

25 The State Board of Education shall establish a period of  
26 time, to be referred to as the State test window, in each

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

13 (a-5) All tests administered pursuant to this Section shall  
14 be academically based. For the purposes of this Section  
15 "academically based tests" shall mean tests consisting of  
16 questions and answers that are measurable and quantifiable to  
17 measure the knowledge, skill, and ability of students in the  
18 subject matters covered by tests. The scoring of academically  
19 based tests shall be reliable, valid, unbiased and shall meet  
20 the guidelines for test development and use prescribed by the  
21 American Psychological Association, the National Council of  
22 Measurement and Evaluation, and the American Educational  
23 Research Association. Academically based tests shall not  
24 include assessments or evaluations of attitudes, values, or  
25 beliefs, or testing of personality, self-esteem, or  
26 self-concept. Nothing in this amendatory Act is intended, nor



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

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

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

1 reading inventories may develop remediation programs for  
2 students who perform in the bottom half of the student  
3 population. Those remediation programs may be funded by moneys  
4 provided under the School Safety and Educational Improvement  
5 Block Grant Program established under Section 2-3.51.5.

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

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

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

25 (d) Beginning with the 2002-2003 school year, all schools  
26 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 411(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

1 school administered by a local public agency or the Department  
2 of Human Services.

3 (Source: P.A. 96-430, eff. 8-13-09; 96-1000, eff. 7-2-10;  
4 97-86, eff. 1-1-12.)