

HB0131



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0131

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the School Code. With respect to the administration of State assessments, prohibits the State Board of Education from assessing any student whose parent or guardian has requested that the student not be assessed. Requires the State Board to develop a form that allows for such requests, which form must be distributed by school districts to their students. Effective immediately.

LRB099 03821 NHT 23835 b

FISCAL NOTE ACT
MAY APPLY

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 2-3.64a-5 as follows:

6 (105 ILCS 5/2-3.64a-5)

7 Sec. 2-3.64a-5. State goals and assessment.

8 (a) For the assessment and accountability purposes of this
9 Section, "students" includes those students 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 (b) The State Board of Education shall establish the
18 academic standards that are to be applicable to students who
19 are subject to State assessments under this Section. The State
20 Board of Education shall not establish any such standards in
21 final form without first providing opportunities for public
22 participation and local input in the development of the final
23 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the
4 State Board of Education shall annually assess all students
5 enrolled in grades 3 through 8 in English language arts and
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the
8 State Board of Education shall annually assess all students in
9 science at one grade in grades 3 through 5, at one grade in
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools
12 that operate a secondary education program, as defined in
13 Section 22-22 of this Code, in English language arts and
14 mathematics. The State Board of Education shall administer no
15 more than 3 assessments, per student, of English language arts
16 and mathematics for students in a secondary education program.
17 One of these assessments shall include a college and career
18 ready determination.

19 Students who are not assessed for college and career ready
20 determinations may not receive a regular high school diploma
21 unless the student's parent or guardian has requested that the
22 student not be assessed under subsection (c-5) of this Section
23 or the student is exempted from taking State assessments under
24 subsection (d) of this Section because (i) the student's
25 individualized educational program developed under Article 14
26 of this Code identifies the State assessment as inappropriate

1 for the student, (ii) the student is enrolled in a program of
2 adult and continuing education, as defined in the Adult
3 Education Act, (iii) the school district is not required to
4 assess the individual student for purposes of accountability
5 under federal No Child Left Behind Act of 2001 requirements,
6 (iv) the student has been determined to be an English language
7 learner, referred to in this Code as a student with limited
8 English proficiency, and has been enrolled in schools in the
9 United States for less than 12 months, or (v) the student is
10 otherwise identified by the State Board of Education, through
11 rules, as being exempt from the assessment.

12 The State Board of Education shall not assess students
13 under this Section in subjects not required by this Section.

14 Districts shall inform their students of the timelines and
15 procedures applicable to their participation in every yearly
16 administration of the State assessments. The State Board of
17 Education shall establish periods of time in each school year
18 during which State assessments shall occur to meet the
19 objectives of this Section.

20 (c-5) The State Board of Education may not assess any
21 student under this Section whose parent or guardian has
22 requested that the student not be assessed under this Section.
23 The State Board of Education shall develop a form that allows
24 for such requests, which form must be distributed by school
25 districts to their students.

26 (d) Every individualized educational program as described

1 in Article 14 shall identify if the State assessment or
2 components thereof are appropriate for the student. The State
3 Board of Education shall develop rules governing the
4 administration of an alternate assessment that may be available
5 to students for whom participation in this State's regular
6 assessments is not appropriate, even with accommodations as
7 allowed under this Section.

8 Students receiving special education services whose
9 individualized educational programs identify them as eligible
10 for the alternative State assessments nevertheless shall have
11 the option of taking this State's regular assessment that
12 includes a college and career ready determination, which shall
13 be administered in accordance with the eligible accommodations
14 appropriate for meeting these students' respective needs.

15 All students determined to be an English language learner,
16 referred to in this Code as a student with limited English
17 proficiency, shall participate in the State assessments,
18 excepting those students who have been enrolled in schools in
19 the United States for less than 12 months. Such students may be
20 exempted from participation in one annual administration of the
21 English language arts assessment. Any student determined to be
22 an English language learner, referred to in this Code as a
23 student with limited English proficiency, shall receive
24 appropriate assessment accommodations, including language
25 supports, which shall be established by rule. Approved
26 assessment accommodations must be provided until the student's

1 English language skills develop to the extent that the student
2 is no longer considered to be an English language learner,
3 referred to in this Code as a student with limited English
4 proficiency, as demonstrated through a State-identified
5 English language proficiency assessment.

6 (e) The results or scores of each assessment taken under
7 this Section shall be made available to the parents of each
8 student.

9 In each school year, the scores attained by a student on
10 the State assessment that includes a college and career ready
11 determination must be placed in the student's permanent record
12 and must be entered on the student's transcript pursuant to
13 rules that the State Board of Education shall adopt for that
14 purpose in accordance with Section 3 of the Illinois School
15 Student Records Act. In each school year, the scores attained
16 by a student on the State assessments administered in grades 3
17 through 8 must be placed in the student's temporary record.

18 (f) All schools shall administer an academic assessment of
19 English language proficiency in oral language (listening and
20 speaking) and reading and writing skills to all children
21 determined to be English language learners, referred to in
22 Section 14C-3 of this Code as children with limited
23 English-speaking ability.

24 (g) All schools in this State that are part of the sample
25 drawn by the National Center for Education Statistics, in
26 collaboration with their school districts and the State Board

1 of Education, shall administer the biennial academic
2 assessments under the National Assessment of Educational
3 Progress carried out under Section 411(b)(2) of the federal
4 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
5 the U.S. Secretary of Education pays the costs of administering
6 the assessments.

7 (h) Subject to available funds to this State for the
8 purpose of student assessment, the State Board of Education
9 shall provide additional assessments and assessment resources
10 that may be used by school districts for local assessment
11 purposes. The State Board of Education shall annually
12 distribute a listing of these additional resources.

13 (i) For the purposes of this subsection (i), "academically
14 based assessments" means assessments consisting of questions
15 and answers that are measurable and quantifiable to measure the
16 knowledge, skills, and ability of students in the subject
17 matters covered by the assessments. All assessments
18 administered pursuant to this Section must be academically
19 based assessments. The scoring of academically based
20 assessments shall be reliable, valid, and fair and shall meet
21 the guidelines for assessment development and use prescribed by
22 the American Psychological Association, the National Council
23 on Measurement in Education, and the American Educational
24 Research Association.

25 The State Board of Education shall review the use of all
26 assessment item types in order to ensure that they are valid

1 and reliable indicators of student performance aligned to the
2 learning standards being assessed and that the development,
3 administration, and scoring of these item types are justifiable
4 in terms of cost.

5 (j) The State Superintendent of Education shall appoint a
6 committee of no more than 21 members, consisting of parents,
7 teachers, school administrators, school board members,
8 assessment experts, regional superintendents of schools, and
9 citizens, to review the State assessments administered by the
10 State Board of Education. The Committee shall select one of its
11 members as its chairperson. The Committee shall meet on an
12 ongoing basis to review the content and design of the
13 assessments (including whether the requirements of subsection
14 (i) of this Section have been met), the time and money expended
15 at the local and State levels to prepare for and administer the
16 assessments, the collective results of the assessments as
17 measured against the stated purpose of assessing student
18 performance, and other issues involving the assessments
19 identified by the Committee. The Committee shall make periodic
20 recommendations to the State Superintendent of Education and
21 the General Assembly concerning the assessments.

22 (k) The State Board of Education may adopt rules to
23 implement this Section.

24 (Source: P.A. 98-972, eff. 8-15-14.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.