

**HB2873**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HB2873**

Introduced 2/24/2009, by Rep. Tom Cross

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

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

LRB096 06107 NHT 16189 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, 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 highest scores attained by a student on the  
11 Prairie State Achievement Examination administered under  
12 subsection (c) of this Section and any Prairie State  
13 Achievement Awards received by the student shall become part of  
14 the student's permanent record and shall be entered on the  
15 student's transcript pursuant to regulations that the State  
16 Board of Education shall promulgate for that purpose in  
17 accordance with Section 3 and subsection (e) of Section 2 of  
18 the Illinois School Student Records Act. Beginning with the  
19 1998-1999 school year and in every school year thereafter,  
20 scores received by students on the State assessment tests  
21 administered in grades 3 through 8 shall be placed into  
22 students' temporary records.

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

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

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



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

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

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

1 population. Those remediation programs may be funded by moneys  
2 provided under the School Safety and Educational Improvement  
3 Block Grant Program established under Section 2-3.51.5.

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

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

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

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

1 administer the biennial State academic assessments of 4th and  
2 8th grade reading and mathematics under the National Assessment  
3 of Educational Progress carried out under Section m11(b) (2) of  
4 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
5 if the Secretary of Education pays the costs of administering  
6 the assessments.

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

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

1 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;  
2 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;  
3 94-875, eff. 7-1-06.)