



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3368

Introduced 2/22/2021, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the School Code. In provisions prohibiting students who do not take the State's final accountability assessment or its approved alternate assessment from receiving a regular high school diploma, exempts a high school student from taking the assessment if: (1) the assessment is administered during the pendency of a disaster proclamation issued by the Governor as a result of a public health emergency or epidemic; (2) the student resides in a county that is subject to the gubernatorial disaster proclamation; (3) the student's high school has implemented remote learning or blended remote learning procedures as a result of the public health emergency or epidemic; and (4) the parent or guardian of the student certifies to the high school that the student is immunocompromised, resides with an individual who is immunocompromised, or is a caretaker for an individual who is immunocompromised. Effective immediately.

LRB102 00351 CMG 10353 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  
13 with the Charter Schools Law, a school operated by a regional  
14 office of education under Section 13A-3 of this Code, or a  
15 public school administered by a local public agency or the  
16 Department 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 be recognized by this State's  
18 public institutions of higher education, as defined in the  
19 Board of Higher Education Act, for the purpose of student  
20 application or admissions consideration. The assessment  
21 administered by the State Board of Education for the purpose  
22 of student application to or admissions consideration by  
23 institutions of higher education must be administered on a  
24 school day during regular student attendance hours.

25 Students who do not take the State's final accountability  
26 assessment or its approved alternate assessment may not

1 receive a regular high school diploma unless:

2 (1) the student is exempt from taking the assessment  
3 under subsection (c-5) of this Section;

4 (2) the student is exempted from taking the State  
5 assessments under subsection (d) of this Section because  
6 the student is enrolled in a program of adult and  
7 continuing education, as defined in the Adult Education  
8 Act, ~~17~~ or

9 (3) the student is identified by the State Board of  
10 Education, through rules, as being exempt from the  
11 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 The requirements of this subsection do not apply if the  
21 State Board of Education has received a waiver from the  
22 administration of assessments from the U.S. Department of  
23 Education.

24 (c-5) A high school student is exempt from taking the  
25 State's final accountability assessment or its approved  
26 alternative assessment under subsection (c) of this Section

1 if:

2 (1) the State's final accountability assessment or its  
3 approved alternative assessment is administered during the  
4 pendency of a disaster proclamation issued by the Governor  
5 pursuant to Section 7 of the Illinois Emergency Management  
6 Agency Act as a result of a public health emergency or  
7 epidemic;

8 (2) the student resides in a county that is subject to  
9 the gubernatorial disaster proclamation;

10 (3) the student's high school has implemented remote  
11 learning or blended remote learning procedures under  
12 Section 10-30 or 34-18.66 of this Code as a result of the  
13 public health emergency or epidemic; and

14 (4) the parent or guardian of the student certifies to  
15 the high school that the student is immunocompromised,  
16 resides with an individual who is immunocompromised, or is  
17 a caretaker for an individual who is immunocompromised.

18 (d) Every individualized educational program as described  
19 in Article 14 shall identify if the State assessment or  
20 components thereof require accommodation for the student. The  
21 State Board of Education shall develop rules governing the  
22 administration of an alternate assessment that may be  
23 available to students for whom participation in this State's  
24 regular assessments is not appropriate, even with  
25 accommodations as allowed under this Section.

26 Students receiving special education services whose

1 individualized educational programs identify them as eligible  
2 for the alternative State assessments nevertheless shall have  
3 the option of also taking this State's regular final  
4 accountability assessment, which shall be administered in  
5 accordance with the eligible accommodations appropriate for  
6 meeting these students' respective needs.

7 All students determined to be English learners shall  
8 participate in the State assessments. The scores of those  
9 students who have been enrolled in schools in the United  
10 States for less than 12 months may not be used for the purposes  
11 of accountability. Any student determined to be an English  
12 learner shall receive appropriate assessment accommodations,  
13 including language supports, which shall be established by  
14 rule. Approved assessment accommodations must be provided  
15 until the student's English language skills develop to the  
16 extent that the student is no longer considered to be an  
17 English learner, as demonstrated through a State-identified  
18 English language proficiency assessment.

19 (e) The results or scores of each assessment taken under  
20 this Section shall be made available to the parents of each  
21 student.

22 In each school year, the scores attained by a student on  
23 the final accountability assessment must be placed in the  
24 student's permanent record pursuant to rules that the State  
25 Board of Education shall adopt for that purpose in accordance  
26 with Section 3 of the Illinois School Student Records Act. In

1 each school year, the scores attained by a student on the State  
2 assessments administered in grades 3 through 8 must be placed  
3 in the student's temporary record.

4 (f) All schools shall administer the State's academic  
5 assessment of English language proficiency to all children  
6 determined to be English learners.

7 (g) All schools in this State that are part of the sample  
8 drawn by the National Center for Education Statistics, in  
9 collaboration with their school districts and the State Board  
10 of Education, shall administer the academic assessments under  
11 the National Assessment of Educational Progress carried out  
12 under Section 411(b)(2) of the federal National Education  
13 Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary  
14 of Education pays the costs of administering the assessments.

15 (h) (Blank).

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

1 Educational Research Association.

2 The State Board of Education shall review the use of all  
3 assessment item types in order to ensure that they are valid  
4 and reliable indicators of student performance aligned to the  
5 learning standards being assessed and that the development,  
6 administration, and scoring of these item types are  
7 justifiable in terms of cost.

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

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



1 (Source: P.A. 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;  
2 100-863, eff. 8-14-18; 100-1046, eff. 8-23-18; 101-643, eff.  
3 6-18-20.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.