

1 AN ACT to implement the federal No Child Left Behind Act  
2 of 2001.

3 WHEREAS, The General Assembly supports enhancement of the  
4 current State assessment system in order to develop an  
5 appropriate, high-quality, statewide K-12 assessment system,  
6 based on the Illinois Learning Standards; and

7 WHEREAS, This enhanced statewide assessment system must  
8 have a high level of credibility, reliability, and validity  
9 and must provide continuity with the assessment system in  
10 place prior to the changes made by this amendatory Act of the  
11 93rd General Assembly; and

12 WHEREAS, The changes in the assessment system made by  
13 this amendatory Act of the 93rd General Assembly are a direct  
14 result of the federal No Child Left Behind Act of 2001  
15 (Public Law 107-110), which requires the testing of all  
16 students as well as enhancements to the system in order to  
17 provide timely results that are meaningful and educationally  
18 useful for educators, parents, and the broader community;  
19 therefore

20 Be it enacted by the People of the State of Illinois,  
21 represented in the General Assembly:

22 Section 5. The School Code is amended by changing  
23 Section 2-3.64 as follows:

24 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

25 Sec. 2-3.64. State goals and assessment.

26 (a) Beginning in the 1998-1999 school year, the State  
27 Board of Education shall establish standards and  
28 periodically, in collaboration with local school districts,  
29 conduct studies of student performance in the learning areas  
30 of fine arts and physical development/health.

1           Beginning with the 1998-1999 school year until the  
2           2005-2006 school year at the latest, the State Board of  
3           Education shall annually test: (i) all pupils enrolled in the  
4           3rd, 5th, and 8th grades in English language arts (reading,  
5           writing, and English grammar) and mathematics; and (ii) all  
6           pupils enrolled in the 4th and 7th grades in the biological  
7           and physical sciences and the social sciences (history,  
8           geography, civics, economics, and government). The maximum  
9           time allowed for all actual testing required under this  
10          paragraph shall not exceed 25 hours, as allocated among the  
11          required tests by the State Board of Education, across all  
12          grades tested.

13          Beginning no later than the 2005-2006 school year, the  
14          State Board of Education shall annually test: (i) all pupils  
15          enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
16          reading and mathematics; (ii) all pupils enrolled in 3rd,  
17          4th, 6th, and 8th grades in writing; (iii) all pupils  
18          enrolled in the 4th and 7th grades in the biological and  
19          physical sciences; and (iv) all pupils enrolled in 5th and  
20          8th grades in the social sciences (history, geography,  
21          economics, civics, and government). The State Board of  
22          Education shall sample student performance in the learning  
23          area of physical development and health in grades 4 and 7  
24          through the science tests and in the learning area of fine  
25          arts in grades 5 and 8 through the social sciences tests.  
26          After the addition of subjects and grades as delineated in  
27          this paragraph and including whatever other tests that may be  
28          approved from time to time no later than the 2005-2006 school  
29          year, the maximum time allowed for all State testing in  
30          grades 3 through 8 shall not exceed 40 hours across those  
31          grades.

32          The State Board of Education shall establish the academic  
33          standards that are to be applicable to pupils who are subject  
34          to State tests under this Section beginning with the

1 1998-1999 school year. However, the State Board of Education  
2 shall not establish any such standards in final form without  
3 first providing opportunities for public participation and  
4 local input in the development of the final academic  
5 standards. Those opportunities shall include a  
6 well-publicized period of public comment, public hearings  
7 throughout the State, and opportunities to file written  
8 comments. Beginning with the 1998-99 school year and  
9 thereafter, the State tests will identify pupils in the 3rd  
10 grade or 5th grade who do not meet the State standards.

11 If, by performance on the State tests or local  
12 assessments or by teacher judgment, a student's performance  
13 is determined to be 2 or more grades below current placement,  
14 the student shall be provided a remediation program developed  
15 by the district in consultation with a parent or guardian.  
16 Such remediation programs may include, but shall not be  
17 limited to, increased or concentrated instructional time, a  
18 remedial summer school program of not less than 90 hours,  
19 improved instructional approaches, tutorial sessions,  
20 retention in grade, and modifications to instructional  
21 materials. Each pupil for whom a remediation program is  
22 developed under this subsection shall be required to enroll  
23 in and attend whatever program the district determines is  
24 appropriate for the pupil. Districts may combine students in  
25 remediation programs where appropriate and may cooperate with  
26 other districts in the design and delivery of those programs.  
27 The parent or guardian of a student required to attend a  
28 remediation program under this Section shall be given written  
29 notice of that requirement by the school district a  
30 reasonable time prior to commencement of the remediation  
31 program that the student is to attend. The State shall be  
32 responsible for providing school districts with the new and  
33 additional funding, under Section 2-3.51.5 or by other or  
34 additional means, that is required to enable the districts to

1 operate remediation programs for the pupils who are required  
 2 to enroll in and attend those programs under this Section.  
 3 Every individualized educational program as described in  
 4 Article 14 shall identify if the State test or components  
 5 thereof are appropriate for that student. ~~For these pupils~~  
 6 ~~for whom the State tests or components thereof are not~~  
 7 ~~appropriate,~~ The State Board of Education shall develop rules  
 8 and regulations governing the administration of alternative  
 9 tests prescribed within each student's individualized  
 10 educational program which are appropriate to the disability  
 11 of each student.

12 All pupils who are in a State approved transitional  
 13 bilingual education program or transitional program of  
 14 instruction shall participate in the State tests. Any  
 15 student who has been enrolled in a State approved bilingual  
 16 education program less than 3 cumulative academic years may  
 17 take an accommodated State test, to be known as the Illinois  
 18 Measure of Annual Growth in English (IMAGE), shall be  
 19 exempted if the student's lack of English as determined by an  
 20 English language proficiency test would keep the student from  
 21 understanding the regular State test. If the school district  
 22 determines, on a case-by-case individual basis, that IMAGE  
 23 would likely yield more accurate and reliable information on  
 24 what the student knows and can do, the school district may  
 25 make a determination to assess the student using IMAGE for a  
 26 period that does not exceed 2 additional consecutive years,  
 27 provided that the student has not yet reached a level of  
 28 English language proficiency sufficient to yield valid and  
 29 reliable information on what the student knows and can do on  
 30 the regular State test. ~~and that student's district shall~~  
 31 ~~have an alternative test program in place for that student.~~  
 32 ~~The State Board of Education shall appoint a task force of~~  
 33 ~~concerned parents, teachers, school administrators and other~~  
 34 ~~professionals to assist in identifying such alternative~~

1 tests-

2 Reasonable accommodations as prescribed by the State  
3 Board of Education shall be provided for individual students  
4 in the testing procedure. All test procedures prescribed by  
5 the State Board of Education shall require: (i) that each  
6 test used for State and local student testing under this  
7 Section identify by name the pupil taking the test; (ii) that  
8 the name of the pupil taking the test be placed on the test  
9 at the time the test is taken; (iii) that the results or  
10 scores of each test taken under this Section by a pupil of  
11 the school district be reported to that district and identify  
12 by name the pupil who received the reported results or  
13 scores; and (iv) that the results or scores of each test  
14 taken under this Section be made available to the parents of  
15 the pupil. In addition, ~~beginning-with-the-2000-2001-school~~  
16 ~~year-and~~ in each school year thereafter, the highest scores  
17 ~~and--performance--levels~~ attained by a student on the Prairie  
18 State Achievement Examination administered under subsection  
19 (c) of this Section and any Prairie State Achievement Awards  
20 received by the student shall become part of the student's  
21 permanent record and shall be entered on the student's  
22 transcript pursuant to regulations that the State Board of  
23 Education shall promulgate for that purpose in accordance  
24 with Section 3 and subsection (e) of Section 2 of the  
25 Illinois School Student Records Act. Beginning with the  
26 1998-1999 school year and in every school year thereafter,  
27 scores received by students on the State assessment tests  
28 administered in grades 3 through 8 shall be placed into  
29 students' temporary records.

30 The State Board of Education shall establish a period of  
31 time, to be referred to as the State test window, ~~common~~  
32 ~~month~~ in each school year for which State testing shall occur  
33 to meet the objectives of this Section. However, if the  
34 schools of a district are closed and classes are not

1 scheduled during any week that is established by the State  
2 Board of Education as the State test window week-of-the-month  
3 ~~when-State-testing-under-this-Section-shall-occur~~, the school  
4 district may (at the discretion of the State Board of  
5 Education) move its State test window one week earlier or one  
6 week later than the established State test window, administer  
7 ~~the-required-State-testing-at-any-time-up-to-2-weeks~~  
8 ~~following-the-week-established-by-the-State-Board-of~~  
9 ~~Education-for-the-testing~~, so long as the school district  
10 gives the State Board of Education written notice of its  
11 intention to deviate from the established schedule by  
12 December 1 of the school year in which falls the State test  
13 window week established by the State Board of Education for  
14 the testing. ~~The-maximum-time-allowed-for-all-actual-testing~~  
15 ~~required-under-this-subsection-during-the-school-year-shall~~  
16 ~~not-exceed-25-hours-as-allocated-among-the-required-tests-by~~  
17 ~~the-State-Board-of-Education.~~

18 (a-5) All tests administered pursuant to this Section  
19 shall be academically based. For the purposes of this  
20 Section "academically based tests" shall mean tests  
21 consisting of questions and answers that are measurable and  
22 quantifiable to measure the knowledge, skill, and ability of  
23 students in the subject matters covered by tests. The  
24 scoring of academically based tests shall be reliable, valid,  
25 unbiased and shall meet the guidelines for test development  
26 and use prescribed by the American Psychological Association,  
27 the National Council of Measurement and Evaluation, and the  
28 American Educational Research Association. Academically based  
29 tests shall not include assessments or evaluations of  
30 attitudes, values, or beliefs, or testing of personality,  
31 self-esteem, or self-concept. Nothing in this amendatory Act  
32 is intended, nor shall it be construed, to nullify,  
33 supersede, or contradict the legislative intent on academic  
34 testing expressed during the passage of HB 1005/P.A. 90-296.

1 Nothing in this Section is intended, nor shall it be  
 2 construed, to nullify, supersede, or contradict the  
 3 legislative intent on academic testing expressed in the  
 4 preamble of this amendatory Act of the 93rd General Assembly.

5 Beginning--in--the-1998-1999-school-year, the State Board  
 6 of Education may, on a pilot--basis,--include--in--the--State  
 7 assessments-in-reading-and-math-at-each-grade-level-tested-no  
 8 more--than--2--short-answer-questions, where students have to  
 9 respond--in--brief--to--questions---or---prompts---or---show  
 10 computations,--rather--than-select-from-alternatives-that-are  
 11 presented.--In-the-first-year-that-such-questions--are--used,  
 12 scores-on-the-short-answer-questions-shall-not-be-reported-on  
 13 an--individual-student-basis-but-shall-be-aggregated-for-each  
 14 school-building-in-which-the-tests-are--given.--State-level,  
 15 school,--and--district-scores-shall-be-reported-both-with-and  
 16 without-the-results-of-the-short-answer-questions-so-that-the  
 17 effect-of-short--answer--questions--is--clearly--discernible.  
 18 Beginning-in-the-second-year-of-this-pilot-program, scores-on  
 19 the--short--answer--questions--shall--be--reported-both-on-an  
 20 individual-student-basis-and-on-a-school--building--basis--in  
 21 order---to--monitor--the--effects--of--teacher--training--and  
 22 curriculum-improvements-on-score-results.

23 The State Board of Education shall monitor not--continue  
 24 the use of short answer questions in the math and reading  
 25 assessments or in other assessments in order to demonstrate,  
 26 or---extend---the--use--of--such--questions--to--other--State  
 27 assessments, unless this pilot project demonstrates that the  
 28 use of short answer questions results in a statistically  
 29 significant improvement in student achievement as measured on  
 30 the State assessments for math and reading or on other State  
 31 assessments and is justifiable in terms of cost and student  
 32 performance.

33 (b) It shall be the policy of the State to encourage  
 34 school districts to continuously test pupil proficiency in

1 the fundamental learning areas in order to: (i) provide  
2 timely information on individual students' performance  
3 relative to State standards that is adequate to guide  
4 instructional strategies; (ii) improve future instruction;  
5 and (iii) complement the information provided by the State  
6 testing system described in this Section. Each district's  
7 school improvement plan must address specific activities the  
8 district intends to implement to assist pupils who by teacher  
9 judgment and test results as prescribed in subsection (a) of  
10 this Section demonstrate that they are not meeting State  
11 standards or local objectives. Such activities may include,  
12 but shall not be limited to, summer school, extended school  
13 day, special homework, tutorial sessions, modified  
14 instructional materials, other modifications in the  
15 instructional program, reduced class size or retention in  
16 grade. To assist school districts in testing pupil  
17 proficiency in reading in the primary grades, the State Board  
18 shall make optional reading inventories for diagnostic  
19 purposes available to each school district that requests such  
20 assistance. Districts that administer the reading  
21 inventories may develop remediation programs for students who  
22 perform in the bottom half of the student population. Those  
23 remediation programs may be funded by moneys provided under  
24 the School Safety and Educational Improvement Block Grant  
25 Program established under Section 2-3.51.5. Nothing in this  
26 Section shall prevent school districts from implementing  
27 testing and remediation policies for grades not required  
28 under this Section.

29 (c) Beginning with the 2000-2001 school year, each  
30 school district that operates a high school program for  
31 students in grades 9 through 12 shall annually administer the  
32 Prairie State Achievement Examination established under this  
33 subsection to its students as set forth below. The Prairie  
34 State Achievement Examination shall be developed by the State



1 Board of Education to measure student performance in the  
2 academic areas of reading, writing, mathematics, science, and  
3 social sciences. The State Board of Education shall  
4 establish the academic standards that are to apply in  
5 measuring student performance on the Prairie State  
6 Achievement Examination including the minimum examination  
7 score in each area that will qualify a student to receive a  
8 Prairie State Achievement Award from the State in recognition  
9 of the student's excellent performance. Each school district  
10 that is subject to the requirements of this subsection (c)  
11 shall afford all students 2 opportunities to take the Prairie  
12 State Achievement Examination beginning as late as practical  
13 during the second semester of grade 11, but in no event  
14 before March 1. The State Board of Education shall annually  
15 notify districts of the weeks during which these test  
16 administrations shall be required to occur. Every  
17 individualized educational program as described in Article 14  
18 shall identify if the Prairie State Achievement Examination  
19 or components thereof are appropriate for that student. Each  
20 student, exclusive of a student whose individualized  
21 educational program developed under Article 14 identifies the  
22 Prairie State Achievement Examination as inappropriate for  
23 the student, shall be required to take the examination in  
24 grade 11. For each academic area the State Board of  
25 Education shall establish the score that qualifies for the  
26 Prairie State Achievement Award on that portion of the  
27 examination. Any student who fails to earn a qualifying  
28 score for a Prairie State Achievement Award in any one or  
29 more of the academic areas on the initial test administration  
30 or who wishes to improve his or her score on any portion of  
31 the examination shall be permitted to retake such portion or  
32 portions of the examination during grade 12. Districts shall  
33 inform their students of the timelines and procedures  
34 applicable to their participation in every yearly

1 administration of the Prairie State Achievement Examination.  
2 Students receiving special education services whose  
3 individualized educational programs identify the Prairie  
4 State Achievement Examination as inappropriate for them  
5 nevertheless shall have the option of taking the examination,  
6 which shall be administered to those students in accordance  
7 with standards adopted by the State Board of Education to  
8 accommodate the respective disabilities of those students. A  
9 student who successfully completes all other applicable high  
10 school graduation requirements but fails to receive a score  
11 on the Prairie State Achievement Examination that qualifies  
12 the student for receipt of a Prairie State Achievement Award  
13 shall nevertheless qualify for the receipt of a regular high  
14 school diploma.

15 (d) Beginning with the 2002-2003 school year, all  
16 schools in this State that are part of the sample drawn by  
17 the National Center for Education Statistics, in  
18 collaboration with their school districts and the State Board  
19 of Education, shall administer the biennial State academic  
20 assessments of 4th and 8th grade reading and mathematics  
21 under the National Assessment of Educational Progress carried  
22 out under Section m11(b)(2) of the National Education  
23 Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of  
24 Education pays the costs of administering the assessments.

25 (e) Beginning no later than the 2005-2006 school year,  
26 subject to available federal funds to this State for the  
27 purpose of student assessment, the State Board of Education  
28 shall provide additional tests and assessment resources that  
29 may be used by school districts for local diagnostic  
30 purposes. These tests and resources shall include without  
31 limitation additional high school writing, physical  
32 development and health, and fine arts assessments. The State  
33 Board of Education shall annually distribute a listing of  
34 these additional tests and resources, using funds available

1 from appropriations made for student assessment purposes.

2 (f) For the assessment and accountability purposes of  
3 this Section, "all pupils" includes those pupils enrolled in  
4 a public or State-operated elementary school, secondary  
5 school, or cooperative or joint agreement with a governing  
6 body or board of control, a charter school operating in  
7 compliance with the Charter Schools Law, a school operated by  
8 a regional office of education under Section 13A-3 of this  
9 Code, a public university laboratory school, Department of  
10 Corrections School District 428, a residential school  
11 operated by a State agency, and the Illinois Mathematics and  
12 Science Academy.

13 (Source: P.A. 91-283, eff. 7-29-99; 92-604, eff. 7-1-02.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.