

HB7037



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB7037

Introduced 2/9/2004, by Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

Amends the School Code. Provides that for elementary school students who are in a State-approved transitional bilingual education program or transitional program of instruction, the time allotted to take State tests may be extended as determined by the State Board of Education by rule.

LRB093 13291 NHT 40006 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1998-1999 school year, the State Board
9 of Education shall establish standards and periodically, in
10 collaboration with local school districts, conduct studies of
11 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 2005-2006 school year at the latest, the State Board of
15 Education shall annually test: (i) all pupils enrolled in the
16 3rd, 5th, and 8th grades in English language arts (reading,
17 writing, and English grammar) and mathematics; and (ii) all
18 pupils enrolled in the 4th and 7th grades in the biological and
19 physical sciences and the social sciences (history, geography,
20 civics, economics, and government). The maximum time allowed
21 for all actual testing required under this paragraph shall not
22 exceed 25 hours, as allocated among the required tests by the
23 State Board of Education, across all grades tested.

24 Beginning no later than the 2005-2006 school year, the
25 State Board of Education shall annually test: (i) all pupils
26 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
27 reading and mathematics; (ii) all pupils enrolled in 3rd, 4th,
28 6th, and 8th grades in writing; (iii) all pupils enrolled in
29 the 4th and 7th grades in the biological and physical sciences;
30 and (iv) all pupils enrolled in 5th and 8th grades in the
31 social sciences (history, geography, economics, civics, and
32 government). The State Board of Education shall sample student

1 performance in the learning area of physical development and
2 health in grades 4 and 7 through the science tests and in the
3 learning area of fine arts in grades 5 and 8 through the social
4 sciences tests. After the addition of subjects and grades as
5 delineated in this paragraph and including whatever other tests
6 that may be approved from time to time no later than the
7 2005-2006 school year, the maximum time allowed for all State
8 testing in grades 3 through 8 shall not exceed 38 hours across
9 those grades.

10 The State Board of Education shall establish the academic
11 standards that are to be applicable to pupils who are subject
12 to State tests under this Section beginning with the 1998-1999
13 school year. However, the State Board of Education shall not
14 establish any such standards in final form without first
15 providing opportunities for public participation and local
16 input in the development of the final academic standards. Those
17 opportunities shall include a well-publicized period of public
18 comment, public hearings throughout the State, and
19 opportunities to file written comments. Beginning with the
20 1998-99 school year and thereafter, the State tests will
21 identify pupils in the 3rd grade or 5th grade who do not meet
22 the State standards.

23 If, by performance on the State tests or local assessments
24 or by teacher judgment, a student's performance is determined
25 to be 2 or more grades below current placement, the student
26 shall be provided a remediation program developed by the
27 district in consultation with a parent or guardian. Such
28 remediation programs may include, but shall not be limited to,
29 increased or concentrated instructional time, a remedial
30 summer school program of not less than 90 hours, improved
31 instructional approaches, tutorial sessions, retention in
32 grade, and modifications to instructional materials. Each
33 pupil for whom a remediation program is developed under this
34 subsection shall be required to enroll in and attend whatever
35 program the district determines is appropriate for the pupil.
36 Districts may combine students in remediation programs where

1 appropriate and may cooperate with other districts in the
2 design and delivery of those programs. The parent or guardian
3 of a student required to attend a remediation program under
4 this Section shall be given written notice of that requirement
5 by the school district a reasonable time prior to commencement
6 of the remediation program that the student is to attend. The
7 State shall be responsible for providing school districts with
8 the new and additional funding, under Section 2-3.51.5 or by
9 other or additional means, that is required to enable the
10 districts to operate remediation programs for the pupils who
11 are required to enroll in and attend those programs under this
12 Section. Every individualized educational program as described
13 in Article 14 shall identify if the State test or components
14 thereof are appropriate for that student. The State Board of
15 Education shall develop rules and regulations governing the
16 administration of alternative tests prescribed within each
17 student's individualized educational program which are
18 appropriate to the disability of each student.

19 All pupils who are in a State approved transitional
20 bilingual education program or transitional program of
21 instruction shall participate in the State tests. The time
22 allotted to take the State tests, however, may be extended as
23 determined by the State Board of Education by rule. Any student
24 who has been enrolled in a State approved bilingual education
25 program less than 3 cumulative academic years may take an
26 accommodated State test, to be known as the Illinois Measure of
27 Annual Growth in English (IMAGE), if the student's lack of
28 English as determined by an English language proficiency test
29 would keep the student from understanding the regular State
30 test. If the school district determines, on a case-by-case
31 individual basis, that IMAGE would likely yield more accurate
32 and reliable information on what the student knows and can do,
33 the school district may make a determination to assess the
34 student using IMAGE for a period that does not exceed 2
35 additional consecutive years, provided that the student has not
36 yet reached a level of English language proficiency sufficient

1 to yield valid and reliable information on what the student
2 knows and can do on the regular State test.

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

29 The State Board of Education shall establish a period of
30 time, to be referred to as the State test window, in each
31 school year for which State testing shall occur to meet the
32 objectives of this Section. However, if the schools of a
33 district are closed and classes are not scheduled during any
34 week that is established by the State Board of Education as the
35 State test window, the school district may (at the discretion
36 of the State Board of Education) move its State test window one

1 week earlier or one week later than the established State test
2 window, so long as the school district gives the State Board of
3 Education written notice of its intention to deviate from the
4 established schedule by December 1 of the school year in which
5 falls the State test window established by the State Board of
6 Education for the testing.

7 (a-5) All tests administered pursuant to this Section shall
8 be academically based. For the purposes of this Section
9 "academically based tests" shall mean tests consisting of
10 questions and answers that are measurable and quantifiable to
11 measure the knowledge, skill, and ability of students in the
12 subject matters covered by tests. The scoring of academically
13 based tests shall be reliable, valid, unbiased and shall meet
14 the guidelines for test development and use prescribed by the
15 American Psychological Association, the National Council of
16 Measurement and Evaluation, and the American Educational
17 Research Association. Academically based tests shall not
18 include assessments or evaluations of attitudes, values, or
19 beliefs, or testing of personality, self-esteem, or
20 self-concept. Nothing in this amendatory Act is intended, nor
21 shall it be construed, to nullify, supersede, or contradict the
22 legislative intent on academic testing expressed during the
23 passage of HB 1005/P.A. 90-296. Nothing in this Section is
24 intended, nor shall it be construed, to nullify, supersede, or
25 contradict the legislative intent on academic testing
26 expressed in the preamble of this amendatory Act of the 93rd
27 General Assembly.

28 The State Board of Education shall monitor the use of short
29 answer questions in the math and reading assessments or in
30 other assessments in order to demonstrate that the use of short
31 answer questions results in a statistically significant
32 improvement in student achievement as measured on the State
33 assessments for math and reading or on other State assessments
34 and is justifiable in terms of cost and student performance.

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

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

28 (c) Beginning with the 2000-2001 school year, each school
29 district that operates a high school program for students in
30 grades 9 through 12 shall annually administer the Prairie State
31 Achievement Examination established under this subsection to
32 its students as set forth below. The Prairie State Achievement
33 Examination shall be developed by the State Board of Education
34 to measure student performance in the academic areas of
35 reading, writing, mathematics, science, and social sciences.
36 The State Board of Education shall establish the academic

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

1 Board of Education to accommodate the respective disabilities
2 of those students. A student who successfully completes all
3 other applicable high school graduation requirements but fails
4 to receive a score on the Prairie State Achievement Examination
5 that qualifies the student for receipt of a Prairie State
6 Achievement Award shall nevertheless qualify for the receipt of
7 a regular high school diploma.

8 (d) Beginning with the 2002-2003 school year, all schools
9 in this State that are part of the sample drawn by the National
10 Center for Education Statistics, in collaboration with their
11 school districts and the State Board of Education, shall
12 administer the biennial State academic assessments of 4th and
13 8th grade reading and mathematics under the National Assessment
14 of Educational Progress carried out under Section m11(b) (2) of
15 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
16 if the Secretary of Education pays the costs of administering
17 the assessments.

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

29 (f) For the assessment and accountability purposes of this
30 Section, "all pupils" includes those pupils enrolled in a
31 public or State-operated elementary school, secondary school,
32 or cooperative or joint agreement with a governing body or
33 board of control, a charter school operating in compliance with
34 the Charter Schools Law, a school operated by a regional office
35 of education under Section 13A-3 of this Code, or a public
36 school administered by a local public agency or the Department

1 of Human Services.

2 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03.)