



Rep. LaShawn K. Ford

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1 AMENDMENT TO HOUSE BILL 139

2 AMENDMENT NO. _____. Amend House Bill 139 by replacing
3 everything after the enacting clause with the following:

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 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

1 grammar) and mathematics; and (ii) all pupils enrolled in the
2 4th and 7th grades in the biological and physical sciences and
3 the social sciences (history, geography, civics, economics,
4 and government). Unless the testing required to be implemented
5 no later than the 2005-2006 school year under this subsection
6 (a) is implemented for the 2004-2005 school year, for the
7 2004-2005 school year, the State Board of Education shall test:
8 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
9 English language arts (reading and English grammar) and
10 mathematics and (ii) all pupils enrolled in the 4th and 7th
11 grades in the biological and physical sciences. The maximum
12 time allowed for all actual testing required under this
13 paragraph shall not exceed 25 hours, as allocated among the
14 required tests by the State Board of Education, across all
15 grades tested.

16 Beginning no later than the 2005-2006 school year, the
17 State Board of Education shall annually test: (i) all pupils
18 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
19 reading and mathematics and (ii) all pupils enrolled in the 4th
20 and 7th grades in the biological and physical sciences. In
21 addition, the State Board of Education shall test (1) all
22 pupils enrolled in the 5th and 8th grades in writing during the
23 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
24 and 8th grades in writing during the 2007-2008 school year; and
25 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
26 writing during the 2008-2009 school year and each school year

1 thereafter. After the addition of grades and change in subjects
2 as delineated in this paragraph and including whatever other
3 tests that may be approved from time to time no later than the
4 2005-2006 school year, the maximum time allowed for all State
5 testing in grades 3 through 8 shall not exceed 38 hours across
6 those grades.

7 Beginning with the 2004-2005 school year, the State Board
8 of Education shall not test pupils under this subsection (a) in
9 physical development and health, fine arts, and the social
10 sciences (history, geography, civics, economics, and
11 government). The State Board of Education shall not test pupils
12 under this subsection (a) in writing during the 2005-2006
13 school year.

14 The State Board of Education shall establish the academic
15 standards that are to be applicable to pupils who are subject
16 to State tests under this Section beginning with the 1998-1999
17 school year. However, the State Board of Education shall not
18 establish any such standards in final form without first
19 providing opportunities for public participation and local
20 input in the development of the final academic standards. Those
21 opportunities shall include a well-publicized period of public
22 comment, public hearings throughout the State, and
23 opportunities to file written comments. Beginning with the
24 1998-99 school year and thereafter, the State tests will
25 identify pupils in the 3rd grade or 5th grade who do not meet
26 the State standards.

1 If, by performance on the State tests or local assessments
2 or by teacher judgment, a student's performance is determined
3 to be below standards or at the academic warning level after a
4 State test 2 or more grades below current placement, the
5 student shall be provided a remediation program developed by
6 the district in consultation with a parent or guardian. Such
7 remediation programs may include, but shall not be limited to,
8 increased or concentrated instructional time, a remedial
9 summer school program of not less than 90 hours, improved
10 instructional approaches, tutorial sessions, retention in
11 grade, and modifications to instructional materials. If a
12 student is below standards or at the academic warning level for
13 2 consecutive school years, then the student shall attend a
14 basic skills summer school program for not less than 90 hours
15 in reading and mathematics. The student's teacher may waive
16 this summer school requirement if it is found that the student
17 is learning at grade level. Children with disabilities, as
18 defined in Article 14 of this Code, are exempt from attending a
19 basic skills summer school program. Each pupil for whom a
20 remediation program is developed under this subsection shall be
21 required to enroll in and attend whatever program the district
22 determines is appropriate for the pupil. Districts may combine
23 students in remediation programs where appropriate and may
24 cooperate with other districts in the design and delivery of
25 those programs. The parent or guardian of a student required to
26 attend a remediation program under this Section shall be given

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

16 All pupils who are in a State approved transitional
17 bilingual education program or transitional program of
18 instruction shall participate in the State tests. The time
19 allotted to take the State tests, however, may be extended as
20 determined by the State Board of Education by rule. Any student
21 who has been enrolled in a State approved bilingual education
22 program less than 3 cumulative academic years may take an
23 accommodated Limited English Proficient student academic
24 content assessment, as determined by the State Board of
25 Education, if the student's lack of English as determined by an
26 English language proficiency test would keep the student from

1 understanding the regular State test. If the school district
2 determines, on a case-by-case individual basis, that a Limited
3 English Proficient student academic content assessment would
4 likely yield more accurate and reliable information on what the
5 student knows and can do, the school district may make a
6 determination to assess the student using a Limited English
7 Proficient student academic content assessment for a period
8 that does not exceed 2 additional consecutive years, provided
9 that the student has not yet reached a level of English
10 language proficiency sufficient to yield valid and reliable
11 information on what the student knows and can do on the regular
12 State test.

13 Reasonable accommodations as prescribed by the State Board
14 of Education shall be provided for individual students in the
15 testing procedure. All test procedures prescribed by the State
16 Board of Education shall require: (i) that each test used for
17 State and local student testing under this Section identify by
18 name the pupil taking the test; (ii) that the name of the pupil
19 taking the test be placed on the test at the time the test is
20 taken; (iii) that the results or scores of each test taken
21 under this Section by a pupil of the school district be
22 reported to that district and identify by name the pupil who
23 received the reported results or scores; and (iv) that the
24 results or scores of each test taken under this Section be made
25 available to the parents of the pupil. In addition, in each
26 school year the scores attained by a student on the Prairie

1 State Achievement Examination administered under subsection
2 (c) of this Section and any Prairie State Achievement Awards
3 received by the student shall become part of the student's
4 permanent record and shall be entered on the student's
5 transcript pursuant to regulations that the State Board of
6 Education shall promulgate for that purpose in accordance with
7 Section 3 and subsection (e) of Section 2 of the Illinois
8 School Student Records Act. Beginning with the 1998-1999 school
9 year and in every school year thereafter, scores received by
10 students on the State assessment tests administered in grades 3
11 through 8 shall be placed into students' temporary records.

12 The State Board of Education shall establish a period of
13 time, to be referred to as the State test window, in each
14 school year for which State testing shall occur to meet the
15 objectives of this Section. However, if the schools of a
16 district are closed and classes are not scheduled during any
17 week that is established by the State Board of Education as the
18 State test window, the school district may (at the discretion
19 of the State Board of Education) move its State test window one
20 week earlier or one week later than the established State test
21 window, so long as the school district gives the State Board of
22 Education written notice of its intention to deviate from the
23 established schedule by December 1 of the school year in which
24 falls the State test window established by the State Board of
25 Education for the testing.

26 (a-5) All tests administered pursuant to this Section shall

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

21 The State Board of Education shall monitor the use of short
22 answer questions in the math and reading assessments or in
23 other assessments in order to demonstrate that the use of short
24 answer questions results in a statistically significant
25 improvement in student achievement as measured on the State
26 assessments for math and reading or on other State assessments

1 and is justifiable in terms of cost and student performance.

2 (b) It shall be the policy of the State to encourage school
3 districts to continuously test pupil proficiency in the
4 fundamental learning areas in order to: (i) provide timely
5 information on individual students' performance relative to
6 State standards that is adequate to guide instructional
7 strategies; (ii) improve future instruction; and (iii)
8 complement the information provided by the State testing system
9 described in this Section. To assist school districts in
10 testing pupil proficiency in reading in the primary grades, the
11 State Board shall make optional reading inventories for
12 diagnostic purposes available to each school district that
13 requests such assistance. Districts that administer the
14 reading inventories may develop remediation programs for
15 students who perform in the bottom half of the student
16 population. Those remediation programs may be funded by moneys
17 provided under the School Safety and Educational Improvement
18 Block Grant Program established under Section 2-3.51.5.

19 (c) Beginning with the 2000-2001 school year, each school
20 district that operates a high school program for students in
21 grades 9 through 12 shall annually administer the Prairie State
22 Achievement Examination established under this subsection to
23 its students as set forth below. The Prairie State Achievement
24 Examination shall be developed by the State Board of Education
25 to measure student performance in the academic areas of
26 reading, writing, mathematics, science, and social sciences.

1 Beginning with the 2004-2005 school year, however, the State
2 Board of Education shall not test a student in the social
3 sciences (history, geography, civics, economics, and
4 government) as part of the Prairie State Achievement
5 Examination unless the student is retaking the Prairie State
6 Achievement Examination in the fall of 2004. In addition, the
7 State Board of Education shall not test a student in writing as
8 part of the Prairie State Achievement Examination during the
9 2005-2006 school year. The State Board of Education shall
10 establish the academic standards that are to apply in measuring
11 student performance on the Prairie State Achievement
12 Examination including the minimum examination score in each
13 area that will qualify a student to receive a Prairie State
14 Achievement Award from the State in recognition of the
15 student's excellent performance. Each school district that is
16 subject to the requirements of this subsection (c) shall afford
17 all students one opportunity to take the Prairie State
18 Achievement Examination beginning as late as practical during
19 the spring semester of grade 11, but in no event before March
20 1. The State Board of Education shall annually notify districts
21 of the weeks during which this test administration shall be
22 required to occur. Every individualized educational program as
23 described in Article 14 shall identify if the Prairie State
24 Achievement Examination or components thereof are appropriate
25 for that student. Each student, exclusive of a student whose
26 individualized educational program developed under Article 14

1 identifies the Prairie State Achievement Examination as
2 inappropriate for the student, shall be required to take the
3 examination in grade 11. For each academic area the State Board
4 of Education shall establish the score that qualifies for the
5 Prairie State Achievement Award on that portion of the
6 examination. Districts shall inform their students of the
7 timelines and procedures applicable to their participation in
8 every yearly administration of the Prairie State Achievement
9 Examination. Students receiving special education services
10 whose individualized educational programs identify the Prairie
11 State Achievement Examination as inappropriate for them
12 nevertheless shall have the option of taking the examination,
13 which shall be administered to those students in accordance
14 with standards adopted by the State Board of Education to
15 accommodate the respective disabilities of those students. A
16 student who successfully completes all other applicable high
17 school graduation requirements but fails to receive a score on
18 the Prairie State Achievement Examination that qualifies the
19 student for receipt of a Prairie State Achievement Award shall
20 nevertheless qualify for the receipt of a regular high school
21 diploma. In no case, however, shall a student receive a regular
22 high school diploma without taking the Prairie State
23 Achievement Examination, unless the student is exempted from
24 taking the Prairie State Achievement Examination under this
25 subsection (c) because (i) the student's individualized
26 educational program developed under Article 14 of this Code

1 identifies the Prairie State Achievement Examination as
2 inappropriate for the student, (ii) the student is exempt due
3 to the student's lack of English language proficiency under
4 subsection (a) of this Section, (iii) the student is enrolled
5 in a program of Adult and Continuing Education as defined in
6 the Adult Education Act, (iv) the school district is not
7 required to test the individual student for purposes of
8 accountability under federal No Child Left Behind Act of 2001
9 requirements, or (v) the student is otherwise identified by the
10 State Board of Education through rules as being exempt from the
11 assessment.

12 (d) Beginning with the 2002-2003 school year, all schools
13 in this State that are part of the sample drawn by the National
14 Center for Education Statistics, in collaboration with their
15 school districts and the State Board of Education, shall
16 administer the biennial State academic assessments of 4th and
17 8th grade reading and mathematics under the National Assessment
18 of Educational Progress carried out under Section 411(b)(2) of
19 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
20 if the Secretary of Education pays the costs of administering
21 the assessments.

22 (e) Beginning no later than the 2005-2006 school year,
23 subject to available federal funds to this State for the
24 purpose of student assessment, the State Board of Education
25 shall provide additional tests and assessment resources that
26 may be used by school districts for local diagnostic purposes.

1 These tests and resources shall include without limitation
2 additional high school writing, physical development and
3 health, and fine arts assessments. The State Board of Education
4 shall annually distribute a listing of these additional tests
5 and resources, using funds available from appropriations made
6 for student assessment purposes.

7 (f) For the assessment and accountability purposes of this
8 Section, "all pupils" includes those pupils enrolled in a
9 public or State-operated elementary school, secondary school,
10 or cooperative or joint agreement with a governing body or
11 board of control, a charter school operating in compliance with
12 the Charter Schools Law, a school operated by a regional office
13 of education under Section 13A-3 of this Code, or a public
14 school administered by a local public agency or the Department
15 of Human Services.

16 (Source: P.A. 96-430, eff. 8-13-09; 96-1000, eff. 7-2-10.)".