

1 AN ACT to create a moratorium on new State testing.

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
5 Section 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
9 Board of Education shall establish standards and
10 periodically, in collaboration with local school districts,
11 conduct studies of student performance in the learning areas
12 of fine arts and physical development/health. Beginning with
13 the 1998-1999 school year, the State Board of Education shall
14 annually test: (i) all pupils enrolled in the 3rd, 5th, and
15 8th grades in English language arts (reading, writing, and
16 English grammar) and mathematics; and (ii) all pupils
17 enrolled in the 4th and 7th grades in the biological and
18 physical sciences and the social sciences (history,
19 geography, civics, economics, and government). The State
20 Board of Education shall establish the academic standards
21 that are to be applicable to pupils who are subject to State
22 tests under this Section beginning with the 1998-1999 school
23 year. However, the State Board of Education shall not
24 establish any such standards in final form without first
25 providing opportunities for public participation and local
26 input in the development of the final academic standards.
27 Those opportunities shall include a well-publicized period of
28 public comment, public hearings throughout the State, and
29 opportunities to file written comments. Beginning with the
30 1998-99 school year and thereafter, the State tests will
31 identify pupils in the 3rd grade or 5th grade who do not meet

1 the State standards. If, by performance on the State tests
2 or local assessments or by teacher judgment, a student's
3 performance is determined to be 2 or more grades below
4 current placement, the student shall be provided a
5 remediation program developed by the district in consultation
6 with a parent or guardian. Such remediation programs may
7 include, but shall not be limited to, increased or
8 concentrated instructional time, a remedial summer school
9 program of not less than 90 hours, improved instructional
10 approaches, tutorial sessions, retention in grade, and
11 modifications to instructional materials. Each pupil for
12 whom a remediation program is developed under this subsection
13 shall be required to enroll in and attend whatever program
14 the district determines is appropriate for the pupil.
15 Districts may combine students in remediation programs where
16 appropriate and may cooperate with other districts in the
17 design and delivery of those programs. The parent or
18 guardian of a student required to attend a remediation
19 program under this Section shall be given written notice of
20 that requirement by the school district a reasonable time
21 prior to commencement of the remediation program that the
22 student is to attend. The State shall be responsible for
23 providing school districts with the new and additional
24 funding, under Section 2-3.51.5 or by other or additional
25 means, that is required to enable the districts to operate
26 remediation programs for the pupils who are required to
27 enroll in and attend those programs under this Section.
28 Every individualized educational program as described in
29 Article 14 shall identify if the State test or components
30 thereof are appropriate for that student. For those pupils
31 for whom the State tests or components thereof are not
32 appropriate, the State Board of Education shall develop rules
33 and regulations governing the administration of alternative
34 tests prescribed within each student's individualized

1 educational program which are appropriate to the disability
2 of each student. All pupils who are in a State approved
3 transitional bilingual education program or transitional
4 program of instruction shall participate in the State tests.
5 Any student who has been enrolled in a State approved
6 bilingual education program less than 3 academic years shall
7 be exempted if the student's lack of English as determined by
8 an English language proficiency test would keep the student
9 from understanding the test, and that student's district
10 shall have an alternative test program in place for that
11 student. The State Board of Education shall appoint a task
12 force of concerned parents, teachers, school administrators
13 and other professionals to assist in identifying such
14 alternative tests. Reasonable accommodations as prescribed
15 by the State Board of Education shall be provided for
16 individual students in the testing procedure. All test
17 procedures prescribed by the State Board of Education shall
18 require: (i) that each test used for State and local student
19 testing under this Section identify by name the pupil taking
20 the test; (ii) that the name of the pupil taking the test be
21 placed on the test at the time the test is taken; (iii) that
22 the results or scores of each test taken under this Section
23 by a pupil of the school district be reported to that
24 district and identify by name the pupil who received the
25 reported results or scores; and (iv) that the results or
26 scores of each test taken under this Section be made
27 available to the parents of the pupil. In addition,
28 beginning with the 2000-2001 school year and in each school
29 year thereafter, the highest scores and performance levels
30 attained by a student on the Prairie State Achievement
31 Examination administered under subsection (c) of this Section
32 shall become part of the student's permanent record and shall
33 be entered on the student's transcript pursuant to
34 regulations that the State Board of Education shall

1 promulgate for that purpose in accordance with Section 3 and
2 subsection (e) of Section 2 of the Illinois School Student
3 Records Act. Beginning with the 1998-1999 school year and in
4 every school year thereafter, scores received by students on
5 the State assessment tests administered in grades 3 through 8
6 shall be placed into students' temporary records. The State
7 Board of Education shall establish a common month in each
8 school year for which State testing shall occur to meet the
9 objectives of this Section. However, if the schools of a
10 district are closed and classes are not scheduled during any
11 week that is established by the State Board of Education as
12 the week of the month when State testing under this Section
13 shall occur, the school district may administer the required
14 State testing at any time up to 2 weeks following the week
15 established by the State Board of Education for the testing,
16 so long as the school district gives the State Board of
17 Education written notice of its intention to deviate from the
18 established schedule by December 1 of the school year in
19 which falls the week established by the State Board of
20 Education for the testing. The maximum time allowed for all
21 actual testing required under this subsection during the
22 school year shall not exceed 25 hours as allocated among the
23 required tests by the State Board of Education.

24 (a-5) All tests administered pursuant to this Section
25 shall be academically based. For the purposes of this
26 Section "academically based tests" shall mean tests
27 consisting of questions and answers that are measurable and
28 quantifiable to measure the knowledge, skill, and ability of
29 students in the subject matters covered by tests. The
30 scoring of academically based tests shall be reliable, valid,
31 unbiased and shall meet the guidelines for test development
32 and use prescribed by the American Psychological Association,
33 the National Council of Measurement and Evaluation, and the
34 American Educational Research Association. Academically based

1 tests shall not include assessments or evaluations of
2 attitudes, values, or beliefs, or testing of personality,
3 self-esteem, or self-concept. Nothing in this amendatory Act
4 is intended, nor shall it be construed, to nullify,
5 supersede, or contradict the legislative intent on academic
6 testing expressed during the passage of HB 1005/P.A. 90-296.

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

25 The State Board of Education shall not continue the use
26 of short answer questions in the math and reading
27 assessments, or extend the use of such questions to other
28 State assessments, unless this pilot project demonstrates
29 that the use of short answer questions results in a
30 statistically significant improvement in student achievement
31 as measured on the State assessments for math and reading and
32 is justifiable in terms of cost and student 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) The State Board of Education may not, before the
16 2005-2006 school year, plan, develop, or implement any new
17 State assessment system for kindergarten through 12th grade
18 that is not required by law on or before the effective date
19 of this amendatory Act of the 92nd General Assembly.

20 (Source: P.A. 90-566, eff. 1-2-98; 90-789, eff. 8-14-98;
21 91-283, eff. 7-29-99.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.