

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, A credible, reliable, and valid assessment
13 system should allow school districts to reduce local
14 assessments; once the State assessment system is fully
15 implemented in the 2005-2006 school year, school districts
16 are encouraged and expected to reduce the local assessments
17 of students in the grades and subjects assessed by the State;
18 and

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

27 Be it enacted by the People of the State of Illinois,
28 represented in the General Assembly:

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

1 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

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

3 (a) Beginning in the 1998-1999 school year, the State
4 Board of Education shall establish standards and
5 periodically, in collaboration with local school districts,
6 conduct studies of student performance in the learning areas
7 of fine arts and physical development/health.

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

20 Beginning no later than the 2005-2006 school year, the
21 State Board of Education shall annually test: (i) all pupils
22 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
23 reading and mathematics; (ii) all pupils enrolled in 3rd,
24 4th, 6th, and 8th grades in writing; (iii) all pupils
25 enrolled in the 4th and 7th grades in the biological and
26 physical sciences; and (iv) all pupils enrolled in 5th and
27 8th grades in the social sciences (history, geography,
28 economics, civics, and government). The State Board of
29 Education shall sample student performance in the learning
30 area of physical development and health in grades 4 and 7
31 through the science tests and in the learning area of fine
32 arts in grades 5 and 8 through the social sciences tests.
33 After the addition of subjects and grades as delineated in
34 this paragraph and including whatever other tests that may be

1 approved from time to time no later than the 2005-2006 school
2 year, the maximum time allowed for all State testing in
3 grades 3 through 8 shall not exceed 38 hours across those
4 grades.

5 The State Board of Education shall establish the academic
6 standards that are to be applicable to pupils who are subject
7 to State tests under this Section beginning with the
8 1998-1999 school year. However, the State Board of Education
9 shall not establish any such standards in final form without
10 first providing opportunities for public participation and
11 local input in the development of the final academic
12 standards. Those opportunities shall include a
13 well-publicized period of public comment, public hearings
14 throughout the State, and opportunities to file written
15 comments. Beginning with the 1998-99 school year and
16 thereafter, the State tests will identify pupils in the 3rd
17 grade or 5th grade who do not meet the State standards.

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

1 remediation program under this Section shall be given written
2 notice of that requirement by the school district a
3 reasonable time prior to commencement of the remediation
4 program that the student is to attend. The State shall be
5 responsible for providing school districts with the new and
6 additional funding, under Section 2-3.51.5 or by other or
7 additional means, that is required to enable the districts to
8 operate remediation programs for the pupils who are required
9 to enroll in and attend those programs under this Section.
10 Every individualized educational program as described in
11 Article 14 shall identify if the State test or components
12 thereof are appropriate for that student. ~~For--these--pupils~~
13 ~~for--whom--the--State--tests--or--components--thereof--are--not~~
14 ~~appropriate,~~ The State Board of Education shall develop rules
15 and regulations governing the administration of alternative
16 tests prescribed within each student's individualized
17 educational program which are appropriate to the disability
18 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. Any
22 student who has been enrolled in a State approved bilingual
23 education program less than 3 cumulative academic years may
24 take an accommodated State test, to be known as the Illinois
25 Measure of Annual Growth in English (IMAGE), shall--be
26 exempted if the student's lack of English as determined by an
27 English language proficiency test would keep the student from
28 understanding the regular State test. If the school district
29 determines, on a case-by-case individual basis, that IMAGE
30 would likely yield more accurate and reliable information on
31 what the student knows and can do, the school district may
32 make a determination to assess the student using IMAGE for a
33 period that does not exceed 2 additional consecutive years,
34 provided that the student has not yet reached a level of

1 English language proficiency sufficient to yield valid and
2 reliable information on what the student knows and can do on
3 the regular State test.~~7-and-that-student's-district-shall~~
4 ~~have-an-alternative-test-program-in-place-for--that--student.~~
5 ~~The--State--Board--of-Education-shall-appoint-a-task-force-of~~
6 ~~concerned-parents,-teachers,-school-administrators-and--other~~
7 ~~professionals--to--assist--in--identifying--such--alternative~~
8 ~~tests.~~

9 Reasonable accommodations as prescribed by the State
10 Board of Education shall be provided for individual students
11 in the testing procedure. All test procedures prescribed by
12 the State Board of Education shall require: (i) that each
13 test used for State and local student testing under this
14 Section identify by name the pupil taking the test; (ii) that
15 the name of the pupil taking the test be placed on the test
16 at the time the test is taken; (iii) that the results or
17 scores of each test taken under this Section by a pupil of
18 the school district be reported to that district and identify
19 by name the pupil who received the reported results or
20 scores; and (iv) that the results or scores of each test
21 taken under this Section be made available to the parents of
22 the pupil. In addition, ~~beginning-with-the-2000-2001--school~~
23 ~~year--and~~ in each school year thereafter, the highest scores
24 ~~and-performance-levels~~ attained by a student on the Prairie
25 State Achievement Examination administered under subsection
26 (c) of this Section and any Prairie State Achievement Awards
27 received by the student shall become part of the student's
28 permanent record and shall be entered on the student's
29 transcript pursuant to regulations that the State Board of
30 Education shall promulgate for that purpose in accordance
31 with Section 3 and subsection (e) of Section 2 of the
32 Illinois School Student Records Act. Beginning with the
33 1998-1999 school year and in every school year thereafter,
34 scores received by students on the State assessment tests

1 administered in grades 3 through 8 shall be placed into
2 students' temporary records.

3 The State Board of Education shall establish a period of
4 time, to be referred to as the State test window, eommon
5 month in each school year for which State testing shall occur
6 to meet the objectives of this Section. However, if the
7 schools of a district are closed and classes are not
8 scheduled during any week that is established by the State
9 Board of Education as the State test window week-of-the-month
10 when-State-testing-under-this-Section-shall-occur, the school
11 district may (at the discretion of the State Board of
12 Education) move its State test window one week earlier or one
13 week later than the established State test window, administer
14 the--required--State--testing--at--any--time--up--to--2-weeks
15 following--the--week--established--by--the--State--Board--of
16 Education--for--the--testing, so long as the school district
17 gives the State Board of Education written notice of its
18 intention to deviate from the established schedule by
19 December 1 of the school year in which falls the State test
20 window week established by the State Board of Education for
21 the testing. The-maximum-time-allowed-for-all-actual-testing
22 required-under-this-subsection-during-the-school--year--shall
23 not--exceed-25-hours-as-allocated-among-the-required-tests-by
24 the-State-Board-of-Education.

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

1 American Educational Research Association. Academically based
2 tests shall not include assessments or evaluations of
3 attitudes, values, or beliefs, or testing of personality,
4 self-esteem, or self-concept. Nothing in this amendatory Act
5 is intended, nor shall it be construed, to nullify,
6 supersede, or contradict the legislative intent on academic
7 testing expressed during the passage of HB 1005/P.A. 90-296.
8 Nothing in this Section is intended, nor shall it be
9 construed, to nullify, supersede, or contradict the
10 legislative intent on academic testing expressed in the
11 preamble of this amendatory Act of the 93rd General Assembly.

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

30 The State Board of Education shall monitor not-continue
31 the use of short answer questions in the math and reading
32 assessments or in other assessments in order to demonstrate,
33 or--extend--the--use--of--such--questions--to---other---State
34 assessments,--unless-this-pilot-project-demonstrates that the

1 use of short answer questions results in a statistically
2 significant improvement in student achievement as measured on
3 the State assessments for math and reading or on other State
4 assessments and is justifiable in terms of cost and student
5 performance.

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

1 under this Section.

2 (c) Beginning with the 2000-2001 school year, each
3 school district that operates a high school program for
4 students in grades 9 through 12 shall annually administer the
5 Prairie State Achievement Examination established under this
6 subsection to its students as set forth below. The Prairie
7 State Achievement Examination shall be developed by the State
8 Board of Education to measure student performance in the
9 academic areas of reading, writing, mathematics, science, and
10 social sciences. The State Board of Education shall
11 establish the academic standards that are to apply in
12 measuring student performance on the Prairie State
13 Achievement Examination including the minimum examination
14 score in each area that will qualify a student to receive a
15 Prairie State Achievement Award from the State in recognition
16 of the student's excellent performance. Each school district
17 that is subject to the requirements of this subsection (c)
18 shall afford all students 2 opportunities to take the Prairie
19 State Achievement Examination beginning as late as practical
20 during the second semester of grade 11, but in no event
21 before March 1. The State Board of Education shall annually
22 notify districts of the weeks during which these test
23 administrations shall be required to occur. Every
24 individualized educational program as described in Article 14
25 shall identify if the Prairie State Achievement Examination
26 or components thereof are appropriate for that student. Each
27 student, exclusive of a student whose individualized
28 educational program developed under Article 14 identifies the
29 Prairie State Achievement Examination as inappropriate for
30 the student, shall be required to take the examination in
31 grade 11. For each academic area the State Board of
32 Education shall establish the score that qualifies for the
33 Prairie State Achievement Award on that portion of the
34 examination. Any student who fails to earn a qualifying

1 score for a Prairie State Achievement Award in any one or
2 more of the academic areas on the initial test administration
3 or who wishes to improve his or her score on any portion of
4 the examination shall be permitted to retake such portion or
5 portions of the examination during grade 12. Districts shall
6 inform their students of the timelines and procedures
7 applicable to their participation in every yearly
8 administration of the Prairie State Achievement Examination.
9 Students receiving special education services whose
10 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
18 on the Prairie State Achievement Examination that qualifies
19 the student for receipt of a Prairie State Achievement Award
20 shall nevertheless qualify for the receipt of a regular high
21 school diploma.

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

32 (e) Beginning no later than the 2005-2006 school year,
33 subject to available federal funds to this State for the
34 purpose of student assessment, the State Board of Education

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

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.