

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 2-3.64a-5 as follows:

6 (105 ILCS 5/2-3.64a-5)

7 Sec. 2-3.64a-5. State goals and assessment.

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

17 (b) The State Board of Education shall establish the  
18 academic standards that are to be applicable to students who  
19 are subject to State assessments under this Section. The State  
20 Board of Education shall not establish any such standards in  
21 final form without first providing opportunities for public  
22 participation and local input in the development of the final  
23 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to  
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the  
4 State Board of Education shall annually assess all students  
5 enrolled in grades 3 through 8 in English language arts and  
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the  
8 State Board of Education shall annually assess all students in  
9 science at one grade in grades 3 through 5, at one grade in  
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools  
12 that operate a secondary education program, as defined in  
13 Section 22-22 of this Code, in English language arts and  
14 mathematics. The State Board of Education shall administer no  
15 more than 3 assessments, per student, of English language arts  
16 and mathematics for students in a secondary education program.  
17 One of these assessments shall include a college and career  
18 ready determination.

19 Students who are not assessed for college and career ready  
20 determinations may not receive a regular high school diploma  
21 unless the student is excused from taking a State assessment  
22 under subsection (c-5) of this Section or the student is  
23 exempted from taking State assessments under subsection (d) of  
24 this Section because (i) the student's individualized  
25 educational program developed under Article 14 of this Code  
26 identifies the State assessment as inappropriate for the

1 student, (ii) the student is enrolled in a program of adult and  
2 continuing education, as defined in the Adult Education Act,  
3 (iii) the school district is not required to assess the  
4 individual student for purposes of accountability under  
5 federal No Child Left Behind Act of 2001 requirements, (iv) the  
6 student has been determined to be an English language learner,  
7 referred to in this Code as a student with limited English  
8 proficiency, and has been enrolled in schools in the United  
9 States for less than 12 months, or (v) the student is otherwise  
10 identified by the State Board of Education, through rules, as  
11 being exempt from the assessment.

12 The State Board of Education shall not assess students  
13 under this Section in subjects not required by this Section.

14 Districts shall inform their students of the timelines and  
15 procedures applicable to their participation in every yearly  
16 administration of the State assessments. The State Board of  
17 Education shall establish periods of time in each school year  
18 during which State assessments shall occur to meet the  
19 objectives of this Section.

20 (c-5) A student is not required to take a particular State  
21 assessment under this Section if that student's parent or  
22 guardian requests, in writing, that the student be excused from  
23 taking the State assessment. The State Board of Education  
24 shall, by rule, (i) determine the form of the opt-out request;  
25 (ii) ensure that the State Board of Education, regional  
26 superintendents of schools, and school boards take no negative

1 action against a student, school, school district, or district  
2 employee, through grades or evaluations, due to a student being  
3 excused from taking a State assessment other than sanctions for  
4 encouraging or discouraging opting out of State assessments as  
5 otherwise prohibited under this subsection (c-5); and (iii)  
6 ensure that students who are excused from taking a State  
7 assessment are offered supervised instructional or enrichment  
8 opportunities during the time the State assessment is being  
9 administered.

10 Once each school year, before any State assessments are  
11 administered, a school district shall communicate with the  
12 parents and guardians of students to explain the right to opt  
13 out of a particular State assessment under this subsection  
14 (c-5) and shall make opt-out forms available. Neither the  
15 school district, nor any teacher or school in the district, may  
16 issue additional official correspondence to students or their  
17 parents or guardians about the right to opt out under this  
18 subsection (c-5). A school district shall accept any letter  
19 expressing a parent's or guardian's intent for his or her child  
20 to be excused from taking a particular State assessment in lieu  
21 of the opt-out form as long as the letter is signed by the  
22 parent or guardian.

23 A school district and its teachers, principals, and other  
24 administrators are prohibited from encouraging or discouraging  
25 students or their parents or guardians, either individually or  
26 collectively, to opt out of State assessments under this

1 subsection (c-5). The State Board of Education shall, by rule,  
2 determine appropriate sanctions for a violation of this  
3 prohibition.

4 (d) Every individualized educational program as described  
5 in Article 14 shall identify if the State assessment or  
6 components thereof are appropriate for the student. The State  
7 Board of Education shall develop rules governing the  
8 administration of an alternate assessment that may be available  
9 to students for whom participation in this State's regular  
10 assessments is not appropriate, even with accommodations as  
11 allowed under this Section.

12 Students receiving special education services whose  
13 individualized educational programs identify them as eligible  
14 for the alternative State assessments nevertheless shall have  
15 the option of taking this State's regular assessment that  
16 includes a college and career ready determination, which shall  
17 be administered in accordance with the eligible accommodations  
18 appropriate for meeting these students' respective needs.

19 All students determined to be an English language learner,  
20 referred to in this Code as a student with limited English  
21 proficiency, shall participate in the State assessments,  
22 excepting those students who have been enrolled in schools in  
23 the United States for less than 12 months. Such students may be  
24 exempted from participation in one annual administration of the  
25 English language arts assessment. Any student determined to be  
26 an English language learner, referred to in this Code as a

1 student with limited English proficiency, shall receive  
2 appropriate assessment accommodations, including language  
3 supports, which shall be established by rule. Approved  
4 assessment accommodations must be provided until the student's  
5 English language skills develop to the extent that the student  
6 is no longer considered to be an English language learner,  
7 referred to in this Code as a student with limited English  
8 proficiency, as demonstrated through a State-identified  
9 English language proficiency assessment.

10 (e) The results or scores of each assessment taken under  
11 this Section shall be made available to the parents of each  
12 student.

13 In each school year, the scores attained by a student on  
14 the State assessment that includes a college and career ready  
15 determination must be placed in the student's permanent record  
16 and must be entered on the student's transcript pursuant to  
17 rules that the State Board of Education shall adopt for that  
18 purpose in accordance with Section 3 of the Illinois School  
19 Student Records Act. In each school year, the scores attained  
20 by a student on the State assessments administered in grades 3  
21 through 8 must be placed in the student's temporary record.

22 (f) All schools shall administer an academic assessment of  
23 English language proficiency in oral language (listening and  
24 speaking) and reading and writing skills to all children  
25 determined to be English language learners, referred to in  
26 Section 14C-3 of this Code as children with limited

1 English-speaking ability.

2 (g) All schools in this State that are part of the sample  
3 drawn by the National Center for Education Statistics, in  
4 collaboration with their school districts and the State Board  
5 of Education, shall administer the biennial academic  
6 assessments under the National Assessment of Educational  
7 Progress carried out under Section 411(b)(2) of the federal  
8 National Education Statistics Act of 1994 (20 U.S.C. 9010) if  
9 the U.S. Secretary of Education pays the costs of administering  
10 the assessments.

11 (h) Subject to available funds to this State for the  
12 purpose of student assessment, the State Board of Education  
13 shall provide additional assessments and assessment resources  
14 that may be used by school districts for local assessment  
15 purposes. The State Board of Education shall annually  
16 distribute a listing of these additional resources.

17 (i) For the purposes of this subsection (i), "academically  
18 based assessments" means assessments consisting of questions  
19 and answers that are measurable and quantifiable to measure the  
20 knowledge, skills, and ability of students in the subject  
21 matters covered by the assessments. All assessments  
22 administered pursuant to this Section must be academically  
23 based assessments. The scoring of academically based  
24 assessments shall be reliable, valid, and fair and shall meet  
25 the guidelines for assessment development and use prescribed by  
26 the American Psychological Association, the National Council

1 on Measurement in Education, and the American Educational  
2 Research Association.

3 The State Board of Education shall review the use of all  
4 assessment item types in order to ensure that they are valid  
5 and reliable indicators of student performance aligned to the  
6 learning standards being assessed and that the development,  
7 administration, and scoring of these item types are justifiable  
8 in terms of cost.

9 (j) The State Superintendent of Education shall appoint a  
10 committee of no more than 21 members, consisting of parents,  
11 teachers, school administrators, school board members,  
12 assessment experts, regional superintendents of schools, and  
13 citizens, to review the State assessments administered by the  
14 State Board of Education. The Committee shall select one of its  
15 members as its chairperson. The Committee shall meet on an  
16 ongoing basis to review the content and design of the  
17 assessments (including whether the requirements of subsection  
18 (i) of this Section have been met), the time and money expended  
19 at the local and State levels to prepare for and administer the  
20 assessments, the collective results of the assessments as  
21 measured against the stated purpose of assessing student  
22 performance, and other issues involving the assessments  
23 identified by the Committee. The Committee shall make periodic  
24 recommendations to the State Superintendent of Education and  
25 the General Assembly concerning the assessments.

26 (k) The State Board of Education may adopt rules to

1 implement this Section.

2 (Source: P.A. 98-972, eff. 8-15-14.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.