

HB5398



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5398

Introduced 2/9/2024, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the State Board of Education Article of the School Code. In provisions concerning State goals and assessments, provides that students who have been enrolled in schools in the United States for less than 12 months may not be required to participate in the State assessments.

LRB103 37530 RJT 67653 b

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 2-3.64a-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
13 with the Charter Schools Law, a school operated by a regional
14 office of education under Section 13A-3 of this Code, or a
15 public school administered by a local public agency or the
16 Department 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 be recognized by this State's
18 public institutions of higher education, as defined in the
19 Board of Higher Education Act, for the purpose of student
20 application or admissions consideration. The assessment
21 administered by the State Board of Education for the purpose
22 of student application to or admissions consideration by
23 institutions of higher education must be administered on a
24 school day during regular student attendance hours, and
25 student profile information collected by the assessment shall
26 be made available to the State's public institutions of higher

1 education in a timely manner.

2 Students who do not take the State's final accountability
3 assessment or its approved alternate assessment may not
4 receive a regular high school diploma unless the student is
5 exempted from taking the State assessments under subsection
6 (d) of this Section because the student is enrolled in a
7 program of adult and continuing education, as defined in the
8 Adult Education Act, or the student is identified by the State
9 Board of Education, through rules, as being exempt from the
10 assessment.

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

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

19 The requirements of this subsection do not apply if the
20 State Board of Education has received a waiver from the
21 administration of assessments from the U.S. Department of
22 Education.

23 (d) Every individualized educational program as described
24 in Article 14 shall identify if the State assessment or
25 components thereof require accommodation for the student. The
26 State Board of Education shall develop rules governing the

1 administration of an alternate assessment that may be
2 available to students for whom participation in this State's
3 regular assessments is not appropriate, even with
4 accommodations as allowed under this Section.

5 Students receiving special education services whose
6 individualized educational programs identify them as eligible
7 for the alternative State assessments nevertheless shall have
8 the option of also taking this State's regular final
9 accountability assessment, which shall be administered in
10 accordance with the eligible accommodations appropriate for
11 meeting these students' respective needs.

12 All students determined to be English learners shall
13 participate in the State assessments; however, students who
14 have been enrolled in schools in the United States for less
15 than 12 months may not be required to participate in the State
16 assessments. The scores of those students who have been
17 enrolled in schools in the United States for less than 12
18 months may not be used for the purposes of accountability. Any
19 student determined to be an English learner shall receive
20 appropriate assessment accommodations, including language
21 supports, which shall be established by rule. Approved
22 assessment accommodations must be provided until the student's
23 English language skills develop to the extent that the student
24 is no longer considered to be an English learner, as
25 demonstrated through a State-identified English language
26 proficiency assessment.

1 (e) The results or scores of each assessment taken under
2 this Section shall be made available to the parents of each
3 student.

4 In each school year, the scores attained by a student on
5 the final accountability assessment must be placed in the
6 student's permanent record pursuant to rules that the State
7 Board of Education shall adopt for that purpose in accordance
8 with Section 3 of the Illinois School Student Records Act. In
9 each school year, the scores attained by a student on the State
10 assessments administered in grades 3 through 8 must be placed
11 in the student's temporary record.

12 (f) All schools shall administer the State's academic
13 assessment of English language proficiency to all children
14 determined to be English learners.

15 (g) All schools in this State that are part of the sample
16 drawn by the National Center for Education Statistics, in
17 collaboration with their school districts and the State Board
18 of Education, shall administer the academic assessments under
19 the National Assessment of Educational Progress carried out
20 under Section 411(b)(2) of the federal National Education
21 Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary
22 of Education pays the costs of administering the assessments.

23 (h) (Blank).

24 (i) For the purposes of this subsection (i), "academically
25 based assessments" means assessments consisting of questions
26 and answers that are measurable and quantifiable to measure

1 the knowledge, skills, and ability of students in the subject
2 matters covered by the assessments. All assessments
3 administered pursuant to this Section must be academically
4 based assessments. The scoring of academically based
5 assessments shall be reliable, valid, and fair and shall meet
6 the guidelines for assessment development and use prescribed
7 by the American Psychological Association, the National
8 Council on Measurement in Education, and the American
9 Educational Research Association.

10 The State Board of Education shall review the use of all
11 assessment item types in order to ensure that they are valid
12 and reliable indicators of student performance aligned to the
13 learning standards being assessed and that the development,
14 administration, and scoring of these item types are
15 justifiable in terms of cost.

16 (j) The State Superintendent of Education shall appoint a
17 committee of no more than 21 members, consisting of parents,
18 teachers, school administrators, school board members,
19 assessment experts, regional superintendents of schools, and
20 citizens, to review the State assessments administered by the
21 State Board of Education. The Committee shall select one of
22 its members as its chairperson. The Committee shall meet on an
23 ongoing basis to review the content and design of the
24 assessments (including whether the requirements of subsection
25 (i) of this Section have been met), the time and money expended
26 at the local and State levels to prepare for and administer the

1 assessments, the collective results of the assessments as
2 measured against the stated purpose of assessing student
3 performance, and other issues involving the assessments
4 identified by the Committee. The Committee shall make periodic
5 recommendations to the State Superintendent of Education and
6 the General Assembly concerning the assessments.

7 (k) The State Board of Education may adopt rules to
8 implement this Section.

9 (Source: P.A. 103-204, eff. 1-1-24.)