



Sen. Kimberly A. Lightford

**Filed: 4/11/2005**

09400SB1886sam001

LRB094 11280 NHT 43722 a

1 AMENDMENT TO SENATE BILL 1886

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1886 by replacing  
3 everything after the enacting clause with the following::

4 "Section 5. The School Code is amended by changing Sections  
5 2-3.25d and 2-3.64 as follows:

6 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

7 Sec. 2-3.25d. Academic early warning and watch status.

8 (a) Only scores on State assessments of students enrolled  
9 in a school on or before the last school day in September of  
10 the school year in which a State assessment is given or an  
11 earlier date established by the federal government shall be  
12 used in determining whether a school is placed on academic  
13 early warning status or academic watch status. Those schools  
14 that do not meet adequate yearly progress criteria, as  
15 specified by the State Board of Education, for 2 consecutive  
16 annual calculations, shall be placed on academic early warning  
17 status for the next school year. Schools on academic early  
18 warning status that do not meet adequate yearly progress  
19 criteria for a third annual calculation shall remain on  
20 academic early warning status. Schools on academic early  
21 warning status that do not meet adequate yearly progress  
22 criteria for a fourth annual calculation shall be placed on  
23 initial academic watch status. Schools on academic watch status  
24 that do not meet adequate yearly progress criteria for a fifth

1 or subsequent annual calculation shall remain on academic watch  
2 status. Schools on academic early warning or academic watch  
3 status that meet adequate yearly progress criteria for one  
4 annual calculation shall be acknowledged for making  
5 improvement and shall maintain their current statuses for the  
6 next school year. Schools on academic early warning or academic  
7 watch status that meet adequate yearly progress criteria for 2  
8 consecutive annual calculations shall be considered as having  
9 met expectations and shall be removed from any status  
10 designation.

11 The school district of a school placed on either academic  
12 early warning status or academic watch status may appeal the  
13 status to the State Board of Education in accordance with  
14 Section 2-3.25m of this Code.

15 A school district that has one or more schools on academic  
16 early warning or academic watch status shall prepare a revised  
17 School Improvement Plan or amendments thereto setting forth the  
18 district's expectations for removing each school from academic  
19 early warning or academic watch status and for improving  
20 student performance in the affected school or schools.  
21 Districts operating under Article 34 of this Code may prepare  
22 the School Improvement Plan required under Section 34-2.4 of  
23 this Code.

24 The revised School Improvement Plan for a school that is  
25 initially placed on academic early warning status or that  
26 remains on academic early warning status after a third annual  
27 calculation must be approved by the school board (and by the  
28 school's local school council in a district operating under  
29 Article 34 of this Code, unless the school is on probation  
30 pursuant to subsection (c) of Section 34-8.3 of this Code).

31 The revised School Improvement Plan for a school placed on  
32 initial academic watch status after a fourth annual calculation  
33 must be approved by the school board (and by the school's local  
34 school council in a district operating under Article 34 of this

1 Code, unless the school is on probation pursuant to subsection  
2 (c) of Section 34-8.3 of this Code) and the State  
3 Superintendent of Education.

4 The revised School Improvement Plan for a school that  
5 remains on academic watch status after a fifth annual  
6 calculation must be approved by the school board (and by the  
7 school's local school council in a district operating under  
8 Article 34 of this Code, unless the school is on probation  
9 pursuant to subsection (c) of Section 34-8.3 of this Code) and  
10 the State Superintendent of Education. In addition, the  
11 district must develop a school restructuring plan for the  
12 school that must be approved by the school board (and by the  
13 school's local school council in a district operating under  
14 Article 34 of this Code) and subsequently approved by the State  
15 Superintendent of Education.

16 A school on academic watch status that does not meet  
17 adequate yearly progress criteria for a sixth annual  
18 calculation shall implement its approved school restructuring  
19 plan beginning with the next school year, subject to the State  
20 interventions specified in Section 2-3.25f of this Code.

21 (b) Those school districts that do not meet adequate yearly  
22 progress criteria, as specified by the State Board of  
23 Education, for 2 consecutive annual calculations, shall be  
24 placed on academic early warning status for the next school  
25 year. Districts on academic early warning status that do not  
26 meet adequate yearly progress criteria for a third annual  
27 calculation shall remain on academic early warning status.  
28 Districts on academic early warning status that do not meet  
29 adequate yearly progress criteria for a fourth annual  
30 calculation shall be placed on initial academic watch status.  
31 Districts on academic watch status that do not meet adequate  
32 yearly progress criteria for a fifth or subsequent annual  
33 calculation shall remain on academic watch status. Districts on  
34 academic early warning or academic watch status that meet

1 adequate yearly progress criteria for one annual calculation  
2 shall be acknowledged for making improvement and shall maintain  
3 their current statuses for the next school year. Districts on  
4 academic early warning or academic watch status that meet  
5 adequate yearly progress criteria for 2 consecutive annual  
6 calculations shall be considered as having met expectations and  
7 shall be removed from any status designation.

8 A district placed on either academic early warning status  
9 or academic watch status may appeal the status to the State  
10 Board of Education in accordance with Section 2-3.25m of this  
11 Code.

12 Districts on academic early warning or academic watch  
13 status shall prepare a District Improvement Plan or amendments  
14 thereto setting forth the district's expectations for removing  
15 the district from academic early warning or academic watch  
16 status and for improving student performance in the district.

17 The District Improvement Plan for a district that is  
18 initially placed on academic early warning status must be  
19 approved by the school board.

20 The revised District Improvement Plan for a district that  
21 remains on academic early warning status after a third annual  
22 calculation must be approved by the school board.

23 The revised District Improvement Plan for a district on  
24 initial academic watch status after a fourth annual calculation  
25 must be approved by the school board and the State  
26 Superintendent of Education.

27 The revised District Improvement Plan for a district that  
28 remains on academic watch status after a fifth annual  
29 calculation must be approved by the school board and the State  
30 Superintendent of Education. In addition, the district must  
31 develop a district restructuring plan that must be approved by  
32 the school board and the State Superintendent of Education.

33 A district on academic watch status that does not meet  
34 adequate yearly progress criteria for a sixth annual

1 calculation shall implement its approved district  
2 restructuring plan beginning with the next school year, subject  
3 to the State interventions specified in Section 2-3.25f of this  
4 Code.

5 (c) All revised School and District Improvement Plans shall  
6 be developed in collaboration with staff in the affected school  
7 or school district. All revised School and District Improvement  
8 Plans shall be developed, submitted, and approved pursuant to  
9 rules adopted by the State Board of Education. The revised  
10 Improvement Plan shall address measurable outcomes for  
11 improving student performance so that such performance meets  
12 adequate yearly progress criteria as specified by the State  
13 Board of Education.

14 (d) All federal requirements apply to schools and school  
15 districts utilizing federal funds under Title I, Part A of the  
16 federal Elementary and Secondary Education Act of 1965.

17 (e) The State Board of Education, from any moneys it may  
18 have available for this purpose, must implement and administer  
19 a grant program that provides 2-year grants to school districts  
20 on the academic watch list and other school districts that have  
21 the lowest achieving students, as determined by the State Board  
22 of Education, to be used to improve student achievement. In  
23 order to receive a grant under this program, a school district  
24 must establish an accountability program. The accountability  
25 program must involve the use of statewide testing standards and  
26 local evaluation measures. A grant shall be automatically  
27 renewed when achievement goals are met. The Board may adopt any  
28 rules necessary to implement and administer this grant program.  
29 (Source: P.A. 93-470, eff. 8-8-03; 93-890, eff. 8-9-04.)

30 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

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

32 (a) Beginning in the 1998-1999 school year, the State Board  
33 of Education shall establish standards and periodically, in

1 collaboration with local school districts, conduct studies of  
2 student performance in the learning areas of fine arts and  
3 physical development/health.

4 Beginning with the 1998-1999 school year until the  
5 2004-2005 school year, the State Board of Education shall  
6 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th  
7 grades in English language arts (reading, writing, and English  
8 grammar) and mathematics; and (ii) all pupils enrolled in the  
9 4th and 7th grades in the biological and physical sciences and  
10 the social sciences (history, geography, civics, economics,  
11 and government). Unless the testing required to be implemented  
12 no later than the 2005-2006 school year under this subsection  
13 (a) is implemented for the 2004-2005 school year, for the  
14 2004-2005 school year, the State Board of Education shall test:  
15 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in  
16 English language arts (reading and English grammar) and  
17 mathematics and (ii) all pupils enrolled in the 4th and 7th  
18 grades in the biological and physical sciences. The maximum  
19 time allowed for all actual testing required under this  
20 paragraph shall not exceed 25 hours, as allocated among the  
21 required tests by the State Board of Education, across all  
22 grades tested.

23 Beginning no later than the 2005-2006 school year, the  
24 State Board of Education shall annually test: (i) all pupils  
25 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
26 reading and mathematics and (ii) all pupils enrolled in the 4th  
27 and 7th grades in the biological and physical sciences. After  
28 the addition of grades and change in subjects as delineated in  
29 this paragraph and including whatever other tests that may be  
30 approved from time to time no later than the 2005-2006 school  
31 year, the maximum time allowed for all State testing in grades  
32 3 through 8 shall not exceed 38 hours across those grades.

33 Beginning with the 2004-2005 school year, the State Board  
34 of Education shall not test pupils under this subsection (a) in

1 writing, physical development and health, fine arts, and the  
2 social sciences (history, geography, civics, economics, and  
3 government).

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

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

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

15 All pupils who are in a State approved transitional  
16 bilingual education program or transitional program of  
17 instruction shall participate in the State tests. Any student  
18 who has been enrolled in a State approved bilingual education  
19 program less than 3 cumulative academic years may take an  
20 accommodated State test, to be known as the Illinois Measure of  
21 Annual Growth in English (IMAGE), if the student's lack of  
22 English as determined by an English language proficiency test  
23 would keep the student from understanding the regular State  
24 test. If the school district determines, on a case-by-case  
25 individual basis, that IMAGE would likely yield more accurate  
26 and reliable information on what the student knows and can do,  
27 the school district may make a determination to assess the  
28 student using IMAGE for a period that does not exceed 2  
29 additional consecutive years, provided that the student has not  
30 yet reached a level of English language proficiency sufficient  
31 to yield valid and reliable information on what the student  
32 knows and can do on the regular State test.

33 Reasonable accommodations as prescribed by the State Board  
34 of Education shall be provided for individual students in the



1 testing procedure. All test procedures prescribed by the State  
2 Board of Education shall require: (i) that each test used for  
3 State and local student testing under this Section identify by  
4 name the pupil taking the test; (ii) that the name of the pupil  
5 taking the test be placed on the test at the time the test is  
6 taken; (iii) that the results or scores of each test taken  
7 under this Section by a pupil of the school district be  
8 reported to that district within the same school year in which  
9 the test was taken and identify by name the pupil who received  
10 the reported results or scores; and (iv) that the results or  
11 scores of each test taken under this Section be made available  
12 to the parents of the pupil. In addition, in each school year  
13 the highest scores attained by a student on the Prairie State  
14 Achievement Examination administered under subsection (c) of  
15 this Section and any Prairie State Achievement Awards received  
16 by the student shall become part of the student's permanent  
17 record and shall be entered on the student's transcript  
18 pursuant to regulations that the State Board of Education shall  
19 promulgate for that purpose in accordance with Section 3 and  
20 subsection (e) of Section 2 of the Illinois School Student  
21 Records Act. Beginning with the 1998-1999 school year and in  
22 every school year thereafter, scores received by students on  
23 the State assessment tests administered in grades 3 through 8  
24 shall be placed into students' temporary records.

25 The State Board of Education shall establish a period of  
26 time, to be referred to as the State test window, in each  
27 school year for which State testing shall occur to meet the  
28 objectives of this Section. However, if the schools of a  
29 district are closed and classes are not scheduled during any  
30 week that is established by the State Board of Education as the  
31 State test window, the school district may (at the discretion  
32 of the State Board of Education) move its State test window one  
33 week earlier or one week later than the established State test  
34 window, so long as the school district gives the State Board of

1 Education written notice of its intention to deviate from the  
2 established schedule by December 1 of the school year in which  
3 falls the State test window established by the State Board of  
4 Education for the testing.

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

26 The State Board of Education shall monitor the use of short  
27 answer questions in the math and reading assessments or in  
28 other assessments in order to demonstrate that the use of short  
29 answer questions results in a statistically significant  
30 improvement in student achievement as measured on the State  
31 assessments for math and reading or on other State assessments  
32 and is justifiable in terms of cost and student performance.

33 (b) It shall be the policy of the State to encourage school  
34 districts to continuously test pupil proficiency in the

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

28 (c) Beginning with the 2000-2001 school year, each school  
29 district that operates a high school program for students in  
30 grades 9 through 12 shall annually administer the Prairie State  
31 Achievement Examination established under this subsection to  
32 its students as set forth below. The Prairie State Achievement  
33 Examination shall be developed by the State Board of Education  
34 to measure student performance in the academic areas of

1 reading, writing, mathematics, science, and social sciences.  
2 Beginning with the 2004-2005 school year, however, the State  
3 Board of Education shall not test a student in writing and the  
4 social sciences (history, geography, civics, economics, and  
5 government) as part of the Prairie State Achievement  
6 Examination unless the student is retaking the Prairie State  
7 Achievement Examination in the fall of 2004. The State Board of  
8 Education shall establish the academic standards that are to  
9 apply in measuring student performance on the Prairie State  
10 Achievement Examination including the minimum examination  
11 score in each area that will qualify a student to receive a  
12 Prairie State Achievement Award from the State in recognition  
13 of the student's excellent performance. Each school district  
14 that is subject to the requirements of this subsection (c)  
15 shall afford all students 2 opportunities to take the Prairie  
16 State Achievement Examination beginning as late as practical  
17 during the second semester of grade 11, but in no event before  
18 March 1. The State Board of Education shall annually notify  
19 districts of the weeks during which these test administrations  
20 shall be required to occur. Every individualized educational  
21 program as described in Article 14 shall identify if the  
22 Prairie State Achievement Examination or components thereof  
23 are appropriate for that student. Each student, exclusive of a  
24 student whose individualized educational program developed  
25 under Article 14 identifies the Prairie State Achievement  
26 Examination as inappropriate for the student, shall be required  
27 to take the examination in grade 11. For each academic area the  
28 State Board of Education shall establish the score that  
29 qualifies for the Prairie State Achievement Award on that  
30 portion of the examination. Any student who fails to earn a  
31 qualifying score for a Prairie State Achievement Award in any  
32 one or more of the academic areas on the initial test  
33 administration or who wishes to improve his or her score on any  
34 portion of the examination shall be permitted to retake such

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

29 (d) Beginning with the 2002-2003 school year, all schools  
30 in this State that are part of the sample drawn by the National  
31 Center for Education Statistics, in collaboration with their  
32 school districts and the State Board of Education, shall  
33 administer the biennial State academic assessments of 4th and  
34 8th grade reading and mathematics under the National Assessment

1 of Educational Progress carried out under Section m11(b) (2) of  
2 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
3 if the Secretary of Education pays the costs of administering  
4 the assessments.

5 (e) Beginning no later than the 2005-2006 school year,  
6 subject to available federal funds to this State for the  
7 purpose of student assessment, the State Board of Education  
8 shall provide additional tests and assessment resources that  
9 may be used by school districts for local diagnostic purposes.  
10 These tests and resources shall include without limitation  
11 additional high school writing, physical development and  
12 health, and fine arts assessments. The State Board of Education  
13 shall annually distribute a listing of these additional tests  
14 and resources, using funds available from appropriations made  
15 for student assessment purposes.

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

25 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838,  
26 eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."