

**98TH GENERAL ASSEMBLY
State of Illinois
2013 and 2014
SB3460**

Introduced 2/14/2014, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

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

Amends the School Code. Prohibits the State Board of Education and school districts from administering State-developed assessments or other comparable assessments to students enrolled in kindergarten, grade one, or grade 2 that are being used for any reason other than diagnostic purposes. Effective July 1, 2014.

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A BILL FOR

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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 2-3.64 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 Board
9 of Education shall establish standards and periodically, in
10 collaboration with local school districts, conduct studies of
11 student performance in the learning areas of fine arts and
12 physical development/health.

13 Beginning with the 1998-1999 school year until the
14 2004-2005 school year, the State Board of Education shall
15 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
16 grades in English language arts (reading, writing, and English
17 grammar) and mathematics; and (ii) all pupils enrolled in the
18 4th and 7th grades in the biological and physical sciences and
19 the social sciences (history, geography, civics, economics,
20 and government). Unless the testing required to be implemented
21 no later than the 2005-2006 school year under this subsection
22 (a) is implemented for the 2004-2005 school year, for the
23 2004-2005 school year, the State Board of Education shall test:

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1 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
2 English language arts (reading and English grammar) and
3 mathematics and (ii) all pupils enrolled in the 4th and 7th
4 grades in the biological and physical sciences. The maximum
5 time allowed for all actual testing required under this
6 paragraph shall not exceed 25 hours, as allocated among the
7 required tests by the State Board of Education, across all
8 grades tested.

9 Beginning no later than the 2005-2006 school year, the
10 State Board of Education shall annually test: (i) all pupils
11 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
12 reading and mathematics and (ii) all pupils enrolled in the 4th
13 and 7th grades in the biological and physical sciences. In
14 addition, the State Board of Education shall test (1) all
15 pupils enrolled in the 5th and 8th grades in writing during the
16 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
17 and 8th grades in writing during the 2007-2008 school year; and
18 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
19 writing during the 2008-2009 school year and each school year

20 thereafter. After the addition of grades and change in subjects
21 as delineated in this paragraph and including whatever other
22 tests that may be approved from time to time no later than the
23 2005-2006 school year, the maximum time allowed for all State
24 testing in grades 3 through 8 shall not exceed 38 hours across
25 those grades.

26 Beginning with the 2004-2005 school year, the State Board

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1 of Education shall not test pupils under this subsection (a) in
2 physical development and health, fine arts, and the social
3 sciences (history, geography, civics, economics, and
4 government). The State Board of Education shall not test pupils
5 under this subsection (a) in writing during the 2005-2006
6 school year.

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

20 If, by performance on the State tests or local assessments
21 or by teacher judgment, a student's performance is determined
22 to be 2 or more grades below current placement, the student
23 shall be provided a remediation program developed by the
24 district in consultation with a parent or guardian. Such
25 remediation programs may include, but shall not be limited to,
26 increased or concentrated instructional time, a remedial

1 summer school program of not less than 90 hours (with an
2 emphasis on reading and mathematics if the student has
3 performed below grade level for 2 consecutive school years),
4 improved instructional approaches, tutorial sessions,
5 retention in grade, and modifications to instructional
6 materials. Each pupil for whom a remediation program is
7 developed under this subsection shall be required to enroll in
8 and attend whatever program the district determines is
9 appropriate for the pupil. Districts may combine students in
10 remediation programs where appropriate and may cooperate with
11 other districts in the design and delivery of those programs.
12 The parent or guardian of a student required to attend a
13 remediation program under this Section shall be given written
14 notice of that requirement by the school district a reasonable
15 time prior to commencement of the remediation program that the
16 student is to attend. The State shall be responsible for
17 providing school districts with the new and additional funding,
18 under Section 2-3.51.5 or by other or additional means, that is
19 required to enable the districts to operate remediation
20 programs for the pupils who are required to enroll in and
21 attend those programs under this Section. Every individualized
22 educational program as described in Article 14 shall identify
23 if the State test or components thereof are appropriate for
24 that student. The State Board of Education shall develop rules
25 and regulations governing the administration of alternative
26 tests prescribed within each student's individualized

1 educational program which are appropriate to the disability of
2 each student.

3 All pupils who are in a State approved transitional
4 bilingual education program or transitional program of
5 instruction shall participate in the State tests. The time
6 allotted to take the State tests, however, may be extended as
7 determined by the State Board of Education by rule. Any student

8 who has been enrolled in a State approved bilingual education
9 program less than 3 cumulative academic years may take an
10 accommodated Limited English Proficient student academic
11 content assessment, as determined by the State Board of
12 Education, if the student's lack of English as determined by an
13 English language proficiency test would keep the student from
14 understanding the regular State test. If the school district
15 determines, on a case-by-case individual basis, that a Limited
16 English Proficient student academic content assessment would
17 likely yield more accurate and reliable information on what the
18 student knows and can do, the school district may make a
19 determination to assess the student using a Limited English
20 Proficient student academic content assessment for a period
21 that does not exceed 2 additional consecutive years, provided
22 that the student has not yet reached a level of English
23 language proficiency sufficient to yield valid and reliable
24 information on what the student knows and can do on the regular
25 State test.

26 Reasonable accommodations as prescribed by the State Board

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1 of Education shall be provided for individual students in the
2 testing procedure. All test procedures prescribed by the State
3 Board of Education shall require: (i) that each test used for
4 State and local student testing under this Section identify by
5 name the pupil taking the test; (ii) that the name of the pupil
6 taking the test be placed on the test at the time the test is
7 taken; (iii) that the results or scores of each test taken
8 under this Section by a pupil of the school district be
9 reported to that district and identify by name the pupil who
10 received the reported results or scores; and (iv) that the
11 results or scores of each test taken under this Section be made
12 available to the parents of the pupil. In addition, in each
13 school year the scores attained by a student on the Prairie
14 State Achievement Examination administered under subsection
15 (c) of this Section and any Prairie State Achievement Awards
16 received by the student shall become part of the student's
17

permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each

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school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of Education) move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or

1 shall it be construed, to nullify, supersede, or contradict the
2 legislative intent on academic testing expressed during the
3 passage of HB 1005/P.A. 90-296. Nothing in this Section is
4 intended, nor shall it be construed, to nullify, supersede, or
5 contradict the legislative intent on academic testing
6 expressed in the preamble of this amendatory Act of the 93rd
7 General Assembly.

8 The State Board of Education shall monitor the use of short
9 answer questions in the math and reading assessments or in
10 other assessments in order to demonstrate that the use of short
11 answer questions results in a statistically significant
12 improvement in student achievement as measured on the State
13 assessments for math and reading or on other State assessments
14 and is justifiable in terms of cost and student performance.

15 (b) It shall be the policy of the State to encourage school
16 districts to continuously test pupil proficiency in the
17 fundamental learning areas in order to: (i) provide timely
18 information on individual students' performance relative to
19 State standards that is adequate to guide instructional
20 strategies; (ii) improve future instruction; and (iii)
21 complement the information provided by the State testing system
22 described in this Section. To assist school districts in
23 testing pupil proficiency in reading in the primary grades, the
24 State Board shall make optional reading inventories for
25 diagnostic purposes available to each school district that
26 requests such assistance. Districts that administer the

1 reading inventories may develop remediation programs for
2 students who perform in the bottom half of the student
3 population. Those remediation programs may be funded by moneys
4 provided under the School Safety and Educational Improvement

5 Block Grant Program established under Section 2-3.51.5.

6 (b-5) Notwithstanding any other provision of law or any
7 administrative rule to the contrary, the State Board of
8 Education and school districts may not administer
9 State-developed assessments or other comparable assessments to
10 students enrolled in kindergarten, grade one, or grade 2 that
11 are being used for any reason other than diagnostic purposes.
12 This subsection (b-5) does not limit an educator's ability to
13 deliver individual student assessments related to student
14 achievement.

15 (c) Beginning with the 2000-2001 school year, each school
16 district that operates a high school program for students in
17 grades 9 through 12 shall annually administer the Prairie State
18 Achievement Examination established under this subsection to
19 its students as set forth below. The Prairie State Achievement
20 Examination shall be developed by the State Board of Education
21 to measure student performance in the academic areas of
22 reading, writing, mathematics, science, and social sciences.
23 Beginning with the 2004-2005 school year, however, the State
24 Board of Education shall not test a student in the social
25 sciences (history, geography, civics, economics, and
26 government) as part of the Prairie State Achievement

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1 Examination unless the student is retaking the Prairie State
2 Achievement Examination in the fall of 2004. In addition, the
3 State Board of Education shall not test a student in writing as
4 part of the Prairie State Achievement Examination during the
5 2005-2006 school year. The State Board of Education shall
6 establish the academic standards that are to apply in measuring
7 student performance on the Prairie State Achievement
8 Examination including the minimum examination score in each
9 area that will qualify a student to receive a Prairie State
10 Achievement Award from the State in recognition of the
11 student's excellent performance. Each school district that is
12 subject to the requirements of this subsection (c) shall afford
13 all students one opportunity to take the Prairie State
14

Achievement Examination beginning as late as practical during the spring semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which this test administration shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the

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Prairie State Achievement Award on that portion of the examination. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma. In no case, however, shall a student receive a regular high school diploma without taking the Prairie State Achievement Examination, unless the student is exempted from taking the Prairie State Achievement Examination under this subsection (c) because (i) the student's individualized educational program developed under Article 14 of this Code

identifies the Prairie State Achievement Examination as
inappropriate for the student, (ii) the student is exempt due
to the student's lack of English language proficiency under
subsection (a) of this Section, (iii) the student is enrolled

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in a program of Adult and Continuing Education as defined in
the Adult Education Act, (iv) the school district is not
required to test the individual student for purposes of
accountability under federal No Child Left Behind Act of 2001
requirements, or (v) the student is otherwise identified by the
State Board of Education through rules as being exempt from the
assessment.

(d) Beginning with the 2002-2003 school year, all schools
in this State that are part of the sample drawn by the National
Center for Education Statistics, in collaboration with their
school districts and the State Board of Education, shall
administer the biennial State academic assessments of 4th and
8th grade reading and mathematics under the National Assessment
of Educational Progress carried out under Section 411(b)(2) of
the National Education Statistics Act of 1994 (20 U.S.C. 9010)
if the Secretary of Education pays the costs of administering
the assessments.

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

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and resources, using funds available from appropriations made

2 for student assessment purposes.

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

12 (Source: P.A. 96-430, eff. 8-13-09; 96-1000, eff. 7-2-10;
13 97-86, eff. 1-1-12.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2014.