

1 AN ACT relating to education.

2 WHEREAS, The adoption of the Declaration of Independence  
3 in 1776 and the signing of the United States Constitution  
4 were principal events in the history of the United States,  
5 the Declaration of Independence providing the philosophical  
6 foundation on which this nation rests and the Constitution of  
7 the United States providing its structure of government; and

8 WHEREAS, The Federalist Papers embody the most eloquent  
9 and forceful argument made in support of the adoption of our  
10 republican form of government; and

11 WHEREAS, These documents stand as the foundation of our  
12 form of democracy, providing at the same time the basis of  
13 our national identity and the vehicle for orderly growth and  
14 change; and

15 WHEREAS, Many Americans lack even the most basic  
16 knowledge and understanding of the history of our nation and  
17 the principles set forth in the Declaration of Independence,  
18 codified in the Constitution and defended in the Federalist  
19 Papers; and

20 WHEREAS, The survival of the Republic requires that our  
21 nation's children, the future guardians of its heritage and  
22 participants in its governance, have a firm knowledge and  
23 understanding of its principles and history; therefore

24 Be it enacted by the People of the State of Illinois,  
25 represented in the General Assembly:

26 Section 5. The School Code is amended by changing  
27 Sections 2-3.64, 27-3, and 27-4 as follows:

28 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

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

2           (a) Beginning in the 1998-1999 school year, the State  
3 Board of Education shall establish standards and  
4 periodically, in collaboration with local school districts,  
5 conduct studies of student performance in the learning areas  
6 of fine arts and physical development/health. Beginning with  
7 the 1998-1999 school year, the State Board of Education shall  
8 annually test: (i) all pupils enrolled in the 3rd, 5th, and  
9 8th grades in English language arts (reading, writing, and  
10 English grammar) and mathematics; and (ii) all pupils  
11 enrolled in the 4th and 7th grades in the biological and  
12 physical sciences and the social sciences (history,  
13 geography, civics, economics, and government). The State  
14 Board of Education shall establish the academic standards  
15 that are to be applicable to pupils who are subject to State  
16 tests under this Section beginning with the 1998-1999 school  
17 year. However, the State Board of Education shall not  
18 establish any such standards in final form without first  
19 providing opportunities for public participation and local  
20 input in the development of the final academic standards.  
21 Those opportunities shall include a well-publicized period of  
22 public comment, public hearings throughout the State, and  
23 opportunities to file written comments. Beginning with the  
24 1998-99 school year and thereafter, the State tests will  
25 identify pupils in the 3rd grade or 5th grade who do not meet  
26 the State standards. If, by performance on the State tests  
27 or local assessments or by teacher judgment, a student's  
28 performance is determined to be 2 or more grades below  
29 current placement, the student shall be provided a  
30 remediation program developed by the district in consultation  
31 with a parent or guardian. Such remediation programs may  
32 include, but shall not be limited to, increased or  
33 concentrated instructional time, a remedial summer school  
34 program of not less than 90 hours, improved instructional

1 approaches, tutorial sessions, retention in grade, and  
2 modifications to instructional materials. Each pupil for  
3 whom a remediation program is developed under this subsection  
4 shall be required to enroll in and attend whatever program  
5 the district determines is appropriate for the pupil.  
6 Districts may combine students in remediation programs where  
7 appropriate and may cooperate with other districts in the  
8 design and delivery of those programs. The parent or  
9 guardian of a student required to attend a remediation  
10 program under this Section shall be given written notice of  
11 that requirement by the school district a reasonable time  
12 prior to commencement of the remediation program that the  
13 student is to attend. The State shall be responsible for  
14 providing school districts with the new and additional  
15 funding, under Section 2-3.51.5 or by other or additional  
16 means, that is required to enable the districts to operate  
17 remediation programs for the pupils who are required to  
18 enroll in and attend those programs under this Section.  
19 Every individualized educational program as described in  
20 Article 14 shall identify if the State test or components  
21 thereof are appropriate for that student. For those pupils  
22 for whom the State tests or components thereof are not  
23 appropriate, the State Board of Education shall develop rules  
24 and regulations governing the administration of alternative  
25 tests prescribed within each student's individualized  
26 educational program which are appropriate to the disability  
27 of each student. All pupils who are in a State approved  
28 transitional bilingual education program or transitional  
29 program of instruction shall participate in the State tests.  
30 Any student who has been enrolled in a State approved  
31 bilingual education program less than 3 academic years shall  
32 be exempted if the student's lack of English as determined by  
33 an English language proficiency test would keep the student  
34 from understanding the test, and that student's district

1 shall have an alternative test program in place for that  
2 student. The State Board of Education shall appoint a task  
3 force of concerned parents, teachers, school administrators  
4 and other professionals to assist in identifying such  
5 alternative tests. Reasonable accommodations as prescribed  
6 by the State Board of Education shall be provided for  
7 individual students in the testing procedure. All test  
8 procedures prescribed by the State Board of Education shall  
9 require: (i) that each test used for State and local student  
10 testing under this Section identify by name the pupil taking  
11 the test; (ii) that the name of the pupil taking the test be  
12 placed on the test at the time the test is taken; (iii) that  
13 the results or scores of each test taken under this Section  
14 by a pupil of the school district be reported to that  
15 district and identify by name the pupil who received the  
16 reported results or scores; and (iv) that the results or  
17 scores of each test taken under this Section be made  
18 available to the parents of the pupil. In addition,  
19 beginning with the 2000-2001 school year and in each school  
20 year thereafter, the highest scores and performance levels  
21 attained by a student on the Prairie State Achievement  
22 Examination administered under subsection (c) of this Section  
23 shall become part of the student's permanent record and shall  
24 be entered on the student's transcript pursuant to  
25 regulations that the State Board of Education shall  
26 promulgate for that purpose in accordance with Section 3 and  
27 subsection (e) of Section 2 of the Illinois School Student  
28 Records Act. Beginning with the 1998-1999 school year and in  
29 every school year thereafter, scores received by students on  
30 the State assessment tests administered in grades 3 through 8  
31 shall be placed into students' temporary records. The State  
32 Board of Education shall establish a common month in each  
33 school year for which State testing shall occur to meet the  
34 objectives of this Section. However, if the schools of a

1 district are closed and classes are not scheduled during any  
2 week that is established by the State Board of Education as  
3 the week of the month when State testing under this Section  
4 shall occur, the school district may administer the required  
5 State testing at any time up to 2 weeks following the week  
6 established by the State Board of Education for the testing,  
7 so long as the school district gives the State Board of  
8 Education written notice of its intention to deviate from the  
9 established schedule by December 1 of the school year in  
10 which falls the week established by the State Board of  
11 Education for the testing. The maximum time allowed for all  
12 actual testing required under this subsection during the  
13 school year shall not exceed 25 hours as allocated among the  
14 required tests by the State Board of Education.

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

32 Beginning in the 1998-1999 school year, the State Board  
33 of Education may, on a pilot basis, include in the State  
34 assessments in reading and math at each grade level tested no

1 more than 2 short answer questions, where students have to  
2 respond in brief to questions or prompts or show  
3 computations, rather than select from alternatives that are  
4 presented. In the first year that such questions are used,  
5 scores on the short answer questions shall not be reported on  
6 an individual student basis but shall be aggregated for each  
7 school building in which the tests are given. State-level,  
8 school, and district scores shall be reported both with and  
9 without the results of the short answer questions so that the  
10 effect of short answer questions is clearly discernible.  
11 Beginning in the second year of this pilot program, scores on  
12 the short answer questions shall be reported both on an  
13 individual student basis and on a school building basis in  
14 order to monitor the effects of teacher training and  
15 curriculum improvements on score results.

16 The State Board of Education shall not continue the use  
17 of short answer questions in the math and reading  
18 assessments, or extend the use of such questions to other  
19 State assessments, unless this pilot project demonstrates  
20 that the use of short answer questions results in a  
21 statistically significant improvement in student achievement  
22 as measured on the State assessments for math and reading and  
23 is justifiable in terms of cost and student performance.

24 (b) It shall be the policy of the State to encourage  
25 school districts to continuously test pupil proficiency in  
26 the fundamental learning areas in order to: (i) provide  
27 timely information on individual students' performance  
28 relative to State standards that is adequate to guide  
29 instructional strategies; (ii) improve future instruction;  
30 and (iii) complement the information provided by the State  
31 testing system described in this Section. Each district's  
32 school improvement plan must address specific activities the  
33 district intends to implement to assist pupils who by teacher  
34 judgment and test results as prescribed in subsection (a) of

1 this Section demonstrate that they are not meeting State  
2 standards or local objectives. Such activities may include,  
3 but shall not be limited to, summer school, extended school  
4 day, special homework, tutorial sessions, modified  
5 instructional materials, other modifications in the  
6 instructional program, reduced class size or retention in  
7 grade. To assist school districts in testing pupil  
8 proficiency in reading in the primary grades, the State Board  
9 shall make optional reading inventories for diagnostic  
10 purposes available to each school district that requests such  
11 assistance. Districts that administer the reading  
12 inventories may develop remediation programs for students who  
13 perform in the bottom half of the student population. Those  
14 remediation programs may be funded by moneys provided under  
15 the School Safety and Educational Improvement Block Grant  
16 Program established under Section 2-3.51.5. Nothing in this  
17 Section shall prevent school districts from implementing  
18 testing and remediation policies for grades not required  
19 under this Section.

20 (c) Beginning with the 2000-2001 school year, each  
21 school district that operates a high school program for  
22 students in grades 9 through 12 shall annually administer the  
23 Prairie State Achievement Examination established under this  
24 subsection to its students as set forth below. The Prairie  
25 State Achievement Examination shall be developed by the State  
26 Board of Education to measure student performance in the  
27 academic areas of reading, writing, mathematics, science, and  
28 social sciences. Beginning with the 2003-2004 school year,  
29 testing of a student's knowledge of the Declaration of  
30 Independence, the United States Constitution, and the  
31 Federalist Papers must be included in the social sciences  
32 area of the Prairie State Achievement Examination. The State  
33 Board of Education shall establish the academic standards  
34 that are to apply in measuring student performance on the

1 Prairie State Achievement Examination including the minimum  
2 examination score in each area that will qualify a student to  
3 receive a Prairie State Achievement Award from the State in  
4 recognition of the student's excellent performance. Each  
5 school district that is subject to the requirements of this  
6 subsection (c) shall afford all students 2 opportunities to  
7 take the Prairie State Achievement Examination beginning as  
8 late as practical during the second semester of grade 11, but  
9 in no event before March 1. The State Board of Education  
10 shall annually notify districts of the weeks during which  
11 these test administrations shall be required to occur. Every  
12 individualized educational program as described in Article 14  
13 shall identify if the Prairie State Achievement Examination  
14 or components thereof are appropriate for that student. Each  
15 student, exclusive of a student whose individualized  
16 educational program developed under Article 14 identifies the  
17 Prairie State Achievement Examination as inappropriate for  
18 the student, shall be required to take the examination in  
19 grade 11. For each academic area the State Board of  
20 Education shall establish the score that qualifies for the  
21 Prairie State Achievement Award on that portion of the  
22 examination. Any student who fails to earn a qualifying  
23 score for a Prairie State Achievement Award in any one or  
24 more of the academic areas on the initial test administration  
25 or who wishes to improve his or her score on any portion of  
26 the examination shall be permitted to retake such portion or  
27 portions of the examination during grade 12. Districts shall  
28 inform their students of the timelines and procedures  
29 applicable to their participation in every yearly  
30 administration of the Prairie State Achievement Examination.  
31 Students receiving special education services whose  
32 individualized educational programs identify the Prairie  
33 State Achievement Examination as inappropriate for them  
34 nevertheless shall have the option of taking the examination,



1 which shall be administered to those students in accordance  
2 with standards adopted by the State Board of Education to  
3 accommodate the respective disabilities of those students. A  
4 student who successfully completes all other applicable high  
5 school graduation requirements but fails to receive a score  
6 on the Prairie State Achievement Examination that qualifies  
7 the student for receipt of a Prairie State Achievement Award  
8 shall nevertheless qualify for the receipt of a regular high  
9 school diploma.

10 (Source: P.A. 90-566, eff. 1-2-98; 90-789, eff. 8-14-98;  
11 91-283, eff. 7-29-99.)

12 (105 ILCS 5/27-3) (from Ch. 122, par. 27-3)

13 Sec. 27-3. Patriotism and principles of representative  
14 government; proper use of flag; U.S. founding and related  
15 documents; method of voting; Pledge of Allegiance.

16 (a) American patriotism and the principles of  
17 representative government, as enunciated in the American  
18 Declaration of Independence, the Constitution of the United  
19 States of America and the Constitution of the State of  
20 Illinois, and the proper use and display of the American  
21 flag, shall be taught in all public schools and other  
22 educational institutions supported or maintained in whole or  
23 in part by public funds. No student shall receive a  
24 certificate of graduation without passing a satisfactory  
25 examination upon such subjects.

26 (b) The nation's founding and related documents, which  
27 must at a minimum include the Declaration of Independence,  
28 the United States Constitution, and the Federalist Papers,  
29 must be taught in all public high schools. The State Board of  
30 Education shall, by rule, provide for curriculum content and  
31 teacher training to ensure that the intent of this amendatory  
32 Act of the 92nd General Assembly is satisfied. A public high  
33 school student may not receive a certificate of graduation

1 without passing a satisfactory examination of his or her  
 2 knowledge of the Declaration of Independence, the United  
 3 States Constitution, and the Federalist Papers. Before August  
 4 1, 2004 and each year thereafter, the State Board of  
 5 Education shall submit a report to the Governor and the  
 6 General Assembly describing the effectiveness of this  
 7 amendatory Act of the 92nd General Assembly, as measured by  
 8 the testing of a student's knowledge of the Declaration of  
 9 Independence, the United States Constitution, and the  
 10 Federalist Papers on the Prairie State Achievement  
 11 Examination.

12 (c) Instruction shall be given in all public such  
 13 schools and other educational institutions supported or  
 14 maintained in whole or in part by public funds in the method  
 15 of voting at elections by means of the Australian Ballot  
 16 system and the method of the counting of votes for  
 17 candidates.

18 (d) The Pledge of Allegiance shall be recited each  
 19 school day by pupils in elementary educational institutions  
 20 supported or maintained in whole or in part by public funds.  
 21 (Source: P.A. 81-959.)

22 (105 ILCS 5/27-4) (from Ch. 122, par. 27-4)  
 23 Sec. 27-4. Time devoted to subjects mentioned in Section  
 24 27-3. Not less than one hour of each school week shall be  
 25 devoted to the study of the subjects required to be taught  
 26 under subject-mentioned-in Section 27-3 in the seventh and  
 27 eighth grades or their equivalent, and not less than one hour  
 28 of each school week to the advanced study of the subjects  
 29 required to be taught under Section 27-3 thereof in all high  
 30 school grades, in the public schools and other institutions  
 31 mentioned in such Section.

32 This Section does not prevent the study of such subjects  
 33 in any of the lower grades in such schools or institutions.

1 (Source: Laws 1961, p. 31.)

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.26 as follows:

4 (30 ILCS 805/8.26 new)

5 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
6 and 8 of this Act, no reimbursement by the State is required  
7 for the implementation of any mandate created by this  
8 amendatory Act of the 92nd General Assembly.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.