



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2696

Introduced 2/6/2025, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5  
105 ILCS 85/35

Amends the School Code. Provides that the vendor of an assessment administered by the State Board of Education for the purpose of student application to or admissions consideration by institutions of higher education under a contract entered into, amended, renewed, or extended on or after the effective date of the amendatory Act must not sell or commercially exploit in any way covered information, as defined in the Student Online Personal Protection Act, that the vendor has access to because of its status as the vendor. Amends the Student Online Personal Protection Act. Provides that any person aggrieved by an operator's violation of the Act shall have a right of action in a State circuit court or as a supplemental claim in federal district court against the operator.

LRB104 08318 LNS 18369 b

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. The vendor of an assessment  
2 administered by the State Board of Education for the purpose  
3 of student application to or admissions consideration by  
4 institutions of higher education under a contract entered  
5 into, amended, renewed, or extended on or after the effective  
6 date of this amendatory Act of the 104th General Assembly must  
7 not sell or commercially exploit in any way covered  
8 information, as defined in the Student Online Personal  
9 Protection Act, that the vendor has access to because of its  
10 status as the vendor.

11 Students who do not take the State's final accountability  
12 assessment or its approved alternate assessment may not  
13 receive a regular high school diploma unless the student is  
14 exempted from taking the State assessments under subsection  
15 (d) of this Section because the student is enrolled in a  
16 program of adult and continuing education, as defined in the  
17 Adult Education Act, or the student is identified by the State  
18 Board of Education, through rules, as being exempt from the  
19 assessment.

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

22 Districts shall inform their students of the timelines and  
23 procedures applicable to their participation in every yearly  
24 administration of the State assessments. The State Board of  
25 Education shall establish periods of time in each school year  
26 during which State assessments shall occur to meet the

1 objectives of this Section.

2 The requirements of this subsection do not apply if the  
3 State Board of Education has received a waiver from the  
4 administration of assessments from the U.S. Department of  
5 Education.

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

14 Students receiving special education services whose  
15 individualized educational programs identify them as eligible  
16 for the alternative State assessments nevertheless shall have  
17 the option of also taking this State's regular final  
18 accountability assessment, which shall be administered in  
19 accordance with the eligible accommodations appropriate for  
20 meeting these students' respective needs.

21 All students determined to be English learners shall  
22 participate in the State assessments. The scores of those  
23 students who have been enrolled in schools in the United  
24 States for less than 12 months may not be used for the purposes  
25 of accountability. Any student determined to be an English  
26 learner shall receive appropriate assessment accommodations,

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

7 (e) The results or scores of each assessment taken under  
8 this Section shall be made available to the parents of each  
9 student.

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

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

21 (g) All schools in this State that are part of the sample  
22 drawn by the National Center for Education Statistics, in  
23 collaboration with their school districts and the State Board  
24 of Education, shall administer the academic assessments under  
25 the National Assessment of Educational Progress carried out  
26 under Section 411(b)(2) of the federal National Education

1 Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary  
2 of Education pays the costs of administering the assessments.

3 (h) (Blank).

4 (i) For the purposes of this subsection (i), "academically  
5 based assessments" means assessments consisting of questions  
6 and answers that are measurable and quantifiable to measure  
7 the knowledge, skills, and ability of students in the subject  
8 matters covered by the assessments. All assessments  
9 administered pursuant to this Section must be academically  
10 based assessments. The scoring of academically based  
11 assessments shall be reliable, valid, and fair and shall meet  
12 the guidelines for assessment development and use prescribed  
13 by the American Psychological Association, the National  
14 Council on Measurement in Education, and the American  
15 Educational Research Association.

16 The State Board of Education shall review the use of all  
17 assessment item types in order to ensure that they are valid  
18 and reliable indicators of student performance aligned to the  
19 learning standards being assessed and that the development,  
20 administration, and scoring of these item types are  
21 justifiable in terms of cost.

22 (j) The State Superintendent of Education shall appoint a  
23 committee of no more than 21 members, consisting of parents,  
24 teachers, school administrators, school board members,  
25 assessment experts, regional superintendents of schools, and  
26 citizens, to review the State assessments administered by the

1 State Board of Education. The Committee shall select one of  
2 its members as its chairperson. The Committee shall meet on an  
3 ongoing basis to review the content and design of the  
4 assessments (including whether the requirements of subsection  
5 (i) of this Section have been met), the time and money expended  
6 at the local and State levels to prepare for and administer the  
7 assessments, the collective results of the assessments as  
8 measured against the stated purpose of assessing student  
9 performance, and other issues involving the assessments  
10 identified by the Committee. The Committee shall make periodic  
11 recommendations to the State Superintendent of Education and  
12 the General Assembly concerning the assessments.

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

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

16 Section 10. The Student Online Personal Protection Act is  
17 amended by changing Section 35 as follows:

18 (105 ILCS 85/35)

19 Sec. 35. Enforcement.

20 (a) Violations of this Act shall constitute unlawful  
21 practices for which the Attorney General may take appropriate  
22 action under the Consumer Fraud and Deceptive Business  
23 Practices Act.

24 (b) Any person aggrieved by an operator's violation of

1 this Act shall have a right of action in a State circuit court  
2 or as a supplemental claim in federal district court against  
3 the operator.

4 (Source: P.A. 100-315, eff. 8-24-17.)