

By: González of El Paso

H.B. No. 988

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing a pilot program under which public schools  
3 may develop a portfolio method to assess student performance in  
4 grades three through eight for purposes of accountability and  
5 qualification for promotion.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter B, Chapter 39, Education Code, is  
8 amended by adding Section 39.02302 to read as follows:

9 Sec. 39.02302. PORTFOLIO ASSESSMENT PILOT PROGRAM FOR  
10 GRADES THREE THROUGH EIGHT. (a) The commissioner shall establish a  
11 pilot program as provided by this section under which participating  
12 school districts may:

13 (1) implement a portfolio method to assess students in  
14 grades three through eight; and

15 (2) use student performance under that method as a  
16 percentage of a student's overall performance on assessment  
17 instruments, in addition to the student's performance on assessment  
18 instruments required under Sections 39.023(a), (b), and (1), for  
19 purposes of accountability under this chapter and qualification for  
20 promotion under Section 28.0211.

21 (b) A school district may choose to participate in the pilot  
22 program established under this section by submitting to the  
23 commissioner for approval not later than May 1, 2018, a plan  
24 described by this subsection and approved by the board of trustees

1 of the district. A school district that chooses to participate in  
2 the pilot program must create a committee that consists of teachers  
3 and administrators employed by and students enrolled in the  
4 district to develop a three-year plan that:

5 (1) specifies the goals and guiding principles for  
6 implementation of the district's portfolio assessment method;

7 (2) designates for assessment by the portfolio  
8 assessment method:

9 (A) English language arts;

10 (B) mathematics; and

11 (C) any other subject as determined by the  
12 committee;

13 (3) specifies the essential knowledge and skills that  
14 must be addressed by the portfolio method of assessment for each  
15 subject designated under Subdivision (2);

16 (4) designates the grades subject to portfolio  
17 assessment;

18 (5) provides for accommodations and any other support  
19 measures that comply with applicable federal law for students  
20 enrolled in a special education program under Subchapter A, Chapter  
21 29, and students of limited English proficiency, as defined by  
22 Section 29.052;

23 (6) includes requirements for using components of the  
24 portfolio assessment as:

25 (A) an interim formative assessment tool to  
26 provide the student the opportunity to further develop  
27 understanding and performance; and

1                   (B) a final summative assessment;

2                   (7) includes the method of submitting student  
3 portfolios, which may include written submission, digital  
4 delivery, an oral defense presentation, or a combination of those  
5 methods; and

6                   (8) includes a rubric for grading student portfolios  
7 as provided by Subsection (c).

8                   (c) The rubric included in the plan developed under  
9 Subsection (b) must be developed by district teachers. In  
10 developing the rubric, the district teachers may incorporate  
11 suggestions from students enrolled in the district and community  
12 and business leaders. The rubric must be based on a 100-point scale  
13 scoring system and must establish a level of performance considered  
14 satisfactory and a level of performance necessary to indicate  
15 college readiness.

16                   (d) Subject to the Family Educational Rights and Privacy Act  
17 of 1974 (20 U.S.C. Section 1232g), the plan developed under  
18 Subsection (b) may provide for the use of portfolio assessments for  
19 other purposes, including to:

20                   (1) evaluate teacher performance;

21                   (2) assist in developing campus turnaround plans and  
22 other campus improvement initiatives under Subchapter E;

23                   (3) assist in communicating with the student's parents  
24 regarding the student's academic development; or

25                   (4) provide relevant information in admission,  
26 review, and dismissal committee and language proficiency  
27 assessment committee meetings.

1       (e) The commissioner shall review and make a determination  
2 on each plan submitted under this section on or before August 1,  
3 2018. To participate in the pilot program, a school district must  
4 implement a plan approved by the commissioner under this section  
5 beginning with the 2018-2019 school year.

6       (f) For purposes of the pilot program, if a scale score  
7 required for satisfactory performance under Section 39.0241(a) on  
8 an assessment instrument required under Section 39.023(a), (b), or  
9 (l) is not based on a 100-point scale scoring system, the  
10 commissioner shall provide for a conversion, in accordance with  
11 commissioner rule, of the scale score to an equivalent score based  
12 on a 100-point scale scoring system. A student's performance under  
13 the portfolio assessment method for a grade and subject shall be  
14 combined with the student's performance on the assessment  
15 instrument administered under Section 39.023(a), (b), or (l), as  
16 applicable, for that grade and subject to determine the student's  
17 overall performance. For purposes of assigning districts and  
18 campuses a performance rating under Section 39.054, a student's  
19 performance under the portfolio assessment method for a grade and  
20 subject is considered as 50 percent of the student's overall  
21 performance. For purposes of determining whether a student  
22 performed satisfactorily on an assessment instrument required  
23 under Section 28.0211 to qualify for promotion, a student's  
24 performance under the portfolio assessment method for the  
25 applicable grade and subject is considered as 65 percent of the  
26 student's overall performance.

27       (g) For purposes of assigning districts and campuses a

1 performance rating under Section 39.054, the commissioner shall  
2 consider districts and campuses participating in the pilot program  
3 separately. The commissioner shall adopt rules to substitute a  
4 student's overall performance computed as provided by Subsection  
5 (f) for purposes of accountability for the student's performance on  
6 assessment instruments required under Section 39.023(a), (b), or  
7 (l), as applicable.

8 (h) A school district that participates in the pilot program  
9 shall provide student performance data to the agency as required by  
10 agency rule. The agency shall periodically review the performance  
11 data submitted under this subsection.

12 (i) The commissioner shall adopt rules as necessary to  
13 implement this section, including:

14 (1) rules for submitting to the commissioner for  
15 approval a plan described by Subsection (b) and subsequent  
16 amendments to the plan;

17 (2) rules for evaluating submitted plans and  
18 amendments described by Subdivision (1);

19 (3) rules for submitting student performance data to  
20 the agency as required under Subsection (h); and

21 (4) any specific rules for school districts or  
22 campuses that are rated unacceptable and choose to participate in  
23 the pilot program under this section.

24 (j) Not later than September 1, 2022, the agency shall  
25 prepare and deliver to the governor, the lieutenant governor, the  
26 speaker of the house of representatives, and the presiding officer  
27 of each legislative standing committee with primary jurisdiction

1 over primary and secondary education a report that:

2 (1) evaluates the implementation and performance  
3 results of the pilot program under this section; and

4 (2) makes recommendations regarding the feasibility  
5 of statewide application of establishing a portfolio method to  
6 assess student performance in grades three through eight for  
7 purposes of accountability and qualification for promotion.

8 (k) This section expires September 1, 2023.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2017.