

By: González of El Paso

H.B. No. 989

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishing a pilot program under which public schools  
3 may develop a portfolio method to assess secondary-level student  
4 performance for purposes of accountability and qualification for  
5 graduation.

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 39.02303 to read as follows:

9 Sec. 39.02303. PORTFOLIO ASSESSMENT PILOT PROGRAM FOR  
10 SECONDARY-LEVEL STUDENTS. (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  
14 enrolled in secondary-level courses; 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 Section 39.023(c), for purposes of  
19 accountability under this chapter and determining qualification  
20 for graduation.

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 courses in:

9 (A) Algebra I;

10 (B) English I and English II; and

11 (C) any other course 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 course designated under Subdivision (2);

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

21 (5) includes requirements for using components of the  
22 portfolio assessment as:

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

26 (B) a final summative assessment;

27 (6) includes the method for submitting student

1 portfolios, which may include written submission, digital  
2 delivery, an oral defense presentation, or a combination of those  
3 methods; and

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

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

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

18 (1) to evaluate teacher performance;

19 (2) to assist in developing campus turnaround plans  
20 and other campus improvement initiatives under Subchapter E;

21 (3) to assist in communicating with the student's  
22 parents regarding the student's academic development;

23 (4) to provide relevant information in admission,  
24 review, and dismissal committee and language proficiency  
25 assessment committee meetings;

26 (5) as a course completion requirement; or

27 (6) as a factor in determining a student's

1 qualification for graduation by any committee established to make  
2 such a determination.

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

8 (f) A student's performance under the portfolio assessment  
9 method for a secondary-level course shall be combined with the  
10 student's performance on the comparable assessment instrument  
11 administered under Section 39.023(c) for that secondary-level  
12 course to determine the student's overall performance. For purposes  
13 of assigning districts and campuses a performance rating under  
14 Section 39.054, a student's performance under the portfolio  
15 assessment method for a secondary-level course is considered as 50  
16 percent of the student's overall performance. For purposes of  
17 determining whether a student performed satisfactorily on an  
18 end-of-course assessment instrument to qualify for graduation, a  
19 student's performance under the portfolio assessment method for a  
20 secondary-level course is considered as 65 percent of the student's  
21 overall performance.

22 (g) For purposes of assigning districts and campuses a  
23 performance rating under Section 39.054, the commissioner shall  
24 consider districts and campuses participating in the pilot program  
25 separately. The commissioner shall adopt rules to substitute a  
26 student's overall performance computed as provided by Subsection  
27 (f) for purposes of accountability for the student's performance on

1 assessment instruments required under Section 39.023(c).

2 (h) A school district that participates in the pilot program  
3 shall provide student performance data to the agency as required by  
4 agency rule. The agency shall periodically review the performance  
5 data submitted under this subsection.

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

8 (1) rules for submitting to the commissioner for  
9 approval a plan described by Subsection (b) and subsequent  
10 amendments to the plan;

11 (2) rules for evaluating submitted plans and  
12 amendments described by Subdivision (1);

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

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

18 (j) Not later than September 1, 2022, the agency shall  
19 prepare and deliver to the governor, the lieutenant governor, the  
20 speaker of the house of representatives, and the presiding officer  
21 of each legislative standing committee with primary jurisdiction  
22 over primary and secondary education a report that:

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

25 (2) makes recommendations regarding the feasibility  
26 of statewide application of establishing a portfolio method to  
27 assess secondary-level student performance for purposes of

1 accountability and qualification for graduation.

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

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