

By: González of El Paso

H.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to establishing a pilot program under which public schools may use a digital portfolio method to assess student performance in grades three through eight for purposes of accountability and qualification for promotion.

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

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02303 to read as follows:

Sec. 39.02303. DIGITAL PORTFOLIO ASSESSMENT PILOT PROGRAM FOR GRADES THREE THROUGH EIGHT. (a) The commissioner shall establish a pilot program as provided by this section under which participating school districts may:

(1) implement a digital portfolio method to assess students in grades three through eight using the services of an entity selected by the agency under Subsection (e); and

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

(b) A school district may apply to participate in the pilot program established under this section by submitting to the commissioner for approval not later than May 1, 2020, a plan

described by Subsection (d) and approved by the board of trustees of the district.

(c) A school district that applies to participate in the pilot program must create a committee to develop the plan described by Subsection (d). The committee:

(1) must consist of:

(A) teachers and administrators employed by the district, including those who have experience serving special populations;

(B) at least two students enrolled in the district;

(C) parents of students enrolled in the district; and

(D) community or business leaders; and

(2) to the extent practicable, may include:

(A) representatives of the regional education service center that serves the district; and

(B) representatives of institutions of higher education.

(d) The committee created under Subsection (c) shall develop a three-year plan that:

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

(2) designates for assessment by the digital portfolio assessment method:

(A) English language arts;

1                   (B) mathematics;  
2                   (C) science; or  
3                   (D) any other subject as determined by the  
4 committee;

5                   (3) specifies the essential knowledge and skills that  
6 must be addressed by the digital portfolio method of assessment for  
7 each subject designated under Subdivision (2);

8                   (4) designates the grades subject to digital portfolio  
9 assessment;

10                  (5) provides for accommodations and any other support  
11 measures that comply with applicable federal law for students  
12 enrolled in a special education program under Subchapter A, Chapter  
13 29, and students of limited English proficiency, as defined by  
14 Section 29.052;

15                  (6) provides for the digital submission of student  
16 portfolios and identifies the type of student work samples that may  
17 be uploaded into a digital format, which may include written work,  
18 digitally delivered work, an oral defense presentation, or a  
19 combination of those types of work samples; and

20                  (7) includes a schedule for grading digitally  
21 submitted student portfolios.

22                  (e) The agency shall contract with a single entity to  
23 facilitate the use of the digital portfolio method of assessment by  
24 school districts participating in the pilot program. To be  
25 eligible for a contract under this subsection, an entity must  
26 specialize in developing digital portfolios for an educational  
27 purpose and have experience with school districts in the state in

implementing digital portfolio methods to assess students, including the ability to upload multiple types of student work samples into a digital format. The contract with the entity must require that the entity:

(1) provide an appropriate and secure digital platform that can be accessed by students, teachers, administrators, and individuals responsible for grading the digitally submitted student portfolios;

(2) develop a rubric for grading digitally submitted student portfolios that complies with Subsection (f); and

(3) ensure that:

(A) the platform provided by the entity allows for:

(i) grading of the digitally submitted student portfolios by an individual who is not affiliated with the entity and in conformity with the assignment process adopted under Subsection (h); and

(ii) delivery of the digitally submitted student portfolio scores coded by student identification number to school districts; and

(B) individuals responsible for grading the digitally submitted student portfolios do not have access to identifying information about the students.

(f) The entity contracted under Subsection (e) must develop a rubric for grading digitally submitted student portfolios in coordination with various stakeholders, including subject matter experts. The rubric developed under this subsection must:

1           (1) be capable of being used statewide;

2           (2) be based on a 100-point scale scoring system;

3           (3) establish a level of performance considered  
4 satisfactory and a level of performance necessary to indicate  
5 college readiness;

6           (4) provide for accommodations that comply with  
7 applicable federal law for students enrolled in a special education  
8 program under Subchapter A, Chapter 29, and students of limited  
9 English proficiency as defined by Section 29.052;

10          (5) be able to be presented in a digital format; and

11          (6) be approved by the agency.

12          (g) The agency, in coordination with regional education  
13 service centers, shall adopt rules to establish a process by which  
14 an individual may apply to be approved to grade digitally submitted  
15 student portfolios. The rules must require that the individual:

16           (1) be a teacher, retired teacher, or other educator;

17           (2) submit the individual's identifying information,  
18 including providing each school district and campus where the  
19 individual is working or has worked;

20           (3) submit a copy of the individual's educator  
21 certification issued by the State Board for Educator Certification,  
22 which may include a probationary, current, or expired certificate,  
23 as appropriate, but may not include a revoked certificate; and

24           (4) submit an electronically signed statement  
25 declaring that the individual will grade each digitally submitted  
26 student portfolio with honesty and integrity, without bias, and  
27 will decline to grade a digitally submitted student portfolio if

1 the individual is aware of a connection between the individual and  
2 that student as described by Subsection (h).

3 (h) The agency, in coordination with regional education  
4 service centers, shall adopt rules to develop a process for  
5 assigning individuals to grade digitally submitted student  
6 portfolios. The rules must provide that an individual will not be  
7 responsible for grading the digitally submitted portfolio of a  
8 student who is enrolled at the campus where the individual is  
9 working or has worked or, to the extent practicable, who is enrolled  
10 in the district where the individual is working or has worked. The  
11 agency may use any available revenue, including legislative  
12 appropriations, and may solicit gifts, grants, and donations to  
13 compensate individuals responsible for grading digitally submitted  
14 student portfolios.

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

19 (1) assist in developing campus turnaround plans and  
20 other campus improvement initiatives under Chapter 39A;

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

23 (3) provide relevant information in admission,  
24 review, and dismissal committee and language proficiency  
25 assessment committee meetings.

26 (j) On or before August 1, 2020, the commissioner shall  
27 review and select school districts for participation in the pilot

program based on the plans submitted by school districts under this section. In making selections for participation in the pilot program, the commissioner, to the extent feasible, must include at least one large urban district, one medium-sized district, and one rural district, all of which provide a student enrollment for the pilot program that is representative of the economic, linguistic, racial, ethnic, and geographic diversity of this state. To participate in the pilot program, a school district must implement a plan approved by the commissioner under this section beginning with the 2020-2021 school year.

(k) A student's performance under the digital portfolio assessment method for a grade and subject shall be combined with the student's performance on the assessment instrument administered under Section 39.023(a), (b), or (l), as applicable, for that grade and subject to determine the student's overall performance. A student's performance under the digital portfolio assessment method for a grade and subject is considered as 50 percent of the student's overall performance for purposes of:

(1) assigning districts and campuses a performance rating under Section 39.054; and

(2) determining whether a student performed satisfactorily on an assessment instrument required under Section 28.0211 to qualify for promotion.

(l) For purposes of assigning districts and campuses a performance rating under Section 39.054, the commissioner shall consider districts and campuses participating in the pilot program separately. The commissioner shall adopt rules to substitute a

1 student's overall performance computed as provided by Subsection  
2 (k) for purposes of accountability for the student's performance on  
3 assessment instruments required under Section 39.023(a), (b), or  
4 (l), as applicable.

5 (m) A school district that participates in the pilot program  
6 shall provide student performance data to the agency as required by  
7 agency rule. The agency shall periodically review the performance  
8 data submitted under this subsection.

9 (n) The commissioner shall adopt rules as necessary to  
10 implement this section, including:

11 (1) rules for submitting to the commissioner for  
12 approval a plan described by Subsection (d) and subsequent  
13 amendments to the plan;

14 (2) rules for evaluating submitted plans and  
15 amendments described by Subdivision (1); and

16 (3) any specific rules for school districts or  
17 campuses that are assigned an overall performance rating of F and  
18 selected to participate in the pilot program under this section.

19 (o) Not later than September 1, 2024, the agency shall  
20 prepare and deliver to the governor, the lieutenant governor, the  
21 speaker of the house of representatives, and the presiding officer  
22 of each legislative standing committee with primary jurisdiction  
23 over primary and secondary education a report that:

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

26 (2) makes recommendations regarding the feasibility  
27 of statewide application of establishing a digital portfolio method



1 to assess student performance in grades three through eight for  
2 purposes of accountability and qualification for promotion.

3 (p) This section expires September 1, 2025.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2019.