

By: Patterson, González of El Paso,  
VanDeaver, Bowers, et al.

H.B. No. 2572

Substitute the following for H.B. No. 2572:

By: Meyer

C.S.H.B. No. 2572

A BILL TO BE ENTITLED

AN ACT

relating to eliminating the state-required assessment instrument in social studies and the United States history end-of-course assessment instrument and to establishing a pilot program to develop a portfolio method to assess student performance in those courses.

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

SECTION 1. Sections 39.023(a) and (c), Education Code, are amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, ~~[social studies]~~ and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) ~~[social studies, in grade eight,~~

~~[(5)]~~ science, in grades five and eight; and

(5) ~~[(6)]~~ any other subject and grade required by

1 federal law.

2 (c) The agency shall also adopt end-of-course assessment  
3 instruments for secondary-level courses in Algebra I, biology,  
4 English I, and English II [~~, and United States history~~]. The  
5 Algebra I end-of-course assessment instrument must be administered  
6 with the aid of technology. The English I and English II  
7 end-of-course assessment instruments must each assess essential  
8 knowledge and skills in both reading and writing in the same  
9 assessment instrument and must provide a single score. A school  
10 district shall comply with State Board of Education rules regarding  
11 administration of the assessment instruments listed in this  
12 subsection. If a student is in a special education program under  
13 Subchapter A, Chapter 29, the student's admission, review, and  
14 dismissal committee shall determine whether any allowable  
15 modification is necessary in administering to the student an  
16 assessment instrument required under this subsection. The State  
17 Board of Education shall administer the assessment instruments.  
18 The State Board of Education shall adopt a schedule for the  
19 administration of end-of-course assessment instruments that  
20 complies with the requirements of Subsection (c-3).

21 SECTION 2. Subchapter B, Chapter 39, Education Code, is  
22 amended by adding Section 39.02305 to read as follows:

23 Sec. 39.02305. PORTFOLIO ASSESSMENT PILOT PROGRAM FOR  
24 EIGHTH GRADE SOCIAL STUDIES AND SECONDARY-LEVEL UNITED STATES  
25 HISTORY. (a) Beginning with the 2020-2021 school year, the  
26 commissioner shall establish a pilot program as provided by this  
27 section under which participating school districts implement a

portfolio method designed to assess mastery of the essential knowledge and skills for:

- (1) eighth grade students in social studies; and
- (2) students enrolled in a secondary-level United States history course.

(b) A school district designated as a district of innovation under Chapter 12A may submit to the commissioner for approval not later than December 1, 2019, a resolution approved by the board of trustees of the district requesting to participate in the pilot program established under this section. In selecting campuses to participate in the pilot program, the district must select each campus as a whole. The district may designate a single campus in the district to participate in the pilot program. Before approving a resolution submitted under this section, the board must consult with:

- (1) teachers and administrators employed by the district and members of the community; or
- (2) the district- and campus-level planning and decision-making committees established under Section 11.251, if applicable.

(c) On or before March 1, 2020, the commissioner shall review the resolutions submitted in compliance with Subsection (b) and select school districts for participation in the pilot program. In making selections for participation in the pilot program, the commissioner must consider:

- (1) the availability of funds;
- (2) the ability of the district to successfully

1 implement the portfolio assessment method;

2 (3) the location and size of the district and whether  
3 the district provides a student enrollment at each participating  
4 campus that ensures that the pilot program as a whole is  
5 representative of the economic, linguistic, racial, ethnic, and  
6 geographic diversity of this state; and

7 (4) the number of participating districts the  
8 commissioner determines appropriate to allow not more than 100,000  
9 students to participate in the pilot program.

10 (d) A school district that the commissioner selects to  
11 participate in the pilot program must create a committee that  
12 consists of teachers and administrators employed by the district to  
13 develop a plan that:

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

16 (2) designates for assessment by the portfolio  
17 assessment method:

18 (A) eighth grade students in social studies;

19 (B) students enrolled in a secondary-level  
20 United States history course; or

21 (C) both categories of students described by  
22 Paragraphs (A) and (B);

23 (3) specifies the essential knowledge and skills that  
24 must be addressed by the portfolio assessment method for each  
25 subject or course described under Subdivision (2);

26 (4) provides for accommodations and any other support  
27 measures that comply with applicable federal law for students

1 enrolled in a special education program under Subchapter A, Chapter  
2 29, and students of limited English proficiency, as defined by  
3 Section 29.052;

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

6 (A) an interim formative assessment tool to  
7 provide the student the opportunity to further develop  
8 understanding and performance; and

9 (B) a final summative assessment; and

10 (6) includes the method for submitting student  
11 portfolios, which may include written submission, digital  
12 delivery, an oral defense presentation, or a combination of those  
13 methods.

14 (e) The commissioner shall establish a committee that  
15 consists of a teacher member from each committee created under  
16 Subsection (d) to collaborate with the agency to develop a rubric  
17 for grading student portfolios. Each teacher member that serves on  
18 the committee under this subsection must be jointly selected by the  
19 members of that teacher's committee created under Subsection (d).  
20 The rubric developed under this subsection must:

21 (1) be approved by the agency;  
22 (2) be based on a 100-point scale scoring system; and  
23 (3) establish a level of performance considered  
24 satisfactory and a level of performance necessary to indicate  
25 college readiness.

26 (f) The individuals responsible for scoring student  
27 portfolios under the pilot program shall be coordinated jointly by:

1           (1) the school district in which the student is  
2 enrolled and that is participating in the pilot program;

3           (2) a public junior college or institution of higher  
4 education that enters into an agreement with the participating  
5 school district; and

6           (3) the regional education service center that serves  
7 the participating district.

8           (g) A random sampling of scored student portfolios, the size  
9 of which the agency shall determine, shall be delivered to the  
10 agency. The agency shall use the samples submitted under this  
11 subsection to test for validity of results.

12           (h) In determining the method for submitting student  
13 portfolios, the district shall solicit suggestions from members of  
14 the community. The district, to the extent possible, shall allow  
15 each participating student to choose the method for submitting the  
16 student's portfolio.

17           (i) Not later than June 30, 2020, each regional education  
18 service center shall provide technical and advisory assistance to a  
19 participating district in the center's region regarding the  
20 development of a plan required under Subsection (d), including  
21 hosting a seminar to discuss:

22                   (1) portfolio assessment methods; and

23                   (2) the essential knowledge and skills that must be  
24 addressed by the portfolio assessment method.

25           (j) A public junior college or institution of higher  
26 education may enter into an agreement with a participating school  
27 district to provide technical and advisory assistance to the

district in developing and implementing a plan required under Subsection (d).

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

(1) to evaluate teacher performance;

(2) to assist in developing campus turnaround plans and other campus improvement initiatives under Chapter 39A;

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

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

(l) The commissioner shall review and make a determination on each plan submitted under this section. 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.

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

(n) A school district may withdraw from the pilot program established under this section by submitting to the commissioner a resolution approved by the board of trustees of the district requesting the change in participation status.

1       (o) The agency shall develop and distribute a survey to  
2 educators and administrators soliciting feedback regarding the  
3 pilot program.

4       (p) The commissioner shall adopt rules as necessary to  
5 implement this section, including:

6               (1) rules for submitting to the commissioner for  
7 approval:

8                       (A) a resolution to participate in the pilot  
9 program as described by Subsection (b); and

10                      (B) a plan described by Subsection (d) and  
11 subsequent amendments to the plan;

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

14               (3) rules for submitting student performance data to  
15 the agency as required under Subsection (m);

16               (4) rules for submitting to the commissioner a  
17 resolution to withdraw from the pilot program as described by  
18 Subsection (n); and

19               (5) any specific rules for campuses that are assigned  
20 an overall performance rating of F and request to participate in the  
21 pilot program under this section.

22       (q) Not later than December 1, 2024, the agency shall  
23 prepare and deliver to the governor, the lieutenant governor, the  
24 speaker of the house of representatives, and the presiding officer  
25 of each legislative standing committee with primary jurisdiction  
26 over primary and secondary education a report that:

27               (1) evaluates the implementation and performance



1 results of the pilot program under this section, including the  
2 results of the survey required under Subsection (o); and

3 (2) makes recommendations regarding the feasibility  
4 of statewide application of establishing a portfolio method to  
5 assess eighth grade students in social studies and students  
6 enrolled in a secondary-level United States history course.

7 (r) This section expires September 1, 2025.

8 SECTION 3. Section 39.203(c), Education Code, is amended to  
9 read as follows:

10 (c) In addition to the distinction designations described  
11 by Subsections (a) and (b), a campus that satisfies the criteria  
12 developed under Section 39.204 shall be awarded a distinction  
13 designation by the commissioner for outstanding performance in  
14 academic achievement in English language arts, mathematics, or  
15 science~~[, or social studies]~~.

16 SECTION 4. The Texas Education Agency shall, to the  
17 greatest extent practicable, apply cost savings that result from  
18 eliminating the social studies assessment instrument and the United  
19 States history end-of-course assessment instrument under the  
20 changes made by this Act to offset costs accrued by the agency in  
21 establishing the pilot program required under Section 39.02305,  
22 Education Code, as added by this Act.

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