

By: Patterson

H.B. No. 2572

A BILL TO BE ENTITLED

AN ACT

relating to establishing a pilot program under which certain public schools may develop a portfolio method to assess student performance in eighth grade social studies and secondary-level United States history for purposes of accountability and qualification for promotion or graduation.

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

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02305 to read as follows:

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

(1) implement a portfolio method designed to assess mastery of the essential knowledge and skills for:

(A) eighth grade students in social studies; and
(B) students enrolled in a secondary-level United States history course; and

(2) use student performance under that method for purposes of determining qualification for promotion or graduation.

(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](#).

(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 implement the portfolio assessment method;

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

(4) the number of participating districts the commissioner determines appropriate to achieve cost savings described by Subsection (n).

1 (d) A school district that the commissioner selects to
2 participate in the pilot program must create a committee that
3 consists of teachers and administrators employed by the district to
4 develop a 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) eighth grade students in social studies;

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

12 (C) both categories of students described by
13 Paragraphs (A) and (B);

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

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

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

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

27 (B) a final summative assessment; and

1 (6) includes the method for submitting student
2 portfolios, which may include written submission, digital
3 delivery, an oral defense presentation, or a combination of those
4 methods.

5 (e) The commissioner shall establish a committee that
6 consists of a teacher member from each committee created under
7 Subsection (d) to collaborate with the agency to develop a rubric
8 for grading student portfolios. Each teacher member that serves on
9 the committee under this subsection must be jointly selected by the
10 members of that teacher's committee created under Subsection (d).
11 The rubric developed under this subsection must:

12 (1) be approved by the agency;
13 (2) be based on a 100-point scale scoring system; and
14 (3) establish a level of performance considered
15 satisfactory and a level of performance necessary to indicate
16 college readiness.

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

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

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

24 (3) the regional education service center that serves
25 the participating district.

26 (g) A random sampling of scored student portfolios, the size
27 of which the agency shall determine, shall be delivered to the

1 agency. The agency shall use the samples submitted under this
2 subsection to test for validity of results.

3 (h) In determining the method for submitting student
4 portfolios, the district shall solicit suggestions from members of
5 the community. The district, to the extent possible, shall allow
6 each participating student to choose the method for submitting the
7 student's portfolio.

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

13 (1) portfolio assessment methods; and

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

16 (j) A public junior college or institution of higher
17 education may enter into an agreement with a participating school
18 district to provide technical and advisory assistance to the
19 district in developing and implementing a plan required under
20 Subsection (d).

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

25 (1) to evaluate teacher performance;

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

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

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

6 (5) as a course completion requirement, as applicable;
7 or

8 (6) as a factor in determining a student's
9 qualification for graduation, as applicable, by any committee
10 established to make such a determination.

11 (1) The commissioner shall review and make a determination
12 on each plan submitted under this section. To participate in the
13 pilot program, a school district must implement a plan approved by
14 the commissioner under this section beginning with the 2020-2021
15 school year.

16 (m) During the period a school district is participating in
17 the pilot program:

18 (1) the district satisfies the requirements under
19 Sections 39.023(a), (b), (c), and (l) to administer an assessment
20 instrument to:

21 (A) eighth grade students in social studies, if
22 the district uses the portfolio assessment method for those
23 students; and

24 (B) students enrolled in a secondary-level
25 United States history course, if the district uses the portfolio
26 assessment method for those students; and

27 (2) a student's performance under the portfolio

1 assessment method shall be used to determine whether the student
2 performed satisfactorily to qualify for promotion or graduation.

3 (n) The agency shall, to the greatest extent practicable,
4 apply cost savings that result from the exemption under Subsection
5 (m)(1) to offset the costs accrued under this section.

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

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

14 (q) The agency shall develop and distribute a survey to
15 educators and administrators soliciting feedback regarding the
16 pilot program.

17 (r) The commissioner shall adopt rules as necessary to
18 implement this section, including:

19 (1) rules for submitting to the commissioner for
20 approval:

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

23 (B) a plan described by Subsection (d) and
24 subsequent amendments to the plan;

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

27 (3) rules for submitting student performance data to

1 the agency as required under Subsection (o);

2 (4) rules for submitting to the commissioner a
3 resolution to withdraw from the pilot program as described by
4 Subsection (p) and for any procedures required for reinstituting
5 the requirements under Sections 39.023(a), (b), (c), and (l) to
6 administer an assessment instrument to eighth grade students in
7 social studies, if applicable, and to students enrolled in a
8 secondary-level United States history course, if applicable; and

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

12 (s) Not later than December 1, 2024, the agency shall
13 prepare and deliver to the governor, the lieutenant governor, the
14 speaker of the house of representatives, and the presiding officer
15 of each legislative standing committee with primary jurisdiction
16 over primary and secondary education a report that:

17 (1) evaluates the implementation and performance
18 results of the pilot program under this section, including the
19 results of the survey required under Subsection (q); and

20 (2) makes recommendations regarding the feasibility
21 of statewide application of establishing a portfolio method to
22 assess for purposes of qualification for promotion or graduation
23 eighth grade students in social studies and students enrolled in a
24 secondary-level United States history course.

25 (t) This section expires September 1, 2025.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.