

By: West

S.B. No. 837

A BILL TO BE ENTITLED

AN ACT

1
2 relating to establishing a pilot program under which public schools
3 may use a digital 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 39.02303 to read as follows:

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

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

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

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

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

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

6 (1) must consist of:

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

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

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

14 (D) community or business leaders; and

15 (2) to the extent practicable, may include:

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

18 (B) representatives of institutions of higher
19 education.

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

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

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

27 (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

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

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

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

11 (3) ensure that:

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

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

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

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

24 (f) The entity contracted under Subsection (e) must develop
25 a rubric for grading digitally submitted student portfolios in
26 coordination with various stakeholders, including subject matter
27 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

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

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

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

21 (2) determining whether a student performed
22 satisfactorily on an assessment instrument required under Section
23 28.0211 to qualify for promotion.

24 (l) For purposes of assigning districts and campuses a
25 performance rating under Section 39.054, the commissioner shall
26 consider districts and campuses participating in the pilot program
27 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.