

# TEA SUCCESSFULLY DEFENDED TAAS WHERE IT COUNTED MOST: A UNITED STATES FEDERAL COURTROOM

**Did Texas & TEA Surrender  
To Institutional Racism Allowing That  
To Dominate Student Performance  
Testing & Accountability System  
Every Day For The Past 30 Years?**

## **TAAS ERA: HISTORICAL JUDICIAL SURRENDER - FIGHTING THE WRONG FIGHT**

In the Modern Judicial History of Public Education Law in Texas, Few Civil Rights Attorneys Failed So Completely: Failed History, Failed Truth, Failed Children Failed Teachers & Educators, and Failed the Very Institution of Public Education

## **TAKS ERA: TEA ADMITS DECEPTION IN ACTIONS - GRADE-LEVEL HOAX & ETHNICITY DRIVE STANDARDS**

TAAS-Based Projected Failure Rates on New TAKS Left TEA Little Choice but to Use Ethnicity Rather Than Academic Integrity As Performance Standards

## **STAAR ERA: DIMINISHED TAKS STANDARDS? - WHEN BELOW GRADE LEVEL WORKS FOR TEXAS, WHY CHANGE?**

The TEA Formally Embraces Notion of Academic Achievement Gap Closure & Constitutional Equity As Including Below Grade-Level Performance: Takes Full Advantage

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**PART 1 PREAMBLE – A Different Kind of Executive Summary of What This Treatise Will Address. Connect The Dots & You’ll Understand What and How and Why Public Education is in Crisis Mode.**

**FIRST – THE DEDICATION:**

This document is dedicated to two heroic, now-deceased Texas figures who are forever leaders in the battle for academic justice for economically-disadvantaged, at-risk children statistically dominated by children of color. It is also dedicated to a Wall Street Journal columnist whose brilliant column was published a year ago perfectly captures the thesis of this report and the mission of the Academic Equity Advocates website itself.

- **U.S. Federal Judge William Wayne Justice** – 1970’s author of Civil Order 5281
- **Wall Street Journal Columnist Jason L. Riley** – Brilliant, Insightful Column on Parity, Standards
- **Houston I.S.D. Elementary School principal Thaddeus Scott Lott** – 1980’s-1990’s educational leader who gave ‘life’ to Judge Justice’s vision of academic equity and justice.

This complete narrative provides more analytical insight into the values both Judge Justice and Principal Lott espoused and lived during their remarkable careers.

**JUDGE JUSTICE:**

In the early 1970’s, Texas very much had the remaining vestiges of the sinister impact of slavery and ‘separate but equal school system for Texas minority children. His Civil Order 5281 directives to the Texas Education Agency will be forever the foundation of the vision and reality that at-risk minority students can achieve academic excellence if the system could ever overcome its institutional bias that they could not.

Penned Judge Justice when he ordered the TEA:

***“...to compensate minority group children for unequal educational opportunities resulting from past or present racial and ethnic isolation...”***

That order started the framework of student accountability testing that took over 20 years for Texas to have its first and asserted accountability system monitoring equity for these children.

**COLUMNIST JASON L. RILEY:**

Wall Street Journal columnist Jason L. Riley wrote a column a year ago that dramatically captures the profound issues of the past 30 years in Texas public education accountability (more) which is the focus of this monograph: **Black Students Need Better Schools, Not Lower Standards**

Some may not know that Mr. Riley is an African-American, a point that in a color-blind society would be irrelevant. But the reality is that he and the sources he quotes have nailed the tragedy of public education in the country. As Texas has proved conclusively, the educational process is anything but color blind. As you will learn, Texas literally used projected failure rates of minority students and disadvantaged students on the second era of testing as THE STANDARD for passing and grade level performance thresholds.

**Here are three extremely relevant citations from Mr. Riley’s column:**

“Colleges and universities did something similar in the 1960s and ’70s after they began lowering admissions standards to achieve more racial balance on campuses. Once they lowered standards for admission, they had to lower the standards for grading and graduation as well. Hence, the creation of black-studies programs, which were born of political expediency and have long been known to put ideological indoctrination ahead of intellectual inquiry.”

“It’s been clear for decades that this obsession over a school’s racial mix is misplaced, yet it remains one of the political left’s favorite explanations for the achievement gap. After assessing the huge body of research on school integration dating back to the 1960s, social scientists David Armor and Christine Rossell concluded that “there is not a single example in the published literature of a comprehensive racial balance plan that has improved black achievement or that has reduced the black-white achievement gap significantly.” Whether black students attended schools that were 10% black or 70% black, the racial achievement gap remained roughly the same.”

Wrote Riley: “...You don’t help underperforming groups by pandering to them or by holding them to lower standards...”

### **PRINCIPAL LOTT:**

The extraordinary principal proved beyond doubt and brought reality to the fact that his at-risk, economically-disadvantaged minority children vastly outperformed that cohort in Houston and throughout Texas in late 1980’s and into the TAAS testing movement in the 1990’s. He gave meaning and reality to Judge Justice’s legal vision. He brought to life Judge Justice’s vision while validating columnist Riley’s intellectual courage to write that column long after Lott’s work.

Rather than revered by many of his colleagues, particularly upper-level senior administrators, he was reviled. He had to be cheating. His disadvantaged kids could not be competitive on national tests and Texas tests with kids from the silk-stocking campuses!

This “he has to be cheating administrative psychosis” representing a depravity in institutional racism exploded in the Spring of 1991 when HISD administrators literally swooped down on the campus during spring testing; marched into key classrooms searching for evidence of cheating. They found none. Why? Lott and his staff did not cheat. They taught with rigorous dedication and effectiveness.

Thanks to Houston Federation of Teacher union president Gayle Fallon and this author, that story went to national television and print media, especially ABC’s Prime Time Live. Lott’s legacy was revised, secured, and memorialized because of his profound dedication to the notion that disadvantaged, at-risk children statistically dominated by children of color can achieve academic excellence if instructional standards and measurements of success were not perverted. Standards: Lott and Riley nailed many years apart.

Lott started the 1991 academic year knowing he was headed to some ISD warehouse to finish-out his career at the end of that year. The knives were out. At the start of that academic year, Fallon asked my group, the nonprofit Tax Research Association, to join forces with her group to protect Lott and help bring powerful people to the campus. We did. It’s a year-long story from which this dedication recounts a literally true anecdote and a key excerpt from Lott’s opinion piece in the Houston Chronicle after the firestorm that HISD administrative marauders unleashed on themselves when they stormed the campus.

Given that the issues from that 1991 era to today’s transition to 2024 is grounded in the State’s academic deception ranging from de minimis testing at the start to compromised passing and grade level standards now, the anecdote and excerpt foreshadowed what goes wrong in academic integrity is compromised.

One of the powerful visitors to that campus before the allegation of cheating later in the year was just retiring Texas Lt. Governor Bill Hobby. Gayle and I were dedicated to getting important people to Wesley.

As Lt. Governor Hobby, some of his staff, and other visitors walked into the lead first grade classroom, a young student approached Hobby holding a copy of the Texas Almanac opened to the page with a feature

profile on Hobby. The at-risk, disadvantaged Black student held out the book so Hobby could see to what page the student had turned.

Some 34 years later, the story is told the same.

**Said Hobby to the child:** I'd be glad to read that to you.

**Said the Child:** No. I want to read it to you.

The first-grade student then proceeded to read flawlessly to Bill Hobby about Bill Hobby.

Tear drops formed in the eyes of most – including mine - of the adults. It was both instructive and emotional.

There's a particular profound excerpt from Lott's subsequent opinion piece previously referenced. Wrote Lott:

“... Wesley's educational philosophy is to teach every individual child by the concept of skills mastery. That's more than jargon. Envision a classroom with 22 children. In that room, a teacher poses a problem to the class. Two, three, or perhaps 10 hands go up and one student gives the right answer.

“If a teacher assumes this represents skills mastery of 22 students, then one can understand why we are becoming an illiterate nation.

“At Wesley, on the other hand, we expect 22 hands and 22 right answers. That's hard work. We use phonetics extensively from kindergarten through second grade. We use drills. We use memory. We demand independent work and extra reading from our students. We grade every student extensively, virtually every day. As professionals, we refuse to be lazy, and we refuse to allow our students to be lazy...”

The narrative in this monograph that follows tells the story of the gross manipulation of testing and performance standards in different ways and different times over three decades.

Lott and his staff would not compromise the standards or expectations of academic excellence for his Wesley children who started their academic lives way back from the starting gates that most advantaged children had. His children reaped academic success.

The harsh reality is that the State of Texas has eviscerated standards of academic integrity; sabotaged effectively curriculum at critical stages for so many. An untold millions of children statistically dominated by children of color have paid a continuing high price.

The goal of what will likely be my final publication of my career on this subject that has been so important to me is to be definitive and factual and unforgiving of those who have imposed so much damage on so many at-risk minority children over the last 30 years. Anyone who has the patience and desire to understand why public education has reached its current crisis of confidence that the system can even be saved can do so in the pages that follow.

We will start this treatise with the most current student academic performance data produced as a result of the 2022-23 academic year's primary spring administration of the STAAR test (State of Texas Assessment of Academic Readiness) which calibrates the results in terms of the State's formal public education accountability system.

Why start there?

If one can look at the most current academic reality without concluding confidently that the State of Texas through its Texas Education Agency has depended upon academic deception and dishonesty to manipulate the academic integrity of the entire public education accountability system, then the history of how we got to this point would be irrelevant.

If the red flags are flying in your value system of seeing where Texas has arrived 30 years after the advent of formal accountability based upon student academic testing, then understanding the history of the forged-steel chain of academic dishonesty that extends from 1989 through 2023 and links three eras of student testing in that time is the only path to understanding how Texas got here.

The ‘dots’ that will be covered in this report follow. The story that is told is one of manipulation and tragedy and abandonment of both Justice’s vision and Lott’s total dedication to at-risk children the results of which will never fade even as the TEA is determined to keep trying to eviscerate them from the reality of what Texas public education accountability was meant to MEAN.

**Connecting the Dots of Three Decades of Deception  
In Texas Education Agency's Student Testing & Accountability System  
In All Three Eras of Testing, Academic Integrity Was Compromised**

Dots	Era	Description
●	TODAY 2023	Snapshots of student performance on the most current round of STAAR testing showing results statewide and for Katy I.S.D. - one of the higher performing districts in Texas. Selected results are shown that are representative. The full report is available in separate cover.
●	Pre-TAAS 1971-72	Federal Court Civil Order 5281 drives final nail in coffin of 'separate but equal' school systems. Mandates programs to compensate minority group youth for past racial and ethnic isolation
●	Pre-TAAS 70's-80's	TEA launches student testing in late 1970's continuing through 1989 with TABS & TEAMS. No pretense of grade level for basic and minimum skills. Not a part of any accountability system.
●	TAAS 1989	TEA field tests the new TAAS test which will serve as the first 'grade-level' criterion test to more accurately calibrate student academic performance. Accountability system 'on the way.'
●	TAAS 1990-93	TEA implements TAAS testing program statewide with annual testing in grades 3-8; 10th grade exit level to be required for graduation; and end of course testing in ELA, Math, & Biology
●	TAAS 1993	Texas Legislature adopts <b>Senate Bill 7</b> which authorizes the State Board of Education (TEA) to implement a formal accountability programs monitoring student academic performance.
●		<b>Senate Bill 7</b> codifies the State's burden to close academic achievement gaps for disadvantaged, at-risk student statistically dominated by children of color
●		The Texas Education Agency acknowledges that <b>Senate Bill 7</b> requires the State to close achievement gaps for the disadvantaged students.
●		<b>Senate Bill 7</b> empowers State Board of Education to establish performance standards for all testing and to determine the level of performance that is satisfactory.
●	TAAS 1994	The Supreme Court of Texas gives the State is first judicial victory by upholding Senate Bill 7 noting the State's duty to close academic achievement gaps.
●	TAAS 1995	Attorney and Curriculum leader in Temple I.S.D., Dr. Kathleen Coburn, in effect, becomes first whistleblower when her staff issues a comprehensive analysis of the TAAS math testing program at all grade levels. Her study determines that almost 70% of all questions on the TAAS tests system wide are BELOW grade level per the State's own curriculum standards. At 10th grade, her report says that 100% of the math questions were below 10th grade standards.
●	TAAS 1996-98	After some three years of official administration, student performance in all tests at all grade levels began recording substantial passing rates and closure of achievement gaps.

●	TAAS 1997-99	A Harris County based nonprofit research group (Tax Research Association) issued multiple reports raising serious questions about the grade-level integrity of TAAS. TRA retained a California-based research group Mathematically Correct(MC) to perform its studies which show very low correlations on a student-by-student basis between TAAS and SAT9 normed-referenced testing in Houston I.S.D. It also sponsored a comprehensive analysis of the math testing program. Other reports dealt with reading and end of course assessments. The group was profiled in local media in particular and worked with national media on occasions inclusive of story attribution. The group's independence was damaged by the political and corporate influence ranging from Texa Gov. George Bush (candidate for U.S. president) and Bush's influence with the Enron corporation on the Texas Business Council - bosses of many of the TRA's members of the Board of Directors.
●	TAAS 1998	Dallas I.S.D. issued a report of its students who took both the Iowa Test of Basic Skills and the TAAS tests. As TRA had done in Houston I.S.D., its report concluded that PASSING TAAS reading and math at the 10th grade level correlated to the 10th and 23rd percentiles on ITBS. The report was sent to the Texas Education Agency Commissioner of Education.
●	TAAS 1998	Texas Education Commissioner Dr. Mike Moses responds that the TAAS testing program is a rigorous criterion test correlated to the State's curriculum standards affirming that TAAS is a grade level test and that passing TAAS is grade level performance.
●	TAAS 1998	The American Federation of Teachers issues a report in its study of 8th grade math tests from the states of Texas and New York as well as three other tests from commercial publishers. The AFT ridiculed the TAAS tests as systemically below grade level.
●	TAAS 1999	Assistant or Associate TEA Commissioner Ann Smisco told a National Academy of Science conference in June 1999 that TAAS tests were used only after an extremely elaborate review and analytical process confirmed that the actual questions on the tests were at grade-level and free from any bias or other flaws. She assured the NAS attendees that TAAS was a rigorous grade level criterion assessment.
●	TAAS 1999	Lead Rand Corporation education researcher Dr. Stephen Klein gave those same NAS conference attendees a totally different assessment of TAAS math testing. This report includes extensive excerpts in context from his presentation but one quote stands out in his explanation that the Rand Corporation hoped to use the TAAS test in some of its national work. "I don't feel comfortable doing that anymore given these results because I think the scores are suspect..." Rand was strongly attacked by Texas forces which prompted the organization to release a full statistical report.
●	TAAS 1999	Local media The Houston Press published two back-to-back stories on TAAS in early 1999 for which TRA (my group) was a resource and quoted source. In May, I was quoted in Bill Buckley's National Review with highly critical remarks of Texas public education accountability. Those stories led to Governor Bush using his business/political contacts with pre-scandal Ken Lay of Enron and the Texas Business Council to 'pressure' the TRA into firing me. The meeting with TRA Executive Committee was held in downtown Houston Enron building. This is primarily covered in the epilogue.
●	TAAS 1999	Experienced statistician and psychometrician and public education veteran analyst Dr. Neal Carl Shaw issued two report for the Lone Star Foundation virtually eviscerating the academic integrity of the TAAS testing program on multiple ground from below grade level items and significant psychometric deficiencies which invalidated assertions of serious growth and academic achievement closure at any meaningful level.
●	TAAS 2000	TEA Education Commissioner advised Texas school districts that the 1999-2000 TAAS tests would be more rigorous than prior versions but assured all that the TEA would reduce passing standards so that no more students would fail the test than the prior easier one. With Gov. Bush running for President, the TEA reversed course and went back to the easier version in the Spring, 2000. Because the harder test was administered in the fall, a once in an era opportunity to evaluate the TEA's harder questions developed. The announcement memo was sent out on the eve of the federal court's decision. Stunning analytical report available.

●	TAKS 2001-02	The transition to the new era TAKS test began with field testing of TAKS questions on the final administrations of the still current TAAS tests whose last administration was Spring 2002. The TEA announced that the TAKS tests would be more academically rigorous than TAAS in every subject at every grade level. The record will absolutely verify it was a 'harder test, BUT....
●	TAKS 2002	The TEA distributed internally to educators a stunning document which I gave the title: "The Smoking Gun" table. For every test in every grade, the report showed based upon field testing how many students by ethnicity and demographic profile would FAIL THE TESTS if the passing standards were set too high disaggregated by three thresholds of performance.
●	TAKS 2002	The report further showed the TEA's analysis of what "PASSING" TAAS would be worth in terms of content mastery on the new TAKS tests. Summary tables will walk the reader through these but here's summary glimpse: If the TEA set the passing standards at the "panel recommendation," literally a hundred thousand more students would fail the various tests - particularly African American, Hispanic, and economically disadvantaged students. Achievement gaps which described the Texas Educational Miracle during TAAS would literally skyrocket if TAKS passing standards remotely approached genuine academic grade level.
●	TAKS 2002	TAAS was the the era in which the TEA put substandard, below-grade level questions on tests; released tests every year perfecting parallel questions and teaching the test every year. TAKS launched the era of harder tests with grossly diminished content mastery passing standards literally based on the percent of Blacks, Hispanics, and disadvantaged student who'd fail. The initial passing standards are shown as well as TEA's devalued 'value' of TAAS passing standards.
●	TAKS 2002	The devaluation of content mastery performance standards needed to launch the transition from TAAS to TAKS to prevent dramatic increases in failure rates had to be maintained as STAAR became the State's third era of accountability testing.
●	TAKS 2008	A statistical analysis of TAKS student-by-student performance in Katy I.S.D. correlated with PSAT scores at the high school level. The statistician confirmed that TAKS was a 'harder' tests with two brutal caveats: Scoring very poorly on TAKS had strong correlation to low performance on the other metrics. Scoring at the upper end on TAKS bore little statistical correlation meaning the test "topped out" in rigor as mastery levels increased. Report referenced; full report available.
●	TODAY	<b>References to other reports, materials. This includes news media and other statistical reports involving STAAR. Career Experiences Summary</b>



## **PART 2** CHAPTER 1: A Real Look at Current Reality

**Setting:** At a 2018 noon luncheon of the Board of Directors of the Texas Association of School Boards (TASB). I finally had my chance to ask a Texas Commissioner of Education a question in front of witnesses. I didn't waste the opportunity on frivolous inquiry. It was the question on an issue that has defined my life's career which has been dominated by advocacy for at-risk, disadvantaged students dominated by children of color.

It's the foundational question for the answers this report provides.

**Scene:** Katy I.S.D. School Board member and that district's representative on the TASB Board has the chance to directly question guest speaker Michael Morath, the Texas Education Commissioner regarding the performance standards of the STAAR test in terms of compliance with closing academic achievement gaps per statutory and constitutional duty.

There was no recording. However, no one in that room including the Commissioner will deny the absolute truth of the following account.

- **Scott:** Commissioner, how does the Texas Education Agency define having met its statutory and constitutional burden of closing the academic equity gap: by the STAAR cut score of "Approaches" or the cut score of "Meets"?
- **Morath:** Well, I don't want to get into the precise legal issues...(Scott politely interrupts)
- **Scott:** That is exactly what I want you to do. Let me rephrase the question: How does the Texas Education Agency define having met its statutory and constitutional burden to close the academic equity gap pursuant to Senate Bill 7 passed by the Texas Legislature in 1993, the Supreme Court of Texas decision in January 1994 confirming the constitutionality of Senate Bill 7, and the January 2000 decision by the Federal District Court in San Antonio confirming and referencing the statutory decision of the Texas Legislature: the cut score of "Approaches" or the cut score of "Meets"?
- **Morath:** The cut score of APPROACHES.

In a setting and a situation where not answering the question would be far worse for the Commissioner than answering the question, the commissioner told the truth. (The legal battles are over; civil rights attorneys and groups have long surrendered; the truth is not nearly as important TODAY as back in the 1990's when legal consequences were potentially on the line.)

To get full use of the selected tables that will follow (The full set of tables will be available) showing student academic performance from the most recent round of student testing from the primary spring administration of the 2022-2023 academic school year, the cohort of students who perform JUST in the APPROACHES performance standard range in STAAR testing have **passed** the test but are performing **below grade level** by the State's own standards.

Thus, the Commissioner's answer that day in front of the TASB Board was the State of Texas' admission that students can be performing below grade level on STAAR tests yet the State will still get credit by its own power to establish arbitrary standards of having closed achievement gaps on that standard for disadvantaged, at-risk students statistically dominated by children of color.

There is one more component to current reality that is needed to augment genuine understanding of current performance: the performance standards themselves.

In terms of content mastery – % of correct answers to all potential scoring points on the criterion test – just how well does a student have to perform to achieve the APPROACHES range or the MEETS GRADE LEVEL range?

<b>EOC Eng I</b>	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
2018-19	68	38	39	45	59	56%	57%	66%	87%
2021-22	68	37	38	45	59	54%	56%	66%	87%
2022-23	64	26	27	36	54	41%	42%	56%	84%
<b>EOC Eng II</b>	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
2018-19	68	40	41	47	61	59%	60%	69%	90%
2021-22	68	37	38	44	61	54%	56%	65%	90%
2022-23	64	26	27	36	56	41%	42%	56%	88%
<b>EOC Alg I</b>	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
2018-19	54	20	21	33	41	37%	39%	61%	76%
2021-22	54	20	21	34	41	37%	39%	63%	76%
2022-23	59	19	20	32	41	32%	34%	54%	69%
<b>EOC Hist</b>	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
2018-19	68	28	29	43	53	41%	43%	63%	78%
2021-22	68	27	28	42	53	40%	41%	62%	78%
2022-23	78	21	22	36	50	27%	28%	46%	64%
<b>EOC Bio</b>	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
2018-19	50	18	19	30	41	36%	38%	60%	82%
2021-22	50	18	19	30	41	36%	38%	60%	82%
2022-23	53	13	14	25	38	25%	26%	47%	72%

**In each of the tests in every subject and every grade, stay focused upon the percent of content mastery required to PASS the test or achieve constitutional equity for the State of Texas.**

**In each of the tests in every subject and every grade, stay focused upon the percent of content mastery required to MEET GRADE LEVEL ON the test.**

**Be aware that between the 2021-22 STAAR tests there was a slight change in the test questions particularly in reading and English EOC. The TEA uses that to psychometrically justify an even further lowering of performance standards.**

**Psychometric gibberish will not change the reality:**

**1.) 2018-19 & 2021-22 are included to demonstrate that passing and meeting grade level have always been STAAR-low. No big change in that ultimate reality.**

**2.) It is still a criterion tests; content mastery matters in a criterion tests;**

**3.) The State admits that APPROACH is below grade level and because it is PASSING is used to close achievement gaps.**

The admission of the TEA Commissioner and the tables you have and will review should raise three dramatic questions:

1. What does it mean in terms of genuine academic integrity to PASS a Texas student performance test in any subject in any grade?
2. What does it mean in terms of genuine academic integrity to MEET GRADE LEVEL on a Texas student performance test in any subject in grade?
3. How did we get here?

Performance standard tables for other grades on STAAR continue next page.

<b>8th SCI</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	42	21	22	30	35	50%	52%	71%	83%
2021-22	42	21	22	30	35	50%	52%	71%	83%
2022-23	46	16	17	25	35	35%	37%	54%	76%

<b>8th S. ST</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	44	21	22	31	35	48%	50%	70%	80%
2021-22	44	21	22	31	35	48%	50%	70%	80%
2022-23	49	20	21	30	36	41%	43%	61%	73%

<b>7th Read</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	42	22	23	31	35	52%	55%	74%	83%
2021-22	42	21	22	31	35	50%	52%	74%	83%
2022-23	56	22	23	33	42	39%	41%	59%	75%

<b>7th Math</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	40	15	16	25	33	38%	40%	63%	83%
2021-22	40	15	16	25	32	38%	40%	63%	80%
2022-23	46	18	19	26	37	39%	41%	57%	80%

<b>6th Read</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	40	22	23	31	35	55%	58%	78%	88%
2021-22	40	21	22	30	34	53%	55%	75%	85%
2022-23	56	19	20	30	41	34%	36%	54%	73%

<b>6th Math</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	38	13	14	23	30	34%	37%	61%	79%
2021-22	38	13	14	23	30	34%	37%	61%	79%
2022-23	43	14	15	24	33	33%	35%	56%	77%

<b>5th Read</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	38	21	22	29	33	55%	58%	76%	87%
2021-22	38	20	21	29	33	53%	55%	76%	87%
2022-23	52	20	21	31	39	38%	40%	60%	75%

<b>5th Math</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	36	17	18	26	30	47%	50%	72%	83%
2021-22	36	16	17	25	30	44%	47%	69%	83%
2022-23	42	14	15	24	33	33%	36%	57%	79%

<b>5th SCI.</b>	<b>Raw Score MAX</b>	<b>Top Fail Raw</b>	<b>Just APP Raw</b>	<b>Meet Raw</b>	<b>MSTR RAW</b>	<b>% FAIL</b>	<b>% APP</b>	<b>% MEET</b>	<b>% MSTR</b>
2018-19	36	21	22	28	32	58%	61%	78%	89%
2021-22	36	20	21	28	32	56%	58%	78%	89%
2022-23	39	17	18	25	30	44%	46%	64%	77%

## CHAPTER 2: A Real Look at Current Reality

**Setting:** Now, let's review some 2022-23 results in STATEWIDE for grades 5-8 and end of course assessments, the percent of students who passed the various tests but performed below grade level sorted by student ethnicity and demographics and FURTHER sorted from high to low % below grade level on the various tests.

Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL
State	S. St.	8	414,692	60	69
State	Sci.	5	378,742	64	66
State	Math	7	331,698	61	65
State	Math	6	384,766	74	63
State	Math	8	364,110	74	56
State	Sci.	8	407,847	72	55
State	Alg. I	EOC	476,740	78	55
State	Read	6	391,376	75	50
State	Math	5	378,663	79	50
State	Read	7	400,416	77	48
State	Eng. I	EOC	517,385	71	46
State	Read	5	372,677	81	44
State	Read	8	410,472	82	44
State	Eng. II	EOC	469,426	74	44
State	Bio.	EOC	461,494	89	43
State	Hist.	EOC	380,319	95	29

# 2022-23 STAAR Performance 5-8 & EOC Sorted By Ethnicity & Demographic Profile

Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL	Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL
Asian	Sci.	5	21,602	85	38	White	S. St.	8	104,821	75	55
Asian	S. St.	8	20,777	88	31	White	Sci.	5	100,664	79	50
Asian	Math	6	19,310	93	24	White	Math	7	80,968	77	49
Asian	Math	7	14,149	89	24	White	Math	6	98,213	86	46
Asian	Sci.	8	20,139	93	19	White	Math	8	90,619	85	41
Asian	Read	5	21,595	93	18	White	Alg. I	EOC	113,170	87	40
Asian	Read	6	21,086	93	18	White	Math	5	100,245	88	38
Asian	Math	5	21,140	95	18	White	Sci.	8	103,721	86	38
Asian	Math	8	16,462	94	18	White	Read	6	100,160	86	34
Asian	Read	7	20,924	94	16	White	Read	5	100,689	88	32
Asian	Eng. II	EOC	20,998	91	16	White	Read	7	102,824	87	32
Asian	Alg. I	EOC	21,620	95	16	White	Read	8	104,025	90	29
Asian	Read	8	20,474	95	15	White	Eng. I	EOC	117,122	86	26
Asian	Eng. I	EOC	22,468	91	15	White	Eng. II	EOC	111,256	88	24
Asian	Bio.	EOC	21,981	97	13	White	Bio.	EOC	110,793	96	24
Asian	Hist.	EOC	17,972	98	10	White	Hist.	EOC	98,526	98	16

Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL	Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL
Black/Af.A.	Sci.	5	48,468	47	82	Hispanic	S. St.	8	221,167	52	77
Black/Af.A.	S. St.	8	52,568	47	80	Hispanic	Math	7	181,030	54	73
Black/Af.A.	Math	7	43,307	47	79	Hispanic	Sci.	5	192,956	58	73
Black/Af.A.	Math	6	49,173	62	77	Hispanic	Math	6	203,020	69	71
Black/Af.A.	Math	8	49,109	63	71	Hispanic	Sci.	8	216,652	66	64
Black/Af.A.	Sci.	8	52,183	60	70	Hispanic	Math	8	194,119	70	63
Black/Af.A.	Alg. I	EOC	65,433	69	69	Hispanic	Alg. I	EOC	259,100	75	61
Black/Af.A.	Math	5	48,326	66	68	Hispanic	Read	6	205,499	70	58
Black/Af.A.	Read	6	49,382	67	61	Hispanic	Read	7	211,278	71	56
Black/Af.A.	Read	7	50,218	69	59	Hispanic	Math	5	193,939	77	56
Black/Af.A.	Eng. I	EOC	70,325	62	58	Hispanic	Eng. I	EOC	289,438	65	54
Black/Af.A.	Bio.	EOC	61,293	83	58	Hispanic	Read	8	218,681	78	52
Black/Af.A.	Read	5	48,497	71	57	Hispanic	Eng. II	EOC	258,939	68	52
Black/Af.A.	Read	8	52,131	75	57	Hispanic	Read	5	186,866	77	51
Black/Af.A.	Eng. II	EOC	62,253	66	56	Hispanic	Bio.	EOC	250,804	86	51
Black/Af.A.	Hist.	EOC	48,209	92	40	Hispanic	Hist.	EOC	202,018	94	35

Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL	Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL
Econ. Dis.	S. St.	8	247,904	49	80	At-Risk	S. St.	8	222,390	41	87
Econ. Dis.	Sci.	5	227,934	54	76	At-Risk	Math	7	188,783	44	82
Econ. Dis.	Math	7	209,736	52	75	At-Risk	Sci.	5	191,499	48	82
Econ. Dis.	Math	6	234,213	66	74	At-Risk	Math	6	210,500	62	80
Econ. Dis.	Math	8	222,973	67	67	At-Risk	Sci.	8	219,589	57	76
Econ. Dis.	Sci.	8	244,074	64	67	At-Risk	Math	8	209,110	62	74
Econ. Dis.	Alg. I	EOC	289,707	73	64	At-Risk	Alg. I	EOC	282,146	68	72
Econ. Dis.	Read	6	236,495	67	61	At-Risk	Read	6	212,261	62	69
Econ. Dis.	Math	5	228,839	73	61	At-Risk	Read	7	211,342	62	69
Econ. Dis.	Read	7	239,687	69	59	At-Risk	Math	5	192,522	69	68
Econ. Dis.	Eng. I	EOC	321,373	63	57	At-Risk	Read	8	221,421	71	65
Econ. Dis.	Read	8	245,972	76	56	At-Risk	Eng. II	EOC	273,503	59	65
Econ. Dis.	Read	5	222,282	74	55	At-Risk	Eng. I	EOC	321,815	58	64
Econ. Dis.	Eng. II	EOC	278,256	66	55	At-Risk	Read	5	185,497	68	63
Econ. Dis.	Bio.	EOC	276,268	85	55	At-Risk	Bio.	EOC	268,296	82	62
Econ. Dis.	Hist.	EOC	210,060	93	38	At-Risk	Hist.	EOC	190,638	91	47

Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL		Group	Subject & Grade		Number Tested	% PASS TEST	% BELOW GRADE LEVEL
Not Econ. D	S. St.	8	162,467	76	53		Not At-Risk	S. St.	8	183,734	82	49
Not Econ. D	Sci.	5	146,507	80	49		Not At-Risk	Sci.	5	178,985	81	48
Not Econ. D	Math	7	117,803	77	48		Not At-Risk	Math	6	166,188	88	42
Not Econ. D	Math	6	146,195	86	44		Not At-Risk	Math	7	136,798	83	42
Not Econ. D	Math	8	136,721	85	39		Not At-Risk	Math	5	177,865	91	32
Not Econ. D	Alg. I	EOC	181,027	87	39		Not At-Risk	Math	8	146,738	90	32
Not Econ. D	Sci.	8	159,515	85	37		Not At-Risk	Sci.	8	179,780	90	31
Not Econ. D	Math	5	145,475	89	33		Not At-Risk	Alg. I	EOC	184,383	93	28
Not Econ. D	Read	6	149,979	88	31		Not At-Risk	Read	6	170,697	91	26
Not Econ. D	Read	7	155,970	89	29		Not At-Risk	Read	5	178,962	93	25
Not Econ. D	Read	5	146,133	91	27		Not At-Risk	Read	7	180,158	93	23
Not Econ. D	Read	8	160,229	91	27		Not At-Risk	Read	8	180,532	95	20
Not Econ. D	Eng. I	EOC	189,442	84	27		Not At-Risk	Bio.	EOC	183,322	98	16
Not Econ. D	Eng. II	EOC	185,661	86	26		Not At-Risk	Eng. I	EOC	184,924	93	14
Not Econ. D	Bio.	EOC	179,578	95	25		Not At-Risk	Eng. II	EOC	186,033	95	13
Not Econ. D	Hist.	EOC	165,807	97	17		Not At-Risk	Hist.	EOC	181,253	99	10

### **PART 3 CHAPTER 3: Using Katy I.S.D. To Take A Brutal Look At Achievement Gaps in One of the State's Higher Performing School Districts. A Full 2022-23 (plus many prior years) Are Available. This report includes a look at the 8<sup>th</sup> Grade Reading Scores**

Katy I.S.D. is recognized statewide as one of the higher performing school districts in Texas.

From its tiny rural history through the explosive growth which essentially began in the decade of the 1980's, the community and the district has been a stereotypical suburban destination. Like many suburbs of urban areas, the demographics have steadily changed from mostly White or upper and upper-middle income families of all ethnicities to a vastly more diverse population over time.

Today, it is a school district of affluent families of all ethnicities and economically-disadvantaged families statistically dominated by families of color that have brought all the challenges to Katy I.S.D. that society has to impose.

In many ways, Katy I.S.D. personifies the tragic consequences represented by the State's failure to establish academically credible standards which produce corresponding closure of achievement gaps protecting the genuine constitutional rights of at-risk children the State has acknowledged in Senate Bill 7 and courts have referenced.

The brutal reality is that a campus-by-campus analysis of current STAAR test results validate Lott's courageous dedication to standards for his disadvantaged children, researchers Armor and Rossell's confirmed observations about academic achievement gap closure, and columnist Riley's admonition of pandering to minority children with lower standards.

What the following tables which include both district wide and campus-level student performance on STAAR in the primary spring 2023 administration that focus just upon 8<sup>th</sup> grade reading show several things. AEA will soon publish a much more comprehensive look at Katy I.S.D. entitled: "Dramatic Equity Gaps in the Shadows of Excellence. But even this sliver of peek demonstrates:

- The district has the full range of ethnic and economic distribution which is discernible when one looks at the % each ethnic or demographic profile district wide and campus-by-campus.
- Students of all ethnicity and demographic profile are performing at upper levels of academic achievement on the STAAR. This proves once again that academic excellence is achieved by students of every stripe.
- However, the tables also show that there are dramatic achievement gaps particularly when one focuses upon at-risk and economically disadvantaged students statistically dominated by children of color.
- Since 1993's Senate Bill 7 put the State of Texas on a path of formal accountability based in enormous part on student academic performance over the years on TAAS, TAKS, and now STAAR testing, closing academic achievement gaps for economically disadvantaged, at-risk students has been both a statutory and constitutional mandate.
- In trying to come to grips with 30 years of formal accountability, there's no better 'targeted' place to begin understanding the games and the manipulations of the TEA's actions than Katy I.S.D.
- The 'at-risk and disadvantaged' campuses jump off the tables as do the achievements gaps in which you learned earlier that the TEA has validated including below grade level performance at some level on every test in every subject.
- By the end of this report, you'll better understand how Texas strategically defaulted to these results.



Group Summary: Performance Levels: STAAR 3-8, Spring 2023, Grade 8

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	TAYS J H	100%	8	READ	533	1874	2	98	93	74	2	5	7
ADAMS J H	ADAMS J H	100%	8	READ	612	1835	3	97	87	64	3	10	13
BECKENDORFF J H	BECKENDORFF J H	100%	8	READ	644	1847	5	95	87	64	5	8	13
SEVEN LAKES J H	SEVEN LAKES J H	100%	8	READ	585	1829	4	96	86	58	4	10	14
CINCO RANCH J H	CINCO RANCH J H	100%	8	READ	528	1827	6	94	84	61	6	10	16
MCMEANS J H	MCMEANS J H	100%	8	READ	377	1820	3	97	83	55	3	14	17
WOODCREEK J H	WOODCREEK J H	100%	8	READ	517	1818	3	97	83	58	3	14	17
BECK J H	BECK J H	100%	8	READ	441	1815	6	94	82	57	6	12	18
KATY ISD	KATY ISD	100%	8	READ	7,545	1784	9	91	74	46	9	17	26
MEM/PARKWAY J H	MEM/PARKWAY J H	100%	8	READ	290	1763	13	87	68	42	13	19	32
MCDONALD J H	MCDONALD J H	100%	8	READ	383	1749	13	87	67	35	13	20	33
KATY J H	KATY J H	100%	8	READ	355	1734	13	87	63	31	13	24	37
STOCKDICK J H	STOCKDICK J H	100%	8	READ	419	1740	11	89	63	31	11	26	37
MAYDE CREEK J H	MAYDE CREEK J H	100%	8	READ	448	1720	17	83	57	24	17	26	43
HASKETT J H	HASKETT J H	100%	8	READ	357	1704	15	85	54	21	15	31	46
CARDIFF J H	CARDIFF J H	100%	8	READ	306	1699	16	84	53	19	16	31	47
W/MEMORIAL J H	W/MEMORIAL J H	100%	8	READ	347	1694	21	79	51	23	21	28	49
MORTON RANCH J H	MORTON RANCH J H	100%	8	READ	403	1684	21	79	46	17	21	33	54

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	At-Risk	17%	8	READ	89	1735	9	91	65	27	9	26	35
MCMEANS J H	At-Risk	26%	8	READ	97	1706	10	90	57	15	10	33	43
BECKENDORFF J H	At-Risk	20%	8	READ	132	1707	20	80	55	23	20	25	45
CINCO RANCH J H	At-Risk	28%	8	READ	149	1698	20	80	54	19	20	26	46
SEVEN LAKES J H	At-Risk	20%	8	READ	118	1708	14	86	52	23	14	34	48
ADAMS J H	At-Risk	17%	8	READ	103	1699	17	83	51	17	17	32	49
WOODCREEK J H	At-Risk	21%	8	READ	110	1696	15	85	51	21	15	34	49
MCDONALD J H	At-Risk	49%	8	READ	189	1684	22	78	48	15	22	30	52
BECK J H	At-Risk	26%	8	READ	113	1665	24	76	44	13	24	32	56
<b>KATY ISD</b>	<b>At-Risk</b>	<b>34%</b>	<b>8</b>	<b>READ</b>	<b>2,593</b>	<b>1669</b>	<b>23</b>	<b>77</b>	<b>42</b>	<b>12</b>	<b>23</b>	<b>35</b>	<b>58</b>
KATY J H	At-Risk	41%	8	READ	147	1655	25	75	39	8	25	36	61
MAYDE CREEK J H	At-Risk	60%	8	READ	270	1658	27	73	39	7	27	34	61
STOCKDICK J H	At-Risk	43%	8	READ	181	1669	19	81	39	8	19	42	61
MEM/PARKWAY J H	At-Risk	40%	8	READ	117	1656	30	70	34	9	30	36	66
CARDIFF J H	At-Risk	57%	8	READ	174	1644	26	74	33	6	26	41	67
W/MEMORIAL J H	At-Risk	60%	8	READ	209	1640	31	69	33	9	31	36	67
HASKETT J H	At-Risk	44%	8	READ	157	1638	27	73	29	4	27	44	71
MORTON RANCH J H	At-Risk	59%	8	READ	238	1631	32	68	26	7	32	42	74

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	Econ. Disadv.	19%	8	READ	99	1823	4	96	83	59	4	13	17
CINCO RANCH J H	Econ. Disadv.	35%	8	READ	183	1777	12	88	75	44	12	13	25
MCMEANS J H	Econ. Disadv.	35%	8	READ	131	1764	5	95	75	35	5	20	25
ADAMS J H	Econ. Disadv.	12%	8	READ	76	1764	9	91	71	42	9	20	29
BECKENDORFF J H	Econ. Disadv.	25%	8	READ	158	1764	13	87	71	42	13	16	29
SEVEN LAKES J H	Econ. Disadv.	22%	8	READ	126	1762	10	90	71	37	10	19	29
BECK J H	Econ. Disadv.	32%	8	READ	143	1761	12	88	70	38	12	18	30
WOODCREEK J H	Econ. Disadv.	20%	8	READ	101	1761	8	92	68	38	8	24	32
MCDONALD J H	Econ. Disadv.	77%	8	READ	294	1739	15	85	64	32	15	21	36
<b>KATY ISD</b>	<b>Econ. Disadv.</b>	<b>43%</b>	<b>8</b>	<b>READ</b>	<b>3,277</b>	<b>1720</b>	<b>16</b>	<b>84</b>	<b>58</b>	<b>27</b>	<b>16</b>	<b>26</b>	<b>42</b>
KATY J H	Econ. Disadv.	55%	8	READ	197	1708	18	82	53	23	18	29	47
MAYDE CREEK J H	Econ. Disadv.	77%	8	READ	343	1699	20	80	52	19	20	28	48
STOCKDICK J H	Econ. Disadv.	56%	8	READ	233	1705	15	85	52	19	15	33	48
CARDIFF J H	Econ. Disadv.	86%	8	READ	263	1689	17	83	51	16	17	32	49
MEM/PARKWAY JH	Econ. Disadv.	44%	8	READ	129	1696	25	75	48	22	25	27	52
HASKETT J H	Econ. Disadv.	66%	8	READ	234	1685	19	81	47	17	19	34	53
W/MEMORIAL J H	Econ. Disadv.	74%	8	READ	256	1679	24	76	46	20	24	30	54
MORTON RANCH J H	Econ. Disadv.	77%	8	READ	311	1675	22	78	43	14	22	35	57

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	Hispanic/Latino	23%	8	READ	124	1834	3	97	89	62	3	8	11
ADAMS J H	Hispanic/Latino	22%	8	READ	132	1818	5	95	83	56	5	12	17
SEVEN LAKES J H	Hispanic/Latino	27%	8	READ	157	1793	6	94	80	50	6	14	20
CINCO RANCH J H	Hispanic/Latino	31%	8	READ	166	1791	10	90	77	49	10	13	23
BECKENDORFF J H	Hispanic/Latino	22%	8	READ	144	1780	12	88	76	49	12	12	24
MCMEANS J H	Hispanic/Latino	25%	8	READ	96	1783	5	95	76	45	5	19	24
BECK J H	Hispanic/Latino	25%	8	READ	110	1792	8	92	75	52	8	17	25
WOODCREEK J H	Hispanic/Latino	22%	8	READ	113	1772	9	91	71	43	9	20	29
MCDONALD J H	Hispanic/Latino	54%	8	READ	205	1738	15	85	66	30	15	19	34
KATY ISD	Hispanic/Latino	36%	8	READ	2,744	1738	14	86	63	33	14	23	37
STOCKDICK J H	Hispanic/Latino	44%	8	READ	186	1717	12	88	61	22	12	27	39
<b>KATY J H</b>	<b>Hispanic/Latino</b>	<b>50%</b>	<b>8</b>	<b>READ</b>	<b>176</b>	<b>1717</b>	<b>16</b>	<b>84</b>	<b>59</b>	<b>27</b>	<b>16</b>	<b>25</b>	<b>41</b>
MEM/PARKWAY JH	Hispanic/Latino	38%	8	READ	109	1722	17	83	58	28	17	25	42
CARDIFF J H	Hispanic/Latino	67%	8	READ	205	1690	18	82	52	17	18	30	48
HASKETT J H	Hispanic/Latino	44%	8	READ	156	1706	12	88	51	21	12	37	49
MAYDE CREEK J H	Hispanic/Latino	53%	8	READ	236	1701	19	81	51	20	19	30	49
W/MEMORIAL J H	Hispanic/Latino	55%	8	READ	192	1671	27	73	45	19	27	28	55
MORTON RANCH J H	Hispanic/Latino	59%	8	READ	237	1672	22	78	43	14	22	35	57

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
CINCO RANCH J H	Black/Af.A.	8%	8	READ	41	1828	0	100	85	59	0	15	15
TAYS J H	Black/Af.A.	8%	8	READ	41	1837	5	95	80	66	5	15	20
BECKENDORFF J H	Black/Af.A.	8%	8	READ	49	1781	8	92	78	43	8	14	22
ADAMS J H	Black/Af.A.	9%	8	READ	57	1780	5	95	77	54	5	18	23
SEVEN LAKES J H	Black/Af.A.	8%	8	READ	46	1783	7	93	76	39	7	17	24
WOODCREEK J H	Black/Af.A.	11%	8	READ	58	1771	2	98	67	38	2	31	33
BECK J H	Black/Af.A.	11%	8	READ	47	1736	11	89	66	32	11	23	34
MCMEANS J H	Black/Af.A.	6%	8	READ	23	1736	4	96	65	26	4	31	35
MCDONALD J H	Black/Af.A.	27%	8	READ	104	1732	13	87	63	31	13	24	37
STOCKDICK J H	Black/Af.A.	29%	8	READ	123	1738	11	89	61	32	11	28	39
<b>KATY ISD</b>	<b>Black/Af.A.</b>	<b>14%</b>	<b>8</b>	<b>READ</b>	<b>1,077</b>	<b>1732</b>	<b>13</b>	<b>87</b>	<b>60</b>	<b>30</b>	<b>13</b>	<b>27</b>	<b>40</b>
MAYDE CREEK J H	Black/Af.A.	26%	8	READ	117	1716	17	83	55	23	17	28	45
HASKETT J H	Black/Af.A.	30%	8	READ	108	1677	20	80	50	14	20	30	50
KATY J H	Black/Af.A.	14%	8	READ	48	1718	12	88	50	19	12	38	50
MEM/PARKWAY JH	Black/Af.A.	11%	8	READ	32	1712	22	78	50	28	22	28	50
MORTON RANCH J H	Black/Af.A.	18%	8	READ	74	1676	26	74	45	18	26	29	55
W/MEMORIAL J H	Black/Af.A.	17%	8	READ	59	1682	17	83	44	17	17	39	56
CARDIFF J H	Black/Af.A.	16%	8	READ	50	1675	14	86	40	12	14	46	60

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	Asian	36%	8	READ	193	1929	0	100	98	91	0	2	2
ADAMS J H	Asian	24%	8	READ	147	1882	1	99	97	76	1	2	3
BECKENDORFF J H	Asian	36%	8	READ	234	1920	1	99	95	82	1	4	5
HASKETT J H	Asian	6%	8	READ	21	1820	5	95	95	62	5	0	5
SEVEN LAKES J H	Asian	35%	8	READ	206	1874	2	98	95	73	2	3	5
KATY ISD	Asian	17%	8	READ	1,283	1881	3	97	92	76	3	5	8
WOODCREEK J H	Asian	14%	8	READ	73	1863	3	97	90	75	3	7	10
CARDIFF J H	Asian	3%	8	READ	9	1863	0	100	89	56	0	11	11
CINCO RANCH J H	Asian	22%	8	READ	118	1884	3	97	89	80	3	8	11
BECK J H	Asian	12%	8	READ	55	1855	4	96	89	69	4	7	11
MCMEANS J H	Asian	20%	8	READ	76	1867	4	96	88	71	4	8	12
KATY J H	Asian	3%	8	READ	11	1849	0	100	82	82	0	18	18
MAYDE CREEK J H	Asian	8%	8	READ	37	1782	16	84	78	46	16	6	22
MORTON RANCH J H	Asian	3%	8	READ	13	1821	0	100	77	46	0	23	23
MEM/PARKWAY JH	Asian	7%	8	READ	20	1793	15	85	75	65	15	10	25
STOCKDICK J H	Asian	9%	8	READ	36	1786	3	97	72	50	3	25	28
W/MEMORIAL J H	Asian	4%	8	READ	14	1765	7	93	71	50	7	22	29
MCDONALD J H	Asian	5%	8	READ	20	1833	5	95	65	60	5	30	35

ISD/CAMPUS	Group	% Test	Grade	Subj.	Number Test	Avg. Scale Score	% Did Not Meet FAIL	Total % APP	Total % Meet	Total % MSTR	% FAIL	% JUST APP	Total % Below Gr. Lev.
TAYS J H	White	29%	8	READ	156	1848	1	99	92	67	1	7	8
WOODCREEK J H	White	49%	8	READ	252	1836	2	98	90	65	2	8	10
BECKENDORFF J H	White	29%	8	READ	185	1827	2	98	89	57	2	9	11
CINCO RANCH J H	White	35%	8	READ	183	1823	5	95	89	61	5	6	11
MCMEANS J H	White	45%	8	READ	170	1831	1	99	88	56	1	11	12
MCDONALD J H	White	11%	8	READ	42	1810	2	98	88	55	2	10	12
BECK J H	White	48%	8	READ	210	1833	4	96	87	63	4	9	13
ADAMS J H	White	42%	8	READ	254	1829	2	98	86	63	2	12	14
KATY ISD	White	28%	8	READ	2,140	1812	4	96	84	54	4	12	16
SEVEN LAKES J H	White	26%	8	READ	151	1816	3	97	84	52	3	13	16
MEM/PARKWAY J H	White	40%	8	READ	117	1807	5	95	82	53	5	13	18
MAYDE CREEK J H	White	9%	8	READ	39	1772	8	92	77	28	8	15	23
KATY J H	White	31%	8	READ	110	1759	7	93	74	38	7	19	26
CARDIFF J H	White	9%	8	READ	29	1749	7	93	69	31	7	24	31
STOCKDICK J H	White	15%	8	READ	63	1777	10	90	67	46	10	23	33
W/MEMORIAL J H	White	18%	8	READ	64	1740	11	89	64	30	11	25	36
HASKETT J H	White	15%	8	READ	54	1715	15	85	61	19	15	24	39
MORTON RANCH J H	White	15%	8	READ	61	1701	16	84	54	18	16	30	46

Pages 6-18 have provided you tables which show:

- Performance Standards for the Current STAAR Testing Program
- Statewide Reports Showing for The Most Recent 2022-23 Testing Cycle Percents of Students By Ethnicity and Demographic Who Performed Grade Level & Below Grade Level.
- Katy I.S.D. Reports Showing the Same Basic Information For 8<sup>th</sup> Grade to Demonstrated How the Testing Accountability System Can “Play Out” Even in a Higher Performing ISD
- You’ll Have Access to Much More CURRENT Academic Performance Data.

We begin Part 4 as a continuation of setting the stage to understand why the most current numbers of Texas testing have their foundation 30 years later in the events of 1993. If what’s actually happening in public education today is working well, then there’s no reason to understand the forged steel chain which connects three decades of Texas testing manipulation and testing and accountability.

The public policy decisions that were made three decades ago set the foundation for today.

We move now to the constitutional, judicial, and administrative foundations of Texas’ three-decade long program of student testing which was and is tied to a formal accountability system designed to evaluate the State’s adherence to closing academic achievement gaps for disadvantaged, at-risk students statistically dominated by children of color.

## **PART 4 CHAPTER 4: In the Beginning of Official Texas Public Education Accountability**

The Texas Assessment of Academic Skills (TAAS) came to life in 1989 with field testing of students throughout the State. At conception, the State of Texas and the Texas Education Agency (TEA) knew from the start that it would not be just another bureaucratic exercise.

It would be the hammer – the enforcer – of the State’s first impending accountability system designed to monitor what the State very well understood was that public policy locomotive coming down the track: a constitutional and statutory directive to close achievement gaps for disadvantaged, at-risk students statistically dominated by children of color.

It had been just under 20 years since Federal Judge William Wayne Justice issued Civil Order 5281, the final nail in the coffin of Texas’ racist past which included so-called ‘separate but equal’ school systems for African-American and other minority students when he ordered the TEA:

**“...to compensate minority group children for unequal educational opportunities resulting from past or present racial and ethnic isolation...”**

With this field testing, Texas was some four years away from enacting Senate Bill 7 in which the Texas Legislature validated the State’s duty:

**“...The achievement gap between educationally disadvantaged students and other populations will be closed...”**

As the political realities in Texas involving public education accountability became clear as the 1993 Legislative session drew closer, TAAS was being implemented statewide. When Senate Bill 7 passed, TAAS was a mature test. Texas had its first actual accountability system, and a test that TEA officials strongly defended as an academically rigorous, grade-level assessment – an honest arbiter of achievement gap closure.

From the moment Senate Bill 7 launched this new era of accountability, state and federal courtrooms would be an obligatory path it would have to follow – and the State and TEA knew it.

Some seven years (January 7, 2000) after Senate Bill 7 launched formal accountability, a federal court gave Texas the judicial victory and validation it had fought so hard to obtain. The court’s ruling included this language:

**“...Because of the rigid, state-mandated correlation between the Texas Essentials of Knowledge and Skills (TEKS) and the TAAS test, the Court finds that all Texas students have an equal opportunity to learn the items (*test questions – emphasis mine*) presented on the TAAS test WHICH IS THE ISSUE BEFORE THE COURT...” (*emphasis mine*)**

Not only did Texas and the TEA prevail, the Western Federal District Court validated the underlying psychometric methodology and integrity of the TAAS testing program itself.

This stunning language of the trial court (“...which is the issue before the court...”) proves that Civil Rights attorneys argued the liberal theology of discrimination rather than advocate for genuine closure of achievement gaps on standards involving grade-level academic integrity.

The court's ruling on this basis confirms that the Civil Rights attorneys did not know enough to know what they didn't know because every important flaw and gross manipulation and deception of the TEA in its TAAS testing program was knowable and known before the court issued its ruling.

➤ **Why is this still important to understand? From a prior column at the launch of Academic Equity Advocates, we reported that 71% of Texas at-risk 8<sup>th</sup> grade students passed the 2022-23 reading STAAR test, but 65% of those students were below grade level.**

Even the TEA in July 1993 formally acknowledged that Senate Bill 7, the new TAAS testing program and the new accountability system placed a profound burden upon the Agency citing three specific goals including the two below: (Let's use a screenshot so you know it is Agency's own language.

**Goal A)** All students shall have access to an education of high quality that will prepare them to fully participate currently and in the future in the social, economic, and educational opportunities available in Texas.

**Goal B)** The achievement gap between educationally disadvantaged students and other populations will be closed. Through enhanced dropout prevention efforts, the graduation rate will be raised to 95 percent of students who enter the seventh grade.

The notion that the TAAS, the TAKS, and the STAAR testing programs have accomplished the commitments of Goals A & B above is objectively and provably not true.

Some 24 years after the federal court validated the State's academic integrity in another era of accountability, the academic deception rolls forward. Do you want to connect those dots cited earlier.

## **CHAPTER 5: The Proverbial ‘Public Policy’ Turd in the TEA’s Punchbowl was 3 Words: “CLOSE ACHIEVEMENT GAPS”; This Monograph Adds 3 More Words**

Here are six words that ensue from Senate Bill 7 and the formal acknowledgement by the State of Texas it has a constitutional burden to close achievement gaps and the State’s judicial victories in state and federal courts that have been at the heart and soul and bone marrow of 30 years of student academic testing and formal accountability:

- Close achievement gaps!
- Which achievement gaps?

Fortunately for Texas and the TEA, the full record will document that the issue was not even remotely litigated in the court system by civil rights attorneys, Thus, when Senate Bill 7 included the following language, the State was empowered to make that decision however autocratically or superficially it wanted the answer to be. The federal court decision made specific reference to this ‘non-issue.’ Thus, the TEA was immunized against any judicial oversight absent another round of litigation.

- ❖ **1993: The Texas Education Code: “SATISFACTORY PERFORMANCE: (a) The State Board of Education shall determine the level of performance considered to be satisfactory on the assessment instruments...”**

Before we dive fully in Chapter 4 into the extensive numbers, reports, and official records that document the scope of the continuous deception of Texas public education accountability extending from TAAS to STAAR, we must provide the context of the answer to the basic question: which achievement gaps?

TEA’s decision to develop TAAS as a pervasively below grade-level academic assessment particularly in reading and math and particularly as the chronological grade levels approached the 10<sup>th</sup> grade exit level ‘required’ for graduation and end of course testing remains omnipresent as the original driver of the accountability system itself. *(The below grade-level reality of TAAS will be empirically proved beyond any reasonable academic doubt.)*

There are eight sets of graphs that follow that make it easier to understand the importance of the answer to the question: which achievement gaps?

The first six show how dramatically the achievement gaps closed statewide during the 1993-2002 TAAS era using three graphs for 10<sup>th</sup> grade reading, math, and all tests along with three graphs for a combined ALL students tested in reading, math, and all tested subjects.

You will pay particular attention to the dramatic achievement gaps in math at all grade levels tested at the start of TAAS in contrast to the dramatic performance gains and disappearing major gaps by 2001-02 – the final year.

Let’s be clear. TAAS was below grade level in both reading and math. In math, the TEA pushed the self-apparent academic deception too far eventually drawing the attention of the Rand Corporation, California-based Mathematically Correct, Texas-based the Lone Star Foundation, and Texas-based Tax Research Association (TRA) (I was president of this group), and a range of independent media including The New York Times, The American Spectator, The Houston Press, and others including independent researchers.

For instance, you will learn that Dallas I.S.D. issued a report in 1998 telling the TEA that passing TAAS had a statistical correlation to the 23<sup>rd</sup> percentile in math and the 10<sup>th</sup> percentile in reading. Those conclusions were mirrored by a TRA study using Houston I.S.D. and the Stanford Achievement Test in 1997-98. Both the

Dallas I.S.D. and Houston I.S.D. statistical correlation studies involved student-by-student analysis among each of the districts' tested student body.

In transitioning to the second era accountability test of TAKS, the TEA's OWN report fully documented the gross academic grade level deficiencies of TAAS. You will see those documents.

That was for context so let's get back to the State's use of TAAS to calibrate its constitutional compliance with closing achievement gaps.

The six graphs on TAAS provide both % passing in numbers and graphics which combined tell the compelling success of the TAAS era from the TEA's perspective.

The two sets of graphs that follow the TAAS graphs come from that Houston I.S.D. study performed by a statistician from the Mathematically Correct group. That statistician was asked to graphically represent the achievement gaps among White, Asian, Black, and White students in Houston I.S.D.

Three key points here:

1. In a perfect world, statewide data would have been available for me to have produced this for all of Texas some 25 years ago. It was not. That fact noted, this report coupled with the Dallas I.S.D. report involving the two largest school districts in Texas evaluation of two different normed-referenced test is important data and context if not determinative.
2. What the graphs from Houston I.S.D. show are the achievements gaps on the SAT9 tests for district students in grades 3-11 AND the achievement gaps in Houston I.S.D. on TAAS for grades 3-8 in that time frame.
3. We have used in this instance the 50<sup>th</sup> percentile performance in reading and math as well as the 20<sup>th</sup> percentile in those subjects.
  - a. At the very time TEA and TAAS was showing dramatic improvement in both performance and achievement gap closure for minority students, these graphs show:
    - i. Extensive achievement gaps at the 50<sup>th</sup> percentile & 40<sup>th</sup> percentiles and still major gaps at the 30<sup>th</sup> percentile.
    - ii. Gaps materially narrowed in a relevant way at the 20<sup>th</sup> percentile particularly at grades 7-11

It is the thesis of this report that a strong case can be made that TEA Made an Institutionally Racist Decision That Said That It Could Not Achieve This Goal for the Majority of Disadvantaged, At-Risk Minority Children

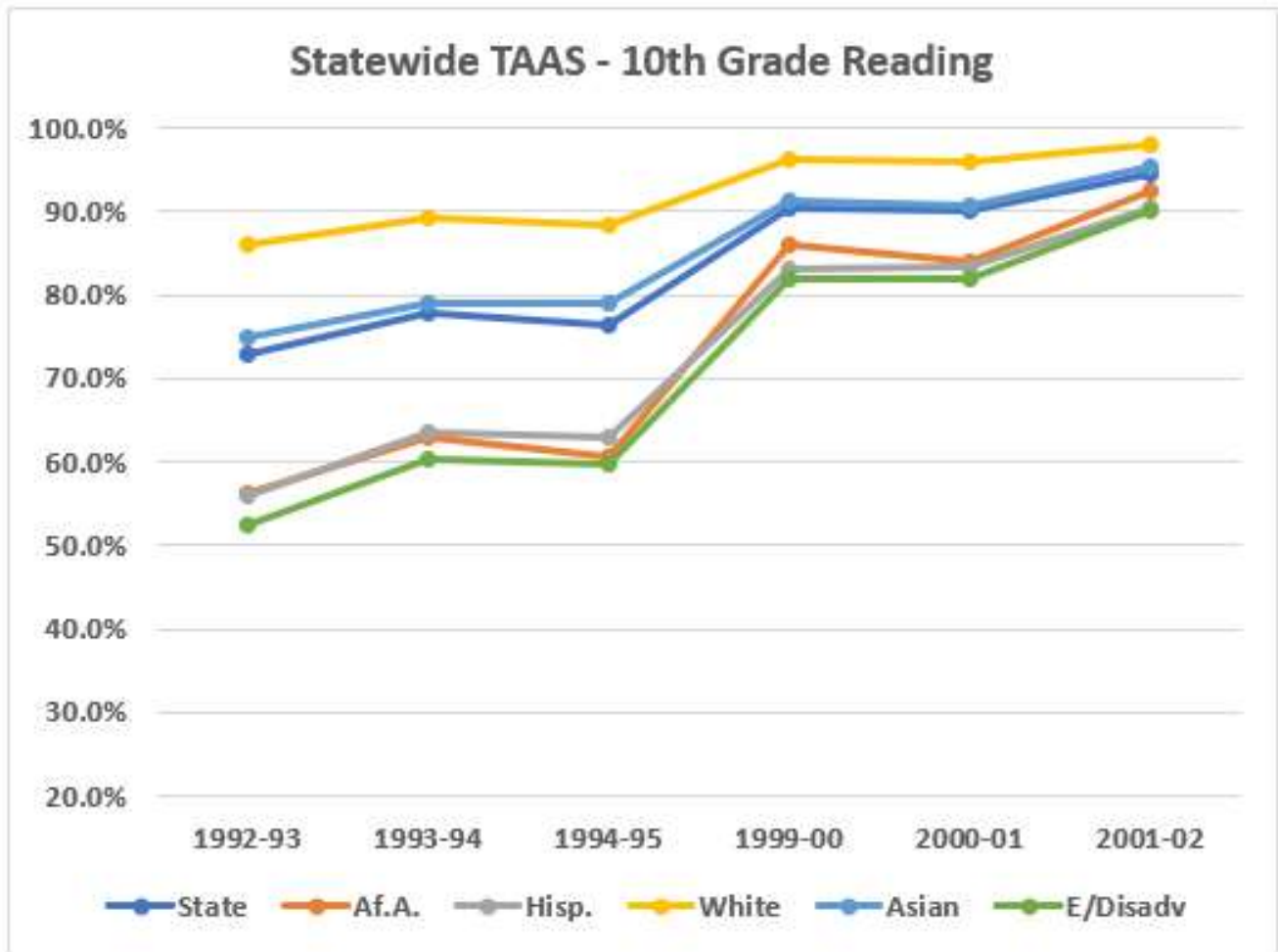
Which achievement gaps? That was never just a rhetorical question. It was the TAAS achievement gaps. Take a look at the State's bold assertion of closing achievement gaps.

Each graph shows the passing rates on the tests and subject noted from initial administration of TAAS to the final year.

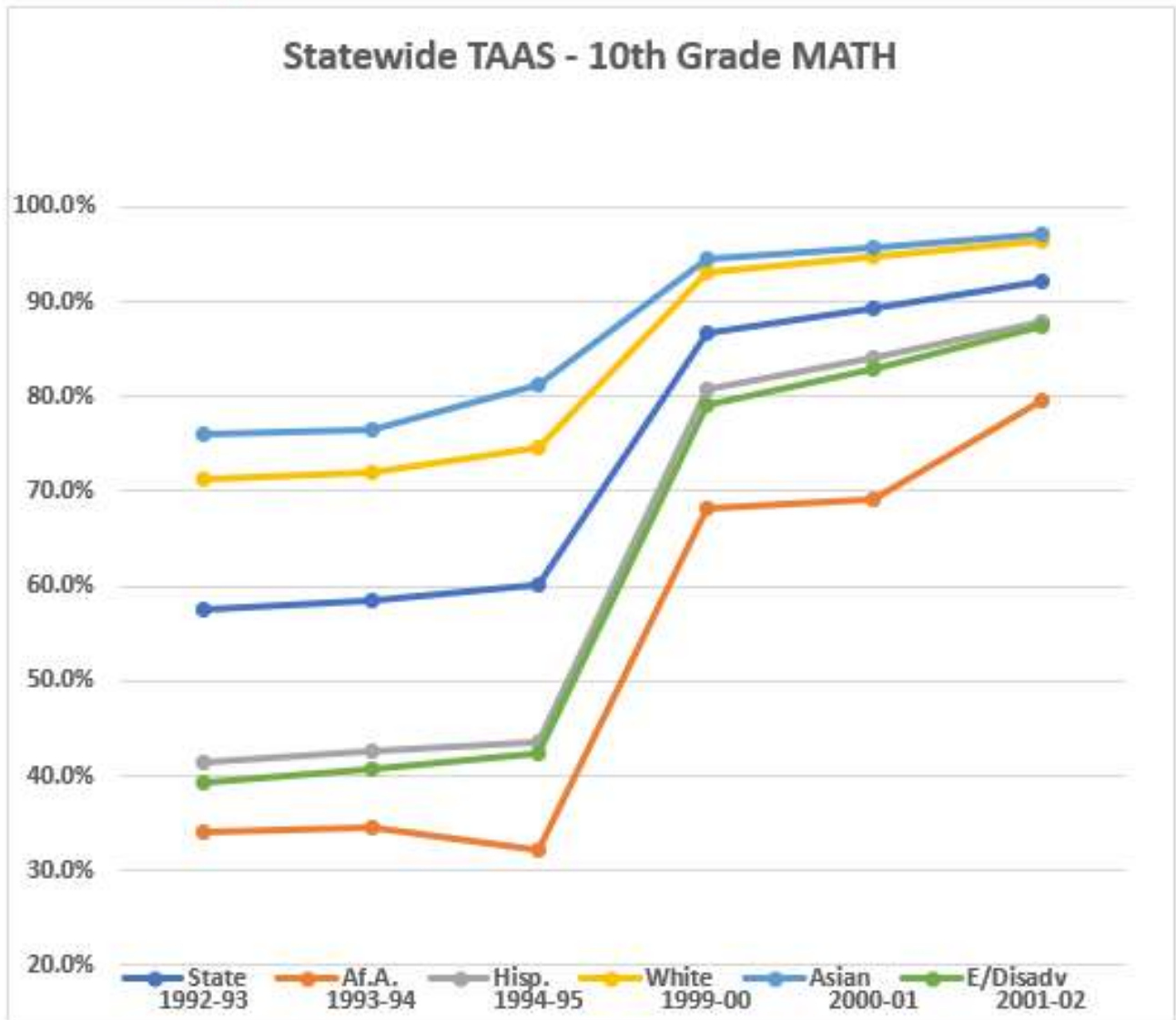
Then look at the achievement gaps from a 1997-98 era of Houston I.S.D. students that was a mirror image to one of Dallas I.S.D. students on a national normed reference tests that you will read about in this report.



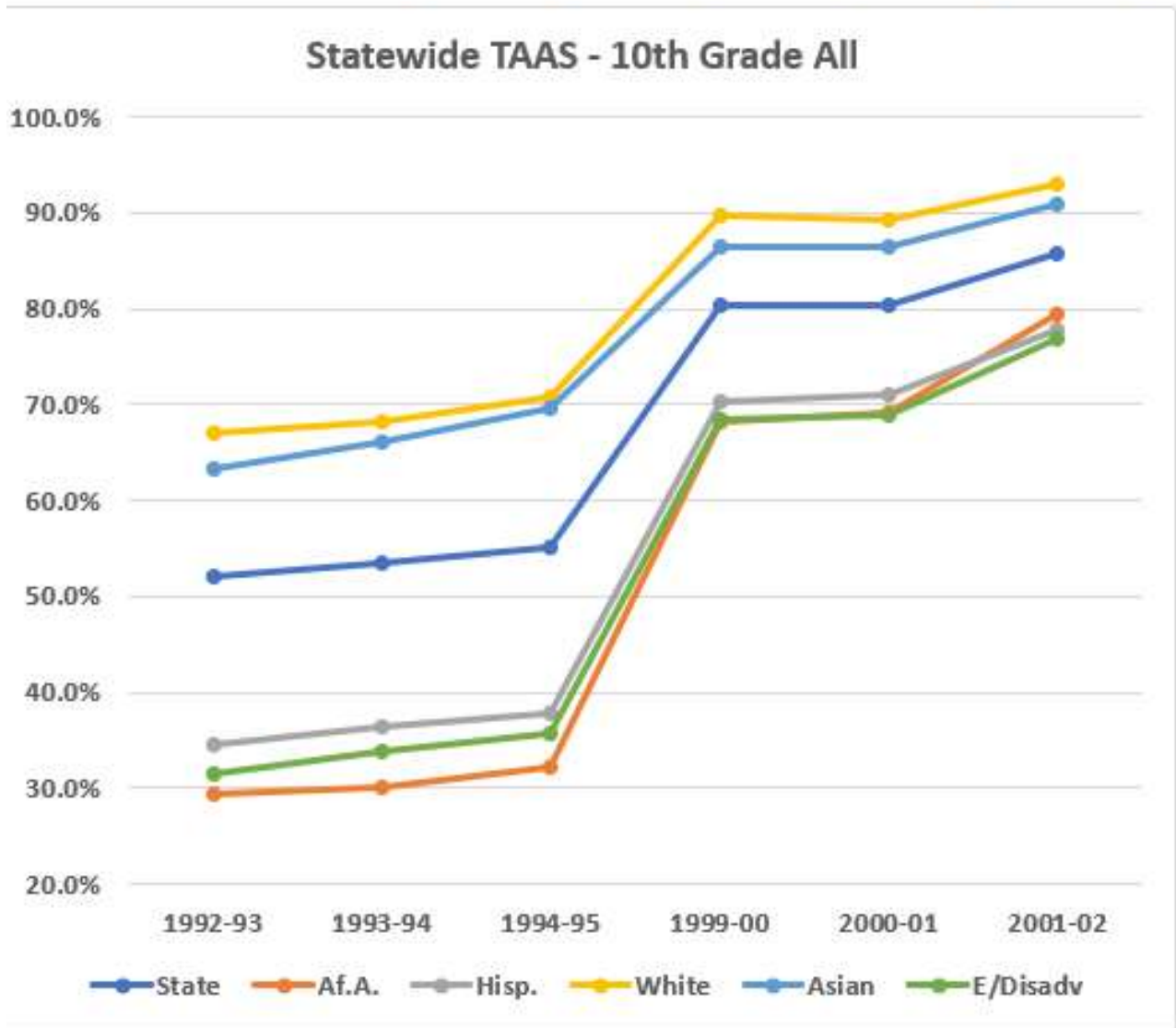
<b>% Pass 10th Reading</b>	<b>1992-93</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1999-00</b>	<b>2000-01</b>	<b>2001-02</b>
State	72.8%	77.7%	76.4%	90.3%	90.0%	94.5%
Af.A.	56.3%	62.9%	60.5%	85.9%	84.1%	92.5%
Hisp.	56.0%	63.5%	62.8%	83.1%	83.5%	90.5%
White	86.0%	89.1%	88.2%	96.1%	96.0%	97.9%
Asian	75.0%	79.0%	79.0%	91.2%	90.6%	95.3%
E/Disadv	52.3%	60.2%	59.8%	82.0%	82.0%	90.1%



% Passing - 10th Math	1992-93	1993-94	1994-95	1999-00	2000-01	2001-02
State	57.6%	58.4%	60.2%	86.8%	89.3%	92.2%
Af.A.	34.0%	34.6%	32.2%	68.2%	69.2%	79.5%
Hisp.	41.4%	42.6%	43.5%	80.8%	84.1%	88.0%
White	71.3%	71.9%	74.7%	93.2%	94.8%	96.5%
Asian	76.0%	76.5%	81.2%	94.6%	95.8%	97.1%
E/Disadv	39.3%	40.7%	42.4%	79.2%	83.0%	87.4%

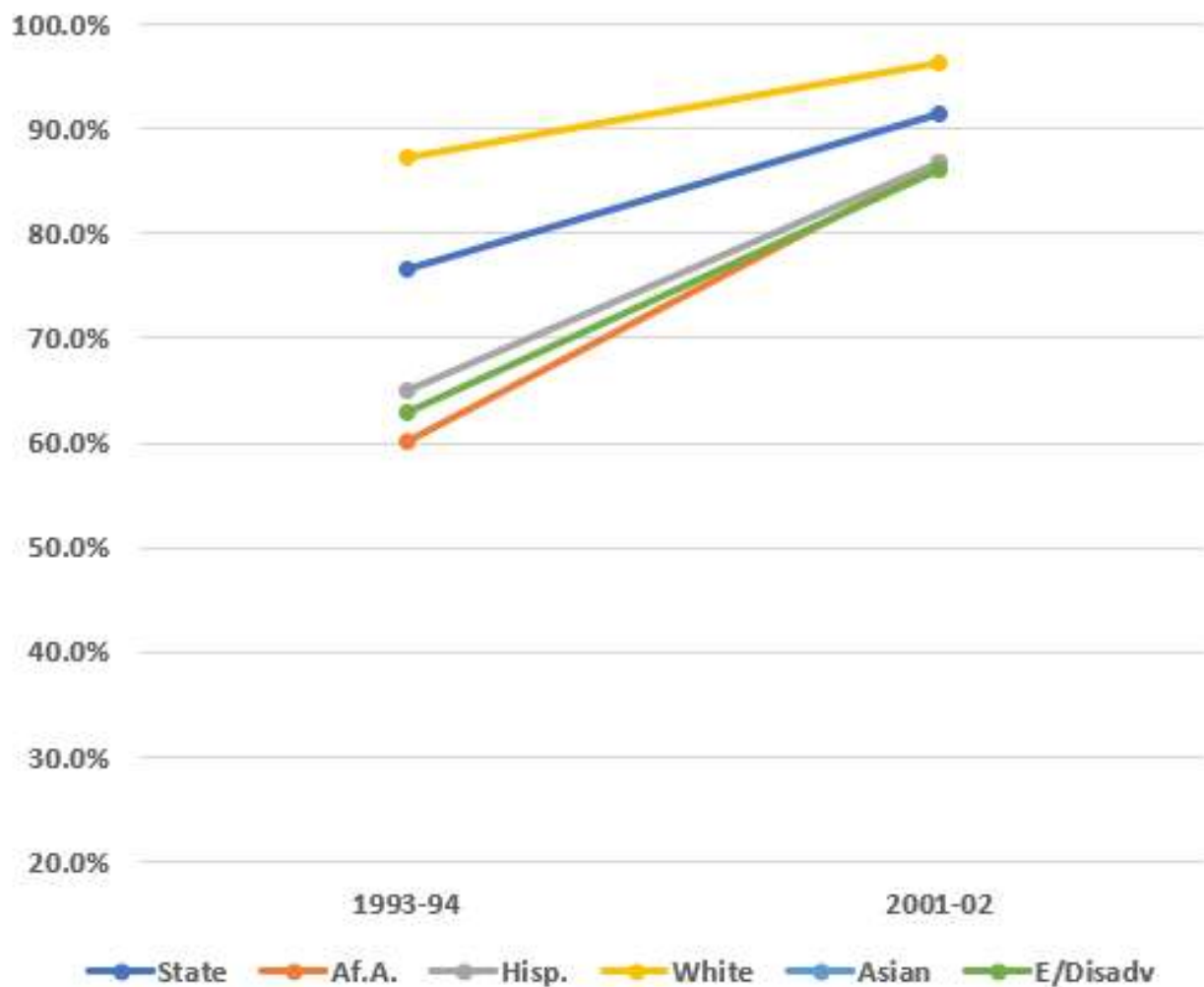


<b>% Passing 10th All</b>	<b>1992-93</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1999-00</b>	<b>2000-01</b>	<b>2001-02</b>
State	52.0%	53.5%	55.1%	80.4%	80.3%	85.7%
Af.A.	29.3%	30.0%	32.2%	68.2%	69.2%	79.5%
Hisp.	34.5%	36.3%	37.7%	70.4%	71.0%	77.7%
White	67.1%	68.2%	70.7%	89.8%	89.3%	92.9%
Asian	63.4%	66.1%	69.7%	86.5%	86.4%	91.0%
E/Disadv	31.5%	33.9%	35.6%	68.4%	68.9%	76.8%

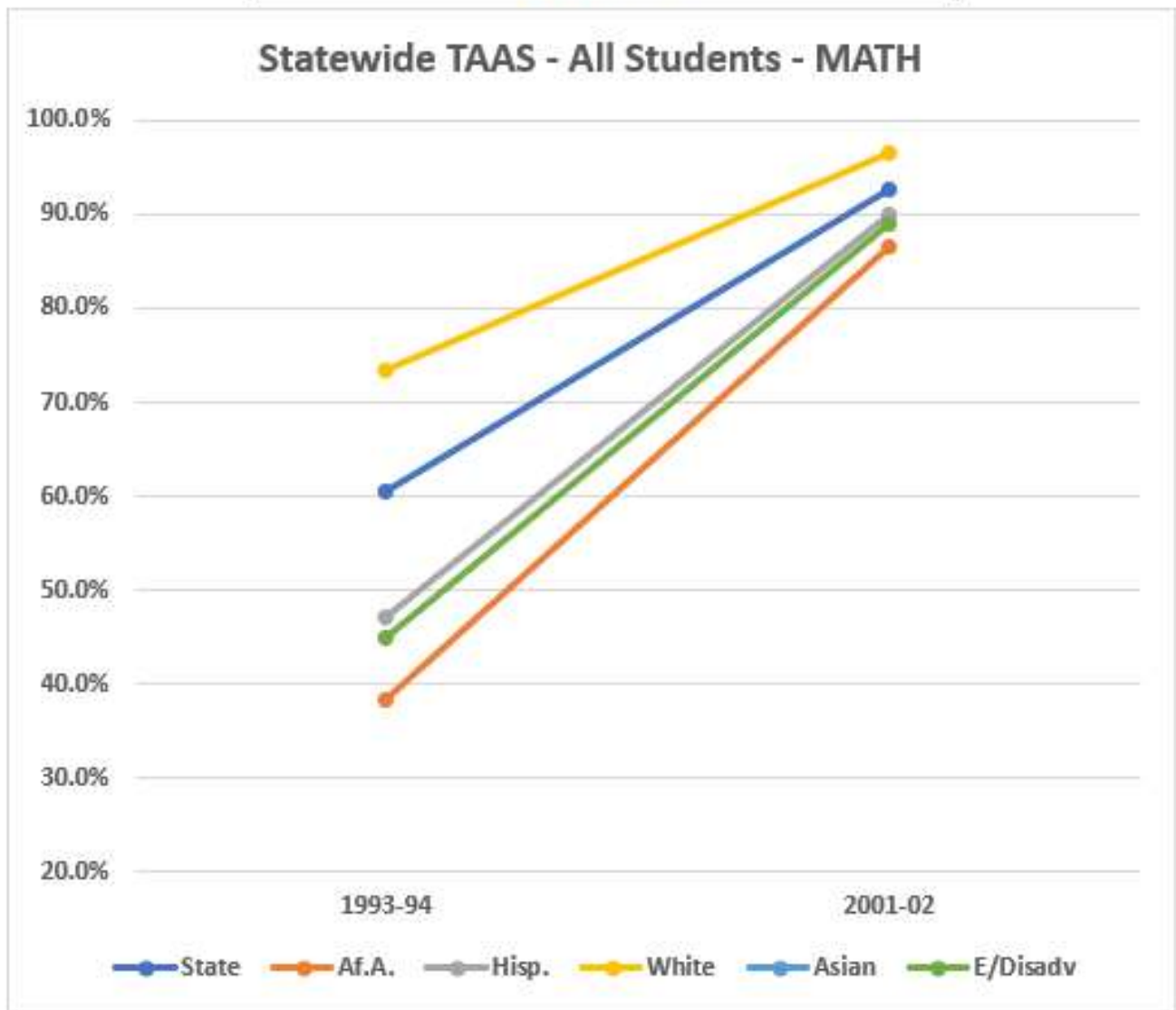


<b>% Pass All Students Reading</b>	<b>1993-94</b>	<b>2001-02</b>
State	76.5%	91.5%
Af.A.	60.2%	86.7%
Hisp.	64.9%	86.9%
White	87.2%	96.3%
Asian	NR	NR
E/Disadv	62.9%	86.0%

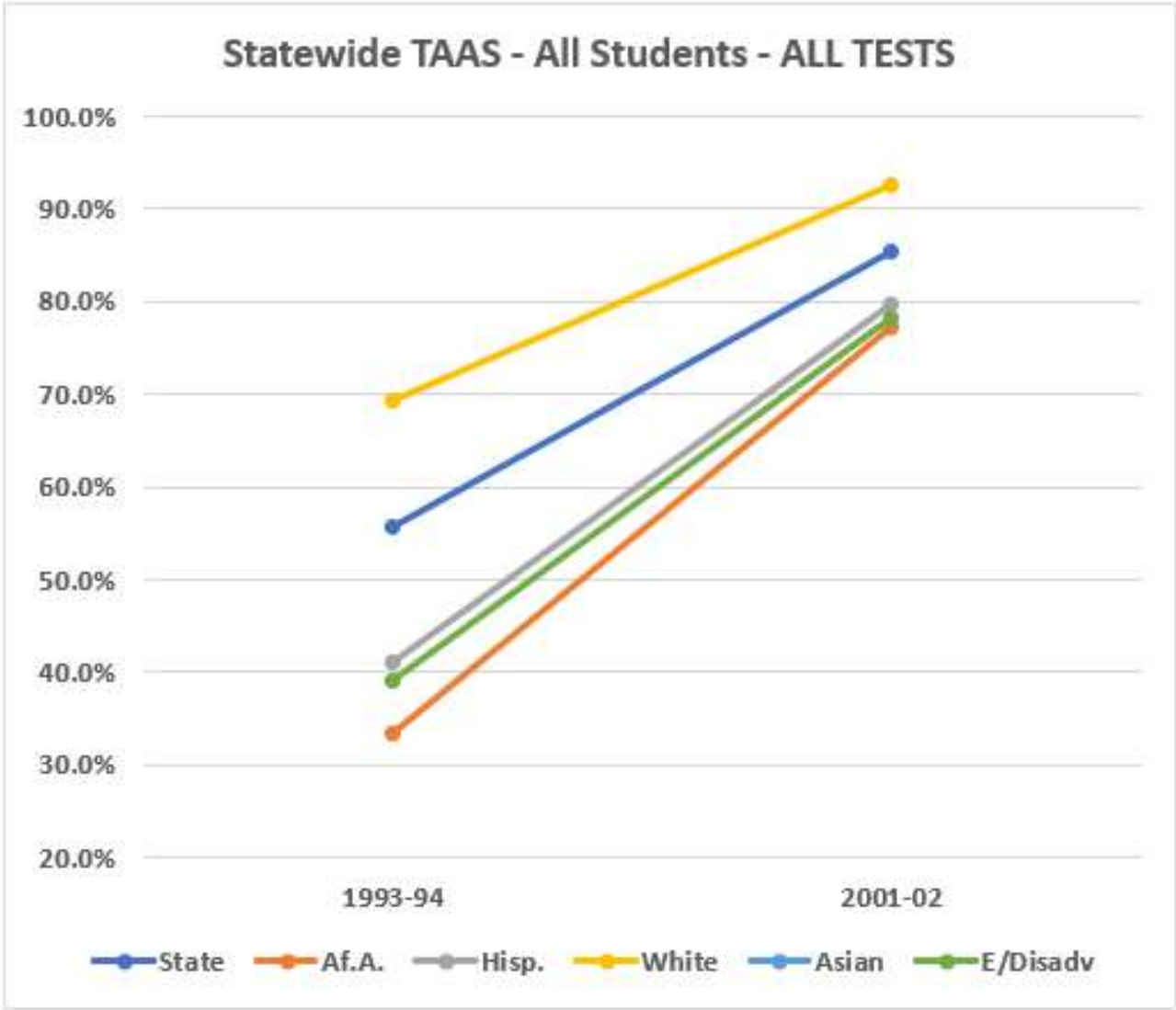
**Statewide TAAS - All Students - READING**



% Passing All Students Math		1993-94	2001-02
State		60.5%	92.7%
Af.A.		38.3%	86.5%
Hisp.		47.1%	90.1%
White		73.3%	96.5%
Asian		NR	NR
E/Disadv		45.0%	88.9%

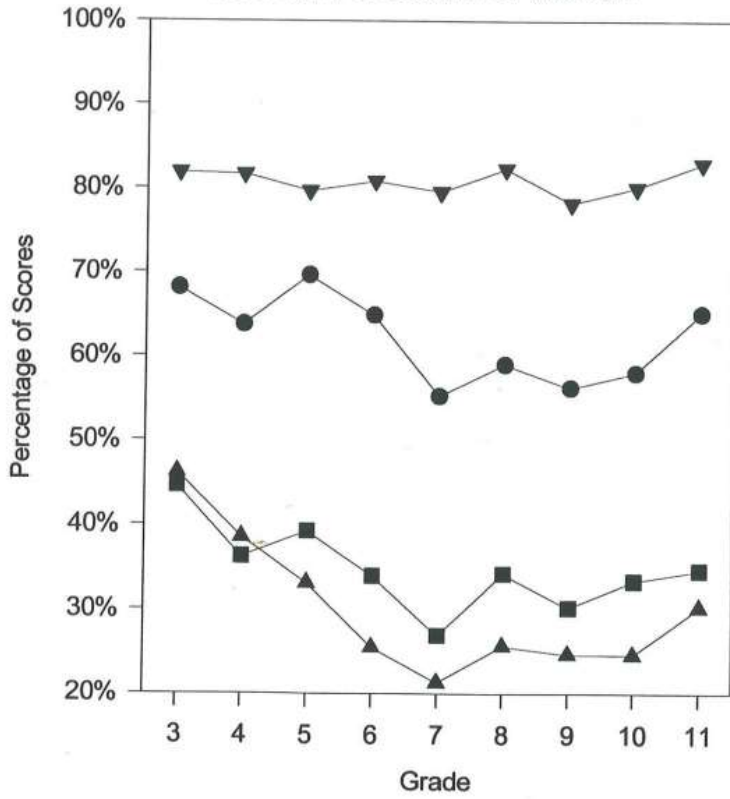


% Passing All Students		
All Tests	1993-94	2001-02
State	55.6%	85.3%
Af.A.	33.3%	77.2%
Hisp.	41.1%	79.7%
White	69.4%	92.5%
Asian	NR	NR
E/Disadv	39.0%	78.2%

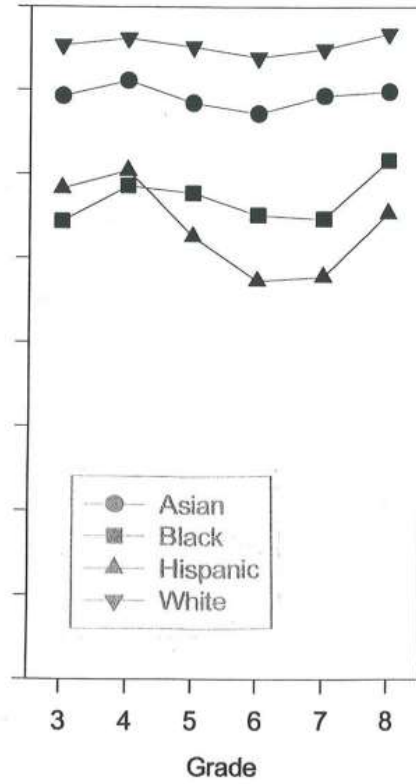


Now, take a look at achievement gaps for the 1997-98 era in Houston I.S.D. on the normed reference Stanford Achievement tests which mirror the results produced on the Iowa Test of Basic Skills in Dallas I.S.D. (You will be provided details) In reality, the achievement gaps in the two largest school districts in Texas document achievement gaps did not close for disadvantaged students dominated by children of color until very low national percentile rankings. Did Texas cook the books to win court victories? What other conclusion makes sense?

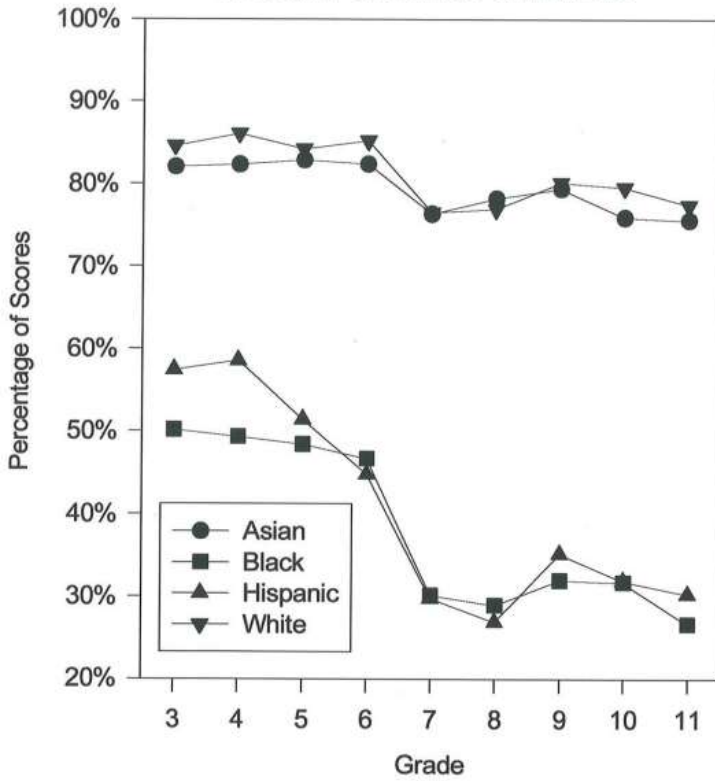
**SAT9 Reading Scores  
at 50th Percentile or Above**



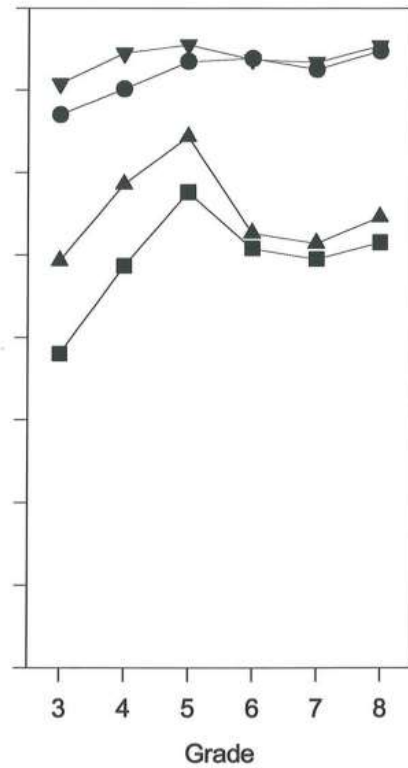
**TLI Reading Scores  
of 70 or Above**



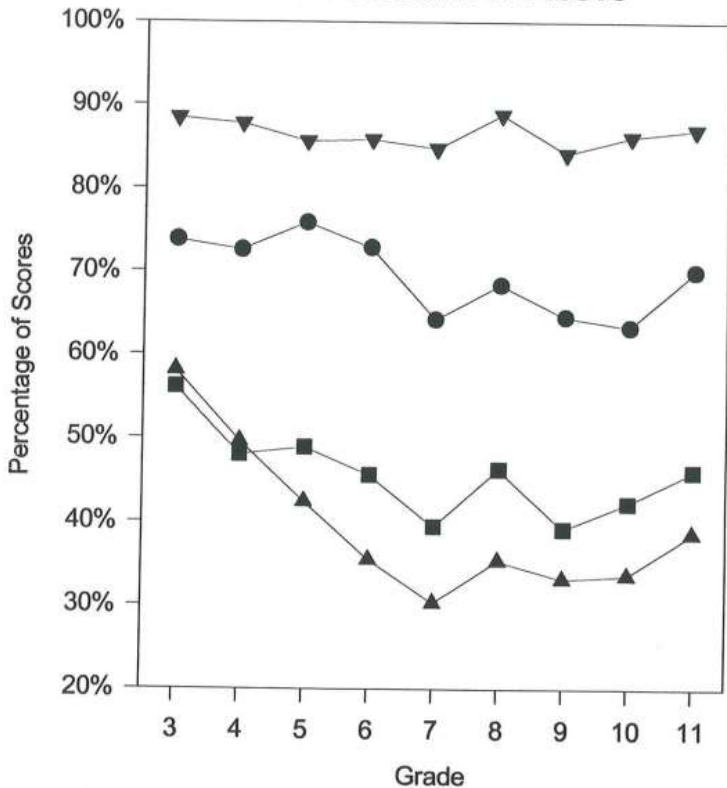
**SAT9 Math Scores  
at 50th Percentile or Above**



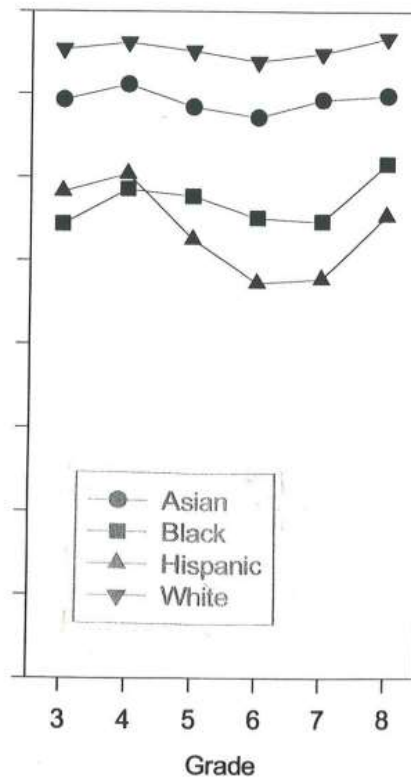
**TLI Math Scores  
of 70 or Above**



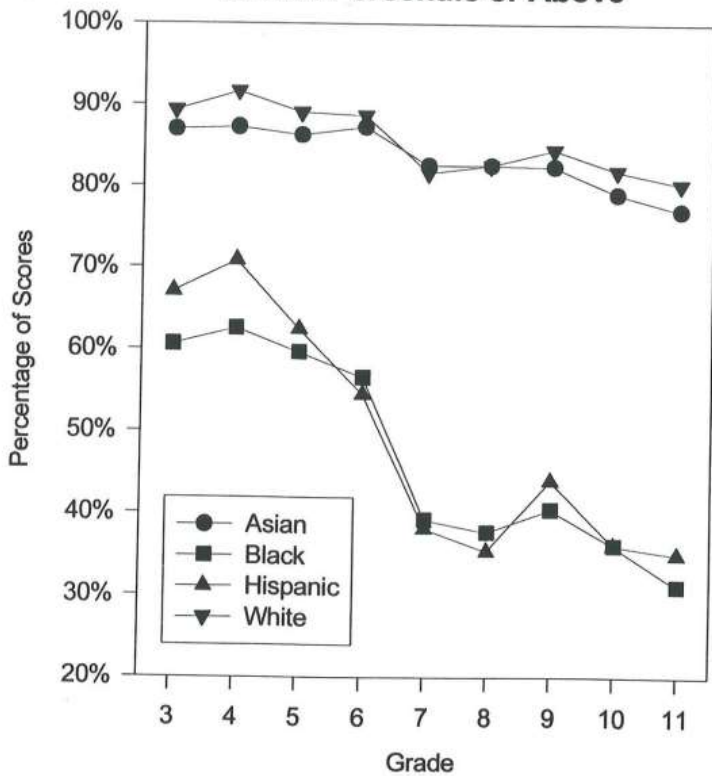
**SAT9 Reading Scores  
at 40th Percentile or Above**



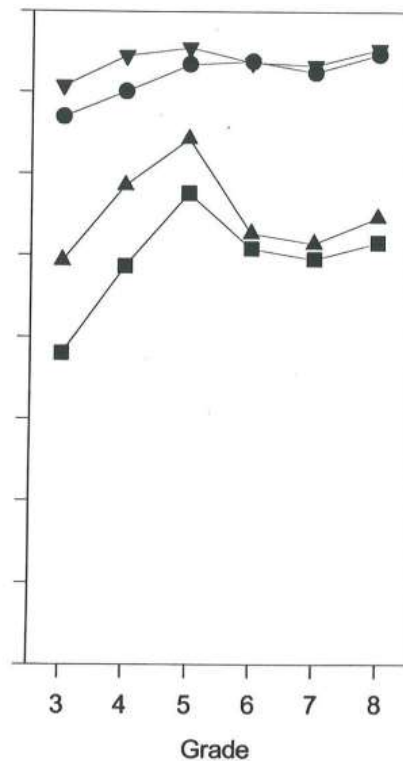
**TLI Reading Scores  
of 70 or Above**



**SAT9 Math Scores  
at 40th Percentile or Above**

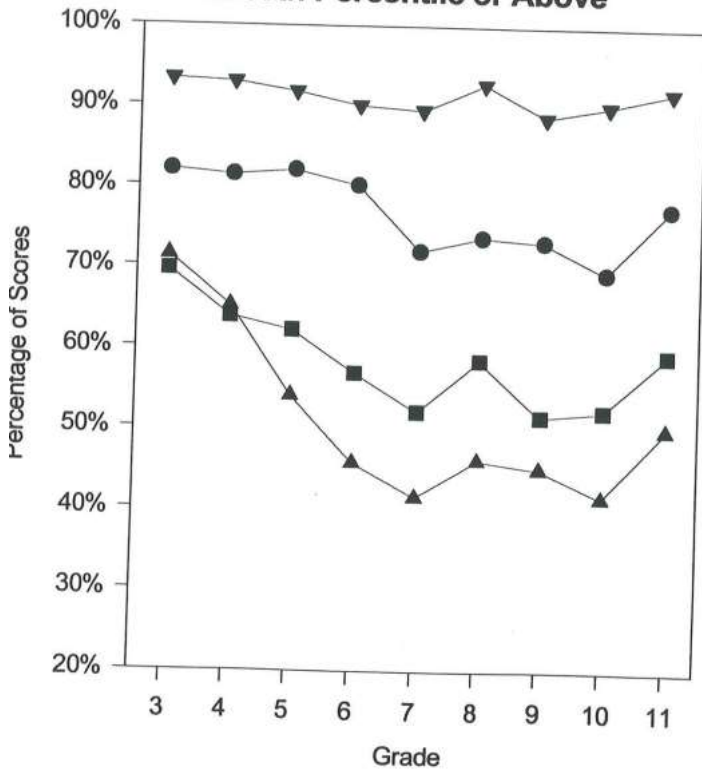


**TLI Math Scores  
of 70 or Above**

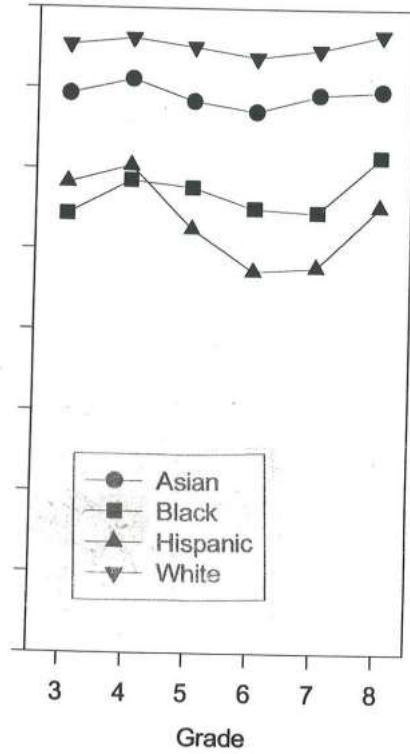




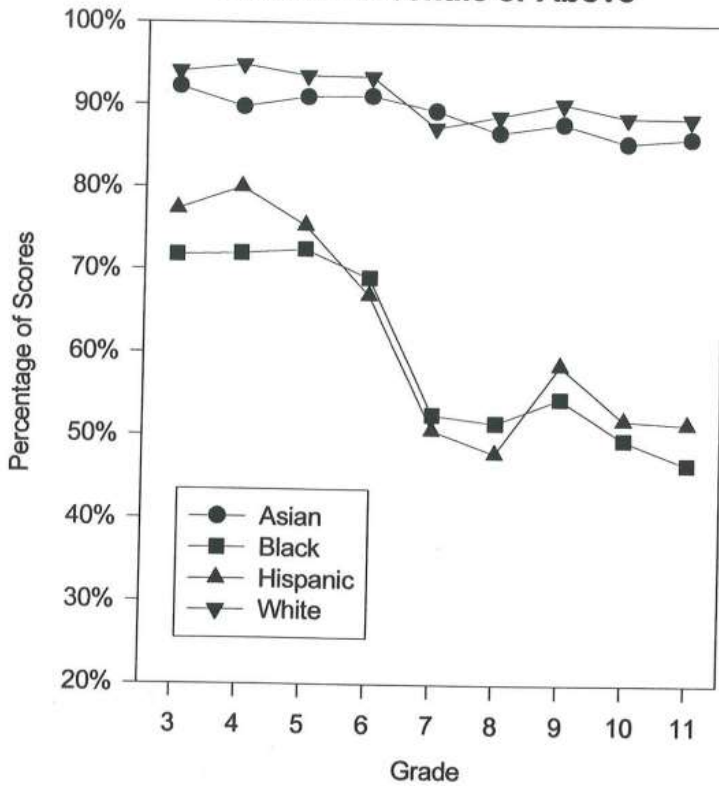
**SAT9 Reading Scores  
at 30th Percentile or Above**



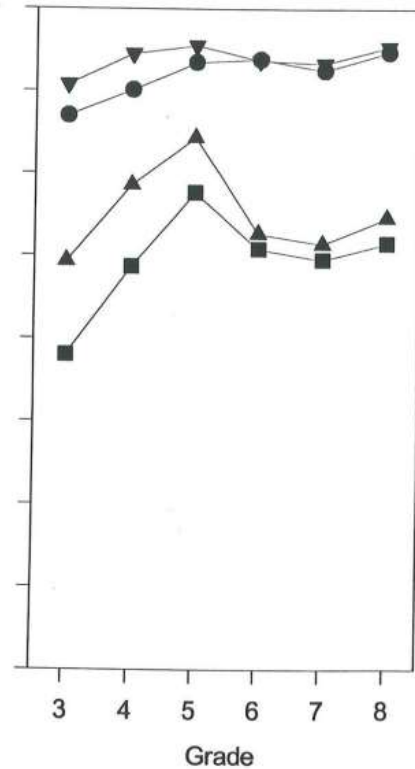
**TLI Reading Scores  
of 70 or Above**



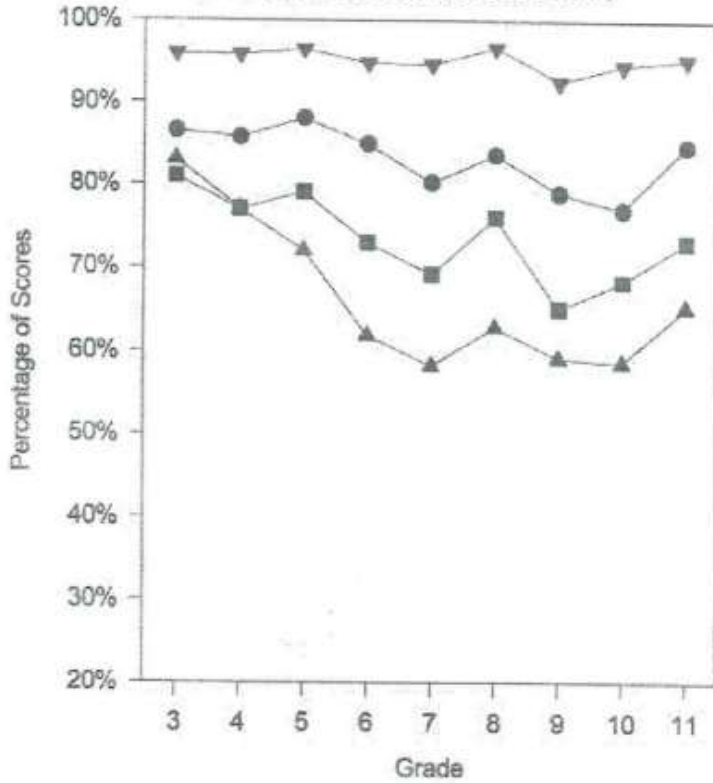
**SAT9 Math Scores  
at 30th Percentile or Above**



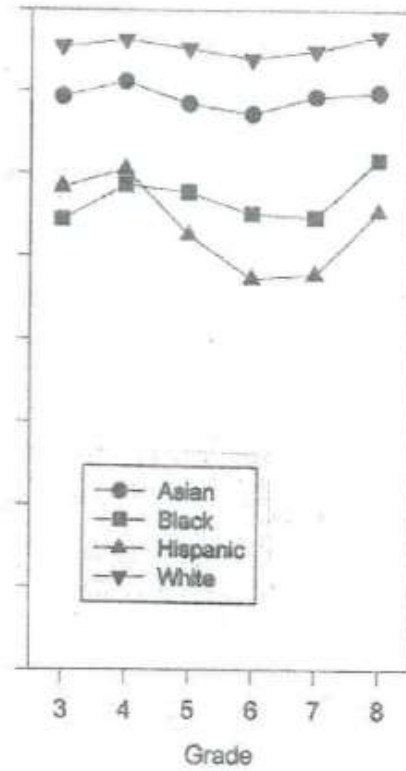
**TLI Math Scores  
of 70 or Above**



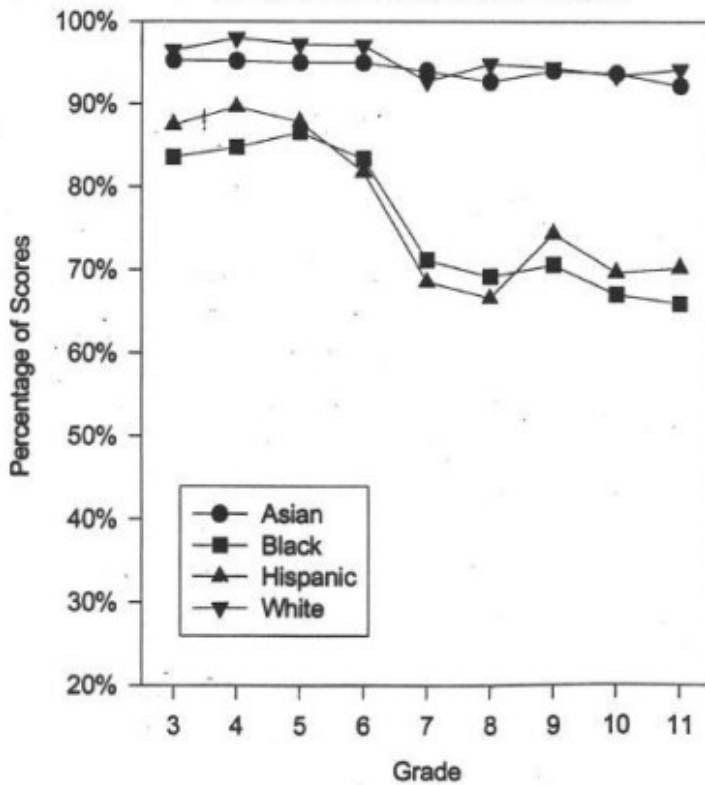
**SAT9 Reading Scores  
at 20th Percentile or Above**



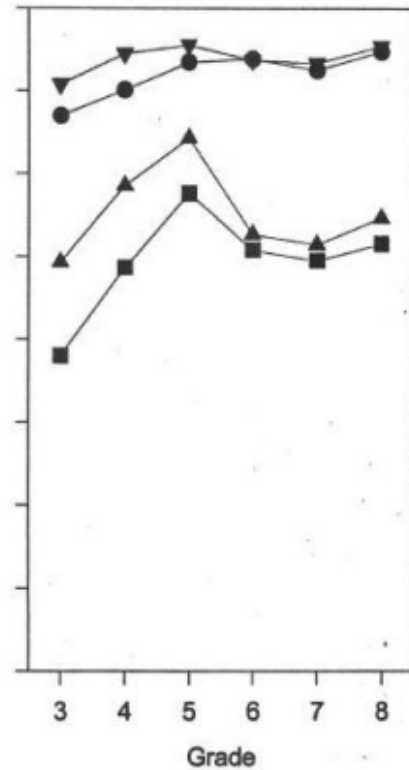
**TLI Reading Scores  
of 70 or Above**



**SAT9 Math Scores  
at 20th Percentile or Above**



**TLI Math Scores  
of 70 or Above**



## **PART 5 CHAPTER 6: As the Federal Court Decision Looms, Key TEA Officials ‘Double-Down’ on Defending TAAS**

As 1998 was quickly approaching 1999, there were ‘truisms’ that the TEA, Texas politicians, and key corporate supporters and benefactors & beneficiaries of those politicians advanced as metaphysical certitude:

- The State of Texas and its TEA were making dramatic progress in closing academic achievement gaps for disadvantaged, at-risk students statistically dominated by children of color.
- Senate Bill 7 was a work in progress, but it was working well.
- TAAS was an extremely credible and effective academic test that proved conclusively that achievement gaps were closing dramatically in reading, math, science, and writing from elementary school through high school.
- Texas was receiving national acclaim for its Texas Educational Miracle. The nomenclature of the “Miracle” itself validated the State’s dramatic national leadership in educational reform.
- Texas Governor George Bush was going to run for President of the United States as the ‘education governor’ and take his vision of ‘no child left behind’ national.
- Small (me) and big (Rand Corporation) pissants better not get in way.

Before we start documenting the concerns and statistical analysis of some of those small and big pissants, let’s focus on two of the most definitive defenses of the TAAS academic integrity leaving no wiggle room for the TEA to retroactively cleanse the importance of these statements because of the context leading up to the federal court decision.

The two strong TAAS-defenses noted here involve:

- Texas Commissioner of Education Commissioner Dr. Michael Moses letter to Dallas I.S.D. Superintendent James Hughey in November 1998
- Assistant or Associate Commissioner of Education Ann Smisco’s presentation to a National Academic of Science conference in Irvine, California in early June 1999.

There are additional aspects of both of these references. Those will follow what these officials said on the record.

Just over a year out from the federal court decision validating TAAS, the superintendent of Dallas I.S.D. wrote an extensive communication with student academic performance data as supportive of his questions to Dr. Moses.

As a part of its then new 5-year improvement plan, Dr. Hughey advised Dr. Moses that “we are stressing the goal of reaching reading competency in the early grades and are becoming more vigilant about assuring that we do not allow social promotion...” He further advised the Commissioner “...that in the past our District has used norm-referenced tests extensively in addition to TAAS and the State End-of-Course tests...”

Among his question were these four:

- Is passing TAAS at the end of the third grade a demonstration of proficiency?
- Is passing TAAS at the end of the third grade viewed as being on grade level by the Agency?
- Is the Agency recommending, not recommending, encouraging, or discouraging of other instruments than TAAS?
- Are any particular type of instruments or particular instruments, norm-referenced or criterion-referenced on the state approved list being recommended?

Dr. Moses' response is unequivocal. The State of Texas was riding the TAAS-horse all the way to judicial finish line come hell or high water. There would be no stepping back. Key passages from Dr. Moses' letter to Dr. Hughey:

- “Texas has been recognized across the nation for our public school accountability system and the strides we have made in improving the performance of students, particularly our economically-disadvantaged and minority students...”
- “At the core of our accountability system is the state’s testing programs...TAAS is designed to give accurate and specific information about individual student achievement based on the state’s curriculum standards...TEKS...”
- “It is the criterion-referenced nature of the test that allows us to see whether schools are successfully teaching students...The TAAS test and our accountability system are the best tools we have for increasing student achievement...”
- “The agency defines proficiency in reading as passing the reading portion of the TAAS. A student who is “on grade level”...is performing satisfactory on the curriculum specified to be taught at the particular grade...”
- “Thus, the TAAS is an “on grade level” measure of student performance...”
- “The Agency has taken no position on the use of other instruments, including normed referenced instruments and other criterion-referenced instruments to complement TAAS...”

It was literally the only answer the TEA could give to protect its legal position in federal court as the case moved toward the ultimate State of Texas victory. You will soon read in detail (and have access to the full report by Dallas I.S.D.) that was the basis of Dr. Hughey's letter.

Remember the federal decision?

**“...Because of the rigid, state-mandated correlation between the Texas Essentials of Knowledge and Skills (TEKS) and the TAAS test, the Court finds that all Texas students have an equal opportunity to learn the items (*test questions – emphasis mine*) presented on the TAAS test WHICH IS THE ISSUE BEFORE THE COURT...” (*emphasis mine*)**

Some seven months later, (and seven months before the federal court issued its ruling) Assistant or Associate TEA Commissioner Smisco appeared before a conference of the National Academy of Sciences which invited TEA officials to give a detailed briefing to a national group of what had become known as the Texas Educational Miracle.

As was the case with Dr. Moses' response to Dallas I.S.D., Smisco did not speak in the subjunctive tense about the academic integrity and grade-level rigor of the entire TAAS testing program. It was no setting for equivocation.

The following major excerpts are essential to understanding the forceful defense of the TAAS and what will follow:

- A closer look at that Dallas I.S.D. letter to Dr. Moses
- The Rand Corporation's presentation of total criticism of TAAS' grade-level status at that same NAS conference

Those two circumstances above will open huge doors in a thorough debunking of TAAS grade-level integrity and what might be fairly labeled as TEA's shameful, academically disgraceful transition in 2002 to the next era of testing accountability – the TAKS test. First, here are the key Smisco excerpts (captured verbatim by

a certified court reporter retained by the NAS) from the NAS conference that describe an elaborate process to ensure academic integrity:

- “...By law, the exit level test (*10<sup>th</sup> grade – my additional reference*) has to be highly reliable...”
- “...Test items are written by our test contractor. We do this through a bidding process. Happens to be National Computer System right now. They subcontract with Harcourt Brace Educational Measurement for item (*test question – added for clarity*) writing. Those items are reviewed by the contractor, first of all. And then by staff internally. Our curriculum and assessment staff to make sure they match to the essential knowledge and skills to make sure that they match to the essential knowledge and skills and to make sure they are appropriate for grade level and for the Texas environment...”
- “...so have a bunch of items that are possible items for a test. Then we have the first of a series of educator review committees that are representative of the state as a whole. Both ethnically and geographically. And they are grade level subject area specific. In other words, there’s a third grade reading committee and so on and so forth. We try to make sure that the representation is there on every single committee...”
- “...The group is asked four questions. Does the item match the objective it’s supposed to match. Is it appropriate? That is. Should students have learned this by the end of X grade level? The adequacy of preparation: that is. In your district, did you teach this by the end of X grade? Do students have sufficient information by the end of X grade to be tested on this kind of information? And then is there any potential bias that you can see in the item itself. That’s before we do any kind of field testing...”
- “...Those committees have the duty to let us know whether or not the item should even be field tested. Sometimes they do a little changing: Don’t call it this, call it that. Make this purple instead of green. Whatever the case may be. Or, if they just feel the item won’t work. They tell us that and we don’t field test the item. Once they review those items, we go ahead and field test items...”
- “...We annually release every test that we give. So that once an item is given in a live test, it’s no good to us anymore. So we have to build enough new items every year to totally revise the test or have a totally new set. We have to have enough items to build a new test every year...”
  - *MY EDITOR’S NOTE FOR THIS: It is technically true that the TEA could not use the identical question again, but it is absolutely not accurate to say “it’s not good to us anymore.” Exposed parallel testing questions over multiple grades and successive years particularly in math helped the TEA create a perfect system of ‘teaching to the test’ and that is dramatically provable. This issue is addressed in more detail in this report.*
- “...The items really are decided in terms of their level back here with whether or not they think that’s an appropriate objective for that grade level. Remember, this is a grade level test...”
  - *The following and last in this series or excerpts was both an acknowledgement and dramatic foreshadowing of the TAAS to TAKS transition where the TEA acknowledges passing rates on testing took into consideration the failure rates of minority and economically-disadvantaged students. That will be particularly dramatic when the TAKS’ transition is addressed.*
- “...As they are making the decision about what this passing standard ought to be so they know at a 50% standard what the pass rate would be for all students, for African-Americans, Hispanics, and economically disadvantaged. At a 60 percent, at a 70%. At each standard level, they know when they’re making the decision how it would impact various populations given the benchmark test, of course...”

**PART 6 CHAPTER 7: As the Federal Court Case Was in Process with Looming Decision, Dallas I.S.D. and the Prestigious Rand Corporation Were Peeing on the Parade & So Was My Small Non-Profit in Houston**

This chapter is the beginning of the dismemberment of any pretense that the initial TAAS testing program was troubled by even the notion of academic integrity. In its November 1998 letter to Texas Education Commissioner Dr. Moses, Dallas I.S.D. provided the TEA the results of its study which proved with statistical certitude:

- Passing the TAAS’ **reading** tests correlated to the 10<sup>th</sup> to 27<sup>th</sup> percentiles in performance on the 3<sup>rd</sup> Grade through 8<sup>th</sup> Grade and the 10<sup>th</sup> Grade high school exit test on the national Iowa Test of Basic Skills (ITBS).
  - At the high school exit level of 10<sup>th</sup> grade, the statistical correlation was the 10<sup>th</sup> percentile.
  - At the third-grade level, the statistical correlation was the 22<sup>nd</sup> percentile.

**Approximate Percentiles Correlating TAAS Passing Performance With National Percentile On ITBS**

Reported By Dallas ISD on TAAS 1998 Tests

MATH		READING	
Grade	% Tile	Grade	% Tile
3rd	40	3rd	22
4th	42	4th	27
5th	40	5th	26
6th	33	6th	26
7th	33	7th	24
8th	31	8th	22
10th	23	10th	10

**Approximate Percentiles Correlating TAAS Scores of 80% Content Mastery or Higher With ITBS Percentiles**

MATH		READING	
Grade	% Tile	Grade	% Tile
3rd	62	3rd	36
4th	66	4th	41
5th	57	5th	36
6th	55	6th	35
7th	55	7th	36
8th	53	8th	33
10th	38	10th	16

**Approximate Percentiles Correlating TAAS Scores of 90% Content Mastery or Higher With ITBS Percentiles**

MATH		READING	
Grade	% Tile	Grade	% Tile
3rd	96	3rd	60
4th	97	4th	67
5th	87	5th	56
6th	88	6th	60
7th	93	7th	64
8th	90	8th	60
10th	84	10th	53

- Passing the TAAS’ **math** tests correlated to the 23<sup>rd</sup> to 42<sup>nd</sup> percentile on the ITBS.
  - At the high school exit level of 10<sup>th</sup> grade, the statistical correlation was the 23<sup>rd</sup> percentile
  - At the third-grade level, the statistical correlation was the 40<sup>th</sup> percentile.

Here’s the bottom line. Dallas ISD confirmed that the passing standard of TAAS overall correlated to extremely deficient, below grade-level standards on a national normed-referenced test. The Dallas study involved right at 60,000 students district wide who took both the TAAS reading and math tests and the reading and math assessments in the ITBS. Passing TAAS on a nationally recognized independent grade-level assessment was substandard academically.

We have a due-diligence obligation to note that the Dallas communication included its representation that performance at the high end of the TAAS tests was found to have measured “high level performance.”

In reality, Dallas ISD misread and misinterpreted its own data at the higher levels of TAAS performance because it did not take into consideration a so-called topping out factor in these circumstances that other statisticians will address later in this report.

Stated simply, what Dallas ISD data shows is that TAAS was so far below grade-level that poor and average students could perform at the higher performance standards of each test but STILL BE well below a genuine, academically honest grade level for that grade and subject.

This topping out factor skews the correlation dramatically at the upper levels of measurement but not at the lower levels such as passing.

The full report is available. However, basic honesty mandates that we include their representations in the context of our analysis.

It was statisticians who have worked for the Rand Corporation nationally and at St. Thomas University in Houston who carefully explained this quirk in the Dallas ISD report as it related to high level academic criteria.

As a matter of history, the TEA's strong response to the district and the failure of Texas news media education reporters to even know about or understand the gravity of the hard data in the report basically kept it under wraps.

Not so as it relates to Dr. Stephen Klein, a lead education researcher for the Rand Corporation, who made a presentation at that same June 1999 NAS national conference at which Texas and the TEA's Smisco praised the integrity of TAAS. Dr. Klein's presentation created shock waves back in Texas' political establishment with a governor running for President. It did not go over well. Others had raised warning flags before this NAS conference. They were well-documented; extremely credible; driven by empirical data.

None were offered publicly that bore the name THE RAND CORPORATION. With a governor running for President of the United States and a federal court decision on the horizon, Rand brought gravitas to the debate, and that's why this chain of events is so critical in linking the original era of Texas accountability to the current era.

His oral review of Texas included zingers such as:

- **“...I am not saying that these people cheated for anything like that. I know there's something wrong. It's not right. There's nobody here who would say that there's not a strong correlation between socio-economic status and test scores. We see it in everything...”**

Dr. Klein advised the NAS conference that the Rand Corporation was conducting a national education project at 11 sites throughout the United States. It was a joint project focusing upon math and science with tests developed by Stanford and the Rand Corporation. Dr. Klein acknowledged the tests were not parallel to all participating districts or states around the country.

The plan was to administer its tests to students around the country who had taken that state's own test(s). The goal was to look at correlation analysis particularly involving socio-economic factors. At no time did Dr. Klein represent his conclusions as the result of a formal, extensive, Rand-quality full statistical analysis.

The testing movement was growing nationally; Rand began an initial project around the country; had a particular interest in Texas because of the national acclaim Texas was receiving due to dramatic closure of academic achievement gaps for at-risk, disadvantaged students.

Texas' reaction to Dr. Klein's analysis forced Rand to produce such a study proving once again that the old phrase “be careful what you ask for because you might get” never proved more predictive.

First, let's look at key excerpts from Dr. Klein's presentation referencing the Rand's insights into the TAAS test. The full report is available. He acknowledged that because of the asserted success of the TAAS testing program, the Rand was considering use of the TAAS test as a usable standard in national studies.

- “...Then we took a look at the correlation between those same measures and the TAAS, and it blew up. Looks like somebody had hit this thing with a shotgun. Free and reduced lunch. Here is the mean math. And the correlation is a .04. No relationship at all. Same kids. Exactly the same kids two weeks later. We had individual scores...”

- “...What happens when that correlation goes away and then two weeks later it pops back up again with those same students? It’s not as if they learned something and then forgot it. That doesn’t happen. And it’s not like the level came up or something like that. That’s what unique about these data. It’s exactly the same kids one-for one. How could they suddenly do so poorly? So that’s why I am suspect about the scores. So that’s why I’m suspect about the scores. It’s not a case of somebody coming and saying these kids really did excel, they really did learn a lot, and so on and so forth. But they did coming in with an alternative test should produce those results right back again? It didn’t happen. That the part that concerns us...
- “...Now. This is not an outcome that we wanted to find at all because this poses real problems for us because we had hoped to use TAAS scores. I don’t feel comfortable doing that anymore given these results because I think the scores are suspect. There’s a lot of possible explanations for what happened. Not one. But many possible explanations for what occurred here...”

The force of his conclusions and how he expressed them plus the fact that the Rand used alternative criterion tests prompted strong reactive questions for defenders of the Texas’ asserted progress. Klein’s consistent response – despite any difference in the criterion tests from TAAS – remained the dramatic and sudden change in the statistical correlations between what TAAS asserted was dramatic improvement and what Rand researchers flagged as grave question marks.

Finally, in recognition of the uproar his presentation generated, Dr. Klein reduced his ‘cumulative’ response to the concerns thrown his way with this returning to the startling absence of independent verification through statistical analysis of individual student performance:

- “It’s when suddenly it happens (*dramatical closure of achievement gaps – my reference added for context*) and then two weeks later it disappears. That’s the problem. In other words, I would be much more convinced that you accomplished your goals if I came in and gave a test was similar in nature and I got the same result that you did...That’s the piece that’s different here. I tested the same kids two weeks later and it disappeared. Where did it go? It went into think air. Well, maybe it’s because the objectives are different...I doubt it...It’s extremely unlikely. ..It’s extremely unlikely. If you want to bet, I’ll bet you...”

Back in Texas, the reality that Dr. Klein’s presentation was not the result of a full-blown, statistical study gave the political supporters of the Bush Presidential bid and defenders of the “Texas Educational Miracle” the opening they needed to insist – if not demand – the Rand Corporation do that full study. The Rand did the study. The full report with all its charts, tables, and graphs is available.

In effect, the pressure from Texas education and political power brokers and the Rand’s decision to perform the full study took the power of Dr. Klein’s presentation to the June 1999 NAS conference. A complete study such as this is a rigorous process. That study was not completed to October 2000 – literally on the eve of the 2000 Presidential election.

The full study more than validated the concerns addressed by Dr. Klein some 17 months before Presidential election day in November 2000. But here was the dilemma that Texas had presented the Rand Corporation as expressed to me PERSONALLY IN A TELEPHONE CALL WITH DR. KLEIN:

- Release the report in October on the eve of the election and be accused of playing politics.
- Release the report after election day and be accused of letting political cowardice overwhelm institutional integrity.



As always, the Rand Corporation chose to leave no doubts about institutional integrity. The report was released in October and barely made a wave.

The full report used the nationally administered National Assessment of Academic Performance (NAEP) as the academic control to compare performance and gains with the TAAS between 1994 to 1998. Here are a series of bottom-line conclusions and textual remarks from that study:

- **4<sup>th</sup> Grade NAEP Math:** “Score increases in Texas were almost identical to those nationwide...”
- **4<sup>th</sup> Grade NAEP Reading:** “The average black student was roughly in the 38<sup>th</sup> percentile of all Texas test takers whereas the average white student about the 67<sup>th</sup> percentile. This gap was slightly larger than the difference between these groups in 1994. In other words, the black-white reading gap actually increased during this four-year period. The SAME patterns was present in fourth and eighth-grade math scores.
- **Consequently:** “...In other words, whereas the gap on NAEP was large to begin with and got slightly wider over time, the gap on TAAS started off somewhat smaller than it was on NAEP and then got substantially smaller.

The report wrote “...The large discrepancies between TAAS and NAEP results raise serious questions about the validity of the TAAS scores...” Among the reasons cited:

- “...TAAS questions are released after each administration. Although there is a new version of the exam each year, one version looks a lot like another in terms of the types of questions asked, terminology and graphics used, content areas covered, etc...”
- “...Thus, giving students instruction and practice on how to answers the specific types of questions that appear on the TAAS could very well improve their scores on the exam...”
- “...In short, if TAAS scores were affected by test preparation for the TAAS, then the effects of this preparation did NOT appear to generalize to NAEP exams. This explanation also raises questions about the appropriateness of what is being taught to prepare students to take the TAAS...”
- “...A small but significant percentage of students may have “topped out” on the TAAS. In other words, their TAAS scores may not reflect just how much more proficient they are in reading and math than are other students. If that happened, it would ARTIFICIALLY narrow the gap on the TAAS between whites and students of color... Thus, the reduced gap on the TAAS relative to NAEP may be an artifact of the TAAS being too easy for some students. If so, it would deflate the gains in TAAS scores over time. In short, were it not for any topping-out, the TAAS gains scores in Figures 1 through 3 would be even larger, which in turn would further increase the disparity between TAAS and NAEP results...’

Key conclusions from the report:

- “...**According to NAEP**, Texas fourth graders were slightly more proficient in reading than they were in 1994. However, the country as a whole also improved to about the same degree. Thus, there was nothing remarkable about reading score gains in Texas...”
- **According to NAEP**, “...In contrast the increase in fourth grade math scores in Texas was significantly greater than it was nationwide. However, the small improvements in NAEP eighth grade math scores were consistent with national trends...” (key qualifier follows)
  - “...**In all analysis** including fourth grade math, the gains on the TAAS were several times greater than they were on NAEP.

- “...**The huge disparities** between the stories told by NAEP and TAAS are especially striking in the size of the gap in average scores between whites and students of color and whether these gaps are getting larger or smaller...
  - “According to NAEP, the gap is large and increasing slightly. According to TAAS, the gap is much smaller and decreasing greatly...”

The Rand issued its report. Presidential election day saw the Texas governor take the Texas Educational Miracle to the nation’s capital. No Child Left Behind was on the horizon. Texas’ ultimate judicial victory was months away.

Between Dallas I.S.D. report, Dr. Klein’s presentation at the NAS conference, and the full Rand Corporation report, the fairy tale that Texas was telling was exposed statistically to little effect.

But what those reports had in common were the questions they raised about the academic integrity of the TAAS testing program and answered those questions with solid statistical analysis. What those reports did NOT do was to look at the actual test questions.

Others did and those that did give solid evidence that the statisticians told the truth.

We deliberately skipped to calendar years November 1998 and June 1999 to show the ferocity of the defense that key officials of the TEA advocated supporting and validating the academic integrity of the TAAS testing program. With a January 2000 federal court decision on the near horizon, the TEA had no choice other than this rigorous assessment of academic integrity.

With those defenses, we gave insight into the hard data and the statistical analysis from the second largest school district in Texas and one of the nation’s leading independent research organizations that was mounting to question the integrity of the entire testing program.

Now now step back to 1995 to give a premonition of context to those two settings when a courageous school administrator out of Temple I.S.D. and her team became, in effect, the first whistleblower to directly challenge the TEA’s assertion of TAAS grade level integrity – in this case the entire math testing program.

## **PART 7 CHAPTER 8: From the Original ‘Whistler Blower’ in 1995 to Houston-Based Nonprofit Research Group to California-Based Research Group to Independent Researchers & News Media, The Proof of Deception Was Known and Defined Early Supporting the Statistical Analysis Way Before the Federal Court Ruled**

All valuable analysis of the Texas student testing and accountability system does not have to be confined to pure statistics. In other words, the short title of this chapter and coming ones could be “The Questions.”

This chapter begins the process independently validating the bottom-line statistical conclusions about TAAS’ academic integrity in Dallas I.S.D.’s letter to TEA Commissioner Dr. Moses and in the Rand Corporation’s analysis at that national conference and subsequent October 2000 report.

Think of it this way. The statistical data and correlations cited about TAAS and other measures analyzes the ‘conclusions’ of comparing TAAS to other academic metrics. Neither of the two prior referenced reports actually focused upon the heart and soul of the testing programs (just the results – not why):

- The actual questions.
  - Were sufficient numbers of actual questions on the tests sufficiently rigorous to be considered grade-level or well below grade-level even on academic standards wholly controlled by the TEA?
- Implementation & methodological considerations.
  - Were specific strategies used that artificially boosted higher student performance on tests?
- Content mastery performance standards.
  - Were there factors other than rigorous academic grade-level integrity that guided performance standards on the tests?

That’s where this report is headed and we start with Dr. Kathleen Coburn, an attorney and curriculum administrator in Temple I.S.D. Then, we’ll move on through a dozen or more independent studies by highly competent academicians and statisticians who reviewed actual TAAS testing, common sense is sufficient to conclude why the statistical analysis is factual.

Before we start this extensive but summarized review, we are going to remind you of three prior statements in this report so far and an advisory:

- **TEA @ NATIONAL CONFERENCE**
  - “...We annually release every test that we give. So that once an item is given in a live test, it’s no good to us any more...”
  - “...At each standard level, they know when they’re making the decision how it would impact various populations given the benchmark test, of course...” *(The context was performance standards monitoring % of students by ethnicity and demographic profile who would fail or pass test.)*
- **RAND CORPORATION’S OCTOBER 2000 FULL REPORT**
  - “...TAAS questions are released after each administration. Although there is a new version of the exam each year, one version looks a lot like another in terms of the types of questions asked, terminology and graphics used, content areas covered, etc...”
  - “...Thus, giving students instruction and practice on how to answers the specific types of questions that appear on the TAAS could very well improve their scores on the exam...”
- **MATH & READING: Analysis of Math Dominates Following Reports BUT...**
  - Both the Dallas I.S.D. Study of TAAS & the ITBS and the Rand Corporation Report explicitly addressed both Reading and Math.

- Math is easier to objectively present but there will be important confirming references involving reading inclusive of performance standards that serve as evidence on reading test academic integrity.
- **EVENTUALLY RULED THE FEDERAL DISTRICT COURT:**
  - “...Because of the rigid, state-mandated correlation between the Texas Essentials of Knowledge and Skills (TEKS) and the TAAS test, the Court finds that all Texas students have an equal opportunity to learn the items (*test questions – emphasis mine*) presented on the TAAS test WHICH IS THE ISSUE BEFORE THE COURT...” (*emphasis mine*)

### **Dr. Kathleen Coburn & Temple ISD – The First TAAS “Whistleblower”**

The irony of the first ‘whistleblower’ report on the academic deficiencies of the entire TAAS testing math program is that it came in a document paid for by a federal grant and produced under the authority of the Texas Education Agency itself.

There can be no case made that the TEA was not completely aware of independent analysis that revealed pervasive numbers and percents of actual below grade-level test questions based upon Texas’ own curriculum standards at every grade level tested in math.

While the report was produced by the TEA, its staff did NOT prepare the report. Dr. Kathleen Coburn, an attorney by training, who then served as a key curriculum official in Temple I.S.D. and her staff performed a grade-by-grade level of assessment of every question on every math test in the academic years prior to report’s release in 1995. The full report is available.

It was an exhaustive report that produced these dramatic findings (harken by the Smisco’s presentation to the NAS conference)! A table which follows presents supports the bullet points that are shown. (*Full report available*)

- **Only 38.9% of the questions on the 3<sup>rd</sup> grade math test were at Texas’ third grade curriculum standards.** 35.6% were at 2<sup>nd</sup> grade level and 25.6% were at 1<sup>st</sup> grade level.
- **Only 32.6% of the questions on the 4<sup>th</sup> grade math test were at Texas’ fourth grade curriculum standards.** 36.0% were at 3<sup>rd</sup> grade level and 31.5% were at 2<sup>nd</sup> grade level.
- **Only 41.8% of the questions on the 5<sup>th</sup> grade math test were at Texas’ fifth grade curriculum standards.** 31.6% were at 4<sup>th</sup> grade level and 26.5% were at 3<sup>rd</sup> grade level.
- **Only 31.5% of the questions on the 6<sup>th</sup> grade math test were at Texas’ sixth grade curriculum standards.** 38.9% were at 5<sup>th</sup> grade level and 29.6% were at 4<sup>th</sup> grade level.
- **Only 30.7% of the questions on the 7<sup>th</sup> grade math test were at Texas’ seventh grade curriculum standards.** 32.7% were at 6<sup>th</sup> grade level and 36.6% were at 5<sup>th</sup> grade level.
- **Only 27.4% of the questions on the 8<sup>th</sup> grade math test were at Texas’ seventh grade curriculum standards.** 34.9% were at 7<sup>th</sup> grade level; 34.9% were at 6<sup>th</sup> grade level; and 3.7% were at the 5<sup>th</sup> grade level.
- **Only 0% of the questions on the 10<sup>th</sup> grade math test were at Texas’ 10<sup>th</sup> grade exit level curriculum standards.** 28.4% were at 8<sup>th</sup> grade level; 35.8% were at 7<sup>th</sup> grade level; and 32.1% were at the 6<sup>th</sup> grade level; and 3.7% were at the 5<sup>th</sup> grade level.

Here are some excerpts from the report's text (the full report is available):

- "...In this analysis, essential elements that are assessed out-of-level are easily identifiable. At third grade, student performance on the essential elements listed from the first and second grades is assessed formally for the first time along with third grade elements. Thus, students are expected to show mastery on all 90 elements for the first time at third grade..."
- "...From third to eighth grade, approximately 67% of the essential elements on TAAS are out-of-level..."
- "...At the exit level (10<sup>th</sup> grade) 100% of the essential elements are TAAS out-of-level..."
- "...In addition to the out-of-level problem above, a related problem exists. Many essential elements are NOT tested the year they are scheduled to be taught. The concern is that teachers at lower levels may teach only what is identified in the test specifications to be tested at their grade level and not address these essential elements..."
- "...The old adage, 'what is tested, is taught' is dangerous..."

Now recall Smisco's (TEA executive) statement to the NAS conference that by revealing the complete tests annually, the questions are "no good to us anymore." Dr. Coburn's 1995 report indicates something dramatically different.

Recall Dr. Klein and the Rand Corporation's report that said the annual release of testing in the way Texas did it could well have artificially boosted scores and correlated questions were raised "...about the appropriateness of what is being taught to prepare students to take the TAAS..."

The table that summarizes Dr. Coburn's 1995 findings is on the next page.

**3rd Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
90 Identified Elements Tested

3rd Grade	2nd Grade	1st Grade	Total
35	32	23	90
38.9%	35.6%	25.6%	100%

**61.1%** Tested Questions Below Grade Level

**4th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
89 Identified Elements Tested

4th Grade	3rd Grade	2nd Grade	Total
29	32	28	89
32.6%	36.0%	31.5%	100%

**67.4%** Tested Questions Below Grade Level

**5th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
98 Identified Elements Tested

5th Grade	4th Grade	3rd Grade	Total
41	31	26	98
41.8%	31.6%	26.5%	100%

**58.2%** Tested Questions Below Grade Level

**6th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
108 Identified Elements Tested

6th Grade	5th Grade	4th Grade	Total
34	42	32	108
31.5%	38.9%	29.6%	100%

**68.5%** Tested Questions Below Grade Level

**7th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
101 Identified Elements Tested

7rd Grade	6th Grade	5th Grade	Total
31	33	37	101
30.7%	32.7%	36.6%	100%

**69.3%** Tested Questions Below Grade Level

**8th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
106 Identified Elements Tested

8th Grade	7rd Grade	6th Grade	5th Grade	Total
29	37	37	3	106
27.4%	34.9%	34.9%	2.8%	73%

**72.6%** Tested Questions Below Grade Level

**10th Grade Test TAAS Math Test**

Curriculum Elements Actually Tested On Actual Grade Level of Tested Standard  
109 Identified Elements Tested

10th Grade	8th Grade	7rd Grade	6th Grade	5th Grade	Total
0	31	39	35	4	109
0.0%	28.4%	35.8%	32.1%	3.7%	100%

**100.0%** Tested Questions Below Grade Level

**Mathematics Textbook Analysis**  
**For Texas Teachers**  
 By Kathleen E. Coburn and Temple I.S.D. Staff  
 Prepared Through an ESEA Grant From The Texas Middle  
 School Division of the Texas Education Agency: 1995  
*Summary Table Of Key Findings - Full Report Available*

**CHAPTER 9: California Based Mathematically Correct's (MC) Affirms On a National Standard Not Controlled by the State of Texas, Claims of TAAS Credible Academic Integrity Was Fabricated; Confirms Dallas I.S.D.**

Dr. Coburn's analysis of math testing opened the floodgates of accurately describing TAAS. It just took others – including me - awhile to find out she had produced the report.

The nonprofit Tax Research Association of Houston & Harris County – financially supported by major industry, legal, and major accounting firms – had initially been a supporter of the State's accountability program in the early years. As president of the organization, I was appointed as one of two non-educators to serve on TEA Commissioner of Education Dr. Moses 'accountability advisory committee'.

However, as the TRA's research agenda became more aggressive on the overall issue of educational accountability, it began raising serious questions about the underlying academic integrity of the entire system. It was a meeting with Dr. Coburn years after her report was issued that effectively impacted the TRA's focus on educational research of TAAS.

By 1997, the support for the system was becoming overwhelmed by the growing awareness of the manipulation of actual TAAS tests. From 1997 through 1999, the TRA increased the crescendo of its research: self-driven at first followed by the retention of highly qualified independent professional experts to do both statistical and quality control analysis of actual TAAS tests at every grade level.

By 1999, the TRA was beginning to receive significant local news media coverage. In May 1999, it reached the national media with highly critical remarks of the Texas system being published in the National Review (William Buckley's publication) as the Texas governor was in the beginning stages of running for President of the United States.

I was invited by the NAS to attend that 1999 NAS convention as an invited 'questioner' of Texas officials who would be presenting the story of their educational success along with the State of Kentucky at the same conference. It was at that conference that I met and was able to discuss matters with Dr. Klein before and after his presentation.

The TRA had actually produced a series of reports in 1998 before the Rand Corporation gave national credibility and standing to critics of the Texas system starting at that national conference in 1999.

The preamble of this report showing the dramatic difference in achievement gaps for minority students as measured on the Stanford Achievement Tests and the Texas TAAS in both reading and math in terms of student-by-student performance analysis in Houston I.S.D. was TRA's first major independent report produced by external experts.

It was the clarity of force of that study that led TRA to retain the Mathematically Correct group to perform what remains the single most thorough and definitive analysis of the TAAS math testing program.

The second study was a much broader review of the TAAS math testing program for the four consecutive academic years of 1994-95 through 1997-98. That study included Clopton's statistical analysis as well as a questions by question review of math questions during that time frame.

In that study, Clopton was assisted by his MC colleagues including:

- Wayne Bishop, Department of Mathematics and Computer Science at California State University

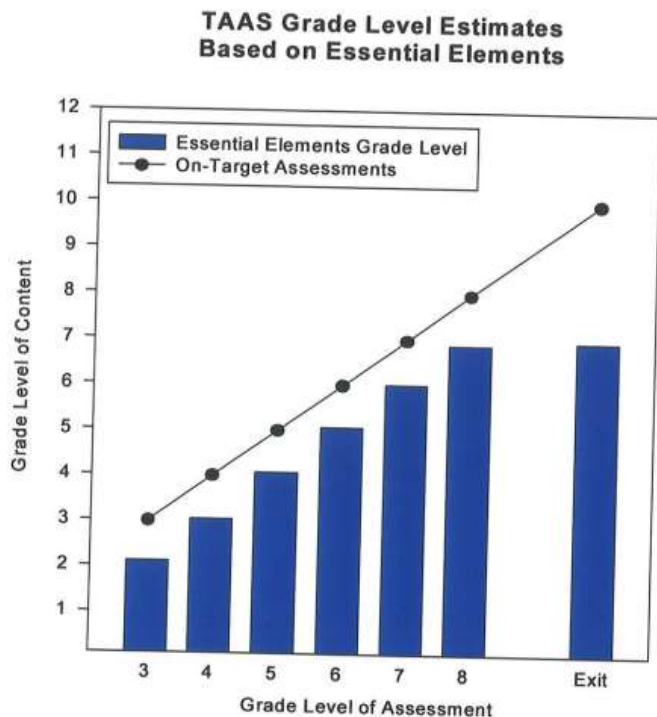
- David Klein, Department of Mathematics at California State University. Klein’s role was extremely valuable in that he was subsequently selected by the Fordham Foundation to help lead a national review of math standards for that organization.

Simultaneously, the TRA retained Harvard professor Dr. Sandra Stotsky to evaluate the TAAS reading tests over the same four-year time period. Results of that will follow the math report performed by Mathematically Correct.(MC)

The full scope of the MC report for academic years 1994-95 through 1997-98 remains the single most devastating academic analysis of the State’s practice of diminishing its constitutional burden of closing the achievement gaps for economically disadvantaged minority children. The exhaustive, detailed report was issued in November 1998.

Every single question on the primary spring administration for those four years were examined by the research team.

It was released at a November 1998 press conference in Houston at which TEA had been invited to attend – and did.



There has never been a single credible attack against its conclusions; it likely came to the attention of the Rand Corporation because its authors were California-based; and its basic conclusions were subsequently validated by Dr. Klein’s June 1999 presentation at that NAS conference as well as the Rand’s full follow-up report issued in November 2000. The full report is available. What follows are substantial excerpts, graphs, and tables from it.

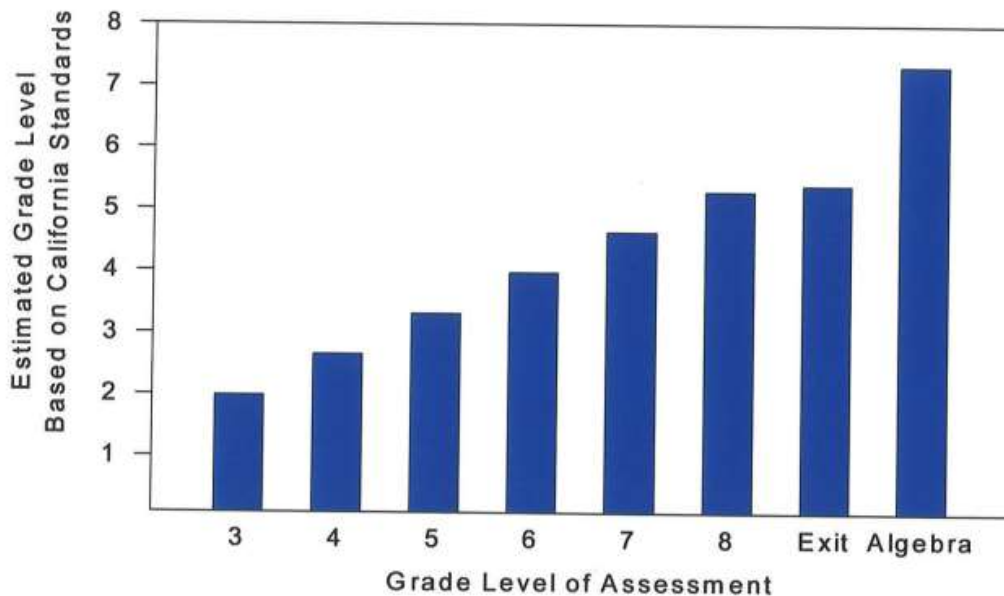
Here are some of the summary findings before providing extensive more details:

- **FINDING: Grade Level of Items Tested in Four Years Based Upon Texas Essential Elements**
- It is evident in the figure that mean item specifications in the TAAS lag a year behind expected grade level in the Texas Essential Elements and that the expectations on those essential elements on the 10<sup>th</sup> grade are nearly identical to the 8<sup>th</sup> grade.
- In terms of California Standards endorsed by the Fordham Foundation and used extensively in this report, the math test items from grades 3-8 and 10, and the end of course algebra are much lower than those suggested by the Texas Essential Elements.
- **FINDING: Current Weakness Examples in the TAAS Exit Exam (Reviewing 240 Questions Over 4 Years)**
  - **Addition and subtraction of fractions with unlike denominators:** three addition and three subtraction items were found. Their denominators are simply small integers in each case.
  - **Multiplication and division of fractions and mixed numbers:** There were NO instances of multiplication of two fractions. There was one instance of the division of a mix number by a fraction.
  - **Terminating and repeating decimals:** There were no items related to this distinction.



- **Factors of numbers:** There were NO items found directly that addressed the factors of prime numbers, prime and composite numbers, greatest common factor or least common multiple.
- **Powers, roots, and exponents:** There were two items found that call for the squares of integers (15 and 40). There was one item found that called for the finding of two integers that bound the root of a number.
- **Absolute value and negative numbers:** There were NO items that dealt directly with the distributive property asking for the equivalence of two expressions.

**Estimated Exam Grade Levels  
Based on California Standards**



- **Properties of real numbers:** There were two items that directly dealt with the distributed property asking for the equivalence of two expressions.
- **Absolute value and negative numbers:** There were NO items found that deal with absolute value. There was one item found that required sorting signed integers, one that asked about the distance between two altitudes of which was below sea level, and one that required evaluation an expression containing a sum where one replacement value was negative.
- **Area and volume:** There was one item found asking for a lateral surface area of a cylinder (although the formula is supplied). There was one item found asking for the volume of a rectangular prism.
- **Median and mode:** There was one item asking for a median.
- **Solving equations:** There were two items found that asked for the solution of equations.

The above content areas provide a flavor for the elements of mathematics that are NOT well represented in the exit level TAAS.

- **FINDING: Content “Slippage” Due to Exit Exam Presentation Format**
  - Students are asked for the ordered pair that represents the intersection of two lines given by linear equations. However, the lines are clearly graphed. This problem thus ONLY requires being able to identify a point in the coordinate grid.

- Students are told that two ladders are leaning against a building at the same angle. They are given the length of both ladders and the distance from the ladder base to the wall for the longer ladder..(however) only one response is reasonable given the illustration that accompanies the problem. In fact ALL incorrect responses GREATLY exceed the entire length of the shorter ladder.
- Three items appear to require the use of the Pythagorean theorem to solve unknown lengths of right triangle sides, or at least the recognition and application of the Pythagorean triples. However, the figures are drawn reasonably close to scale and ONLY ONE RESPONSE ALTERNATIVE FOR EACH ITEM IS REASONABLY possible given the figure.

Says the report: “Thus, some of the MOST DIFFICULT content areas addressed in the TAAS exit exam have simpler alternative solution strategies available.

- **FINDING: Examples of Low-Level Items in the TAAS Exit Exam (Multiple choice format)**
  - The total attendance recorded at the 1984 Summer Olympic Games in Los Angeles, California, was 5,797,923. What is this number rounded to the nearest thousand?
  - Kenyon is 5 feet and 6 inches tall. His sister Tenika is 7 inches taller than he is. How tall is Tenika?
  - At a restaurant, Steven ordered food totaling \$6.85. If he paid with a \$20 bill, how much change should Steve receive?

Says the report: “..these items (and many more) do not reflect the kinds of skills and knowledge that are grade level appropriate for high school students. There can be little question that these items are more appropriate to examinations in much earlier grades...”

### Judging the TAAS Exit Exam Items

To assess the target grade level of TAAS exams against EXTERNAL criteria, individual exit exam items were evaluated as to grade level based upon the newly established California Mathematics Standards. These standards provide a desirable benchmark for several reasons:

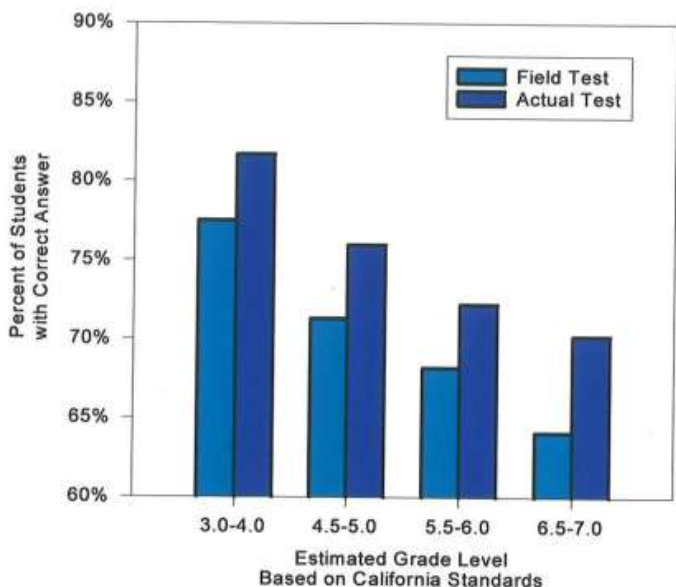
1. They were designed carefully to be on-track with the best international competition, including Japan and Singapore.
2. They are perhaps the most highly detailed of all sets of state mathematics standards, greatly facilitating item evaluation.
3. They have been judged the best available mathematics standards among all sets of state standards...” Fordham Report, Volume 2 #3.

Every item (question) on the four years of Texas TAAS testing between 1994-95 and 1997-98 (240 total items) were evaluated by Clopton and Klein. When the two assessments did not match, they were averaged. The level of the rater reliability was  $r=.813$ . The average distribution of item grade level on the TAAS exit exam is illustrated below – overall and by mathematic objective.

The first table below raises a dramatic point for consideration that was not explicitly evaluated but referenced.

There is a noticeable increase in the percent of students who answer the items correctly when published on an official test than when the p-value of the question was determined in field testing.

**Percentage of Students with Correct Answers on TAAS Exit Exam by Estimated Grade Level Based on California Standards**

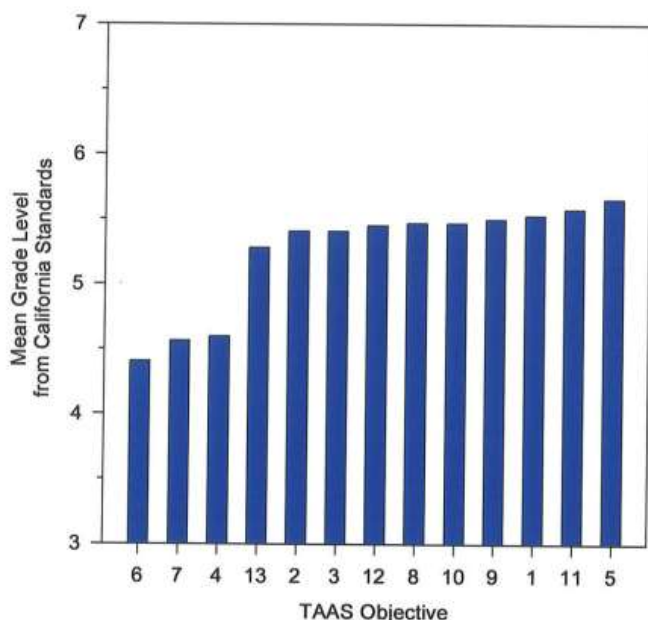


Let’s keep in mind that the table below “tops out” at the 7<sup>th</sup> grade – not the 10<sup>th</sup> grade. However, even in that context of substantially below grade level items, the “higher” the grade level in the top table below, the higher the percentage of growth (improvement) between field test and actual test.

**REFERENCED BUT NOT EXPLICITLY AVAILABLE FOR QUESTION-BY-QUESTION ANALYSIS is the fact that every single test in a given academic year was released publicly and available to school districts and classroom teachers PRIOR to the next year’s administration.**

**IN OTHER WORDS, the TEA was able to expose PARALLEL QUESTIONS over a year or more before the objective the question measured was actually given. Thus, an actual field test question could mirror (PARALLEL QUESTION) an actual question that has been**

**Mean Estimated Grade Levels For TAAS Exit Exam Based on California Standards for Each TAAS Objective**



**released and available for “teaching to the test strategies” to artificially boost passing rates in any given subsequent years. THAT TESTING STRATEGY OCCURRED REGULARLY in the TAAS testing era.**

Now, recall TEA’s Smisco-remarks at that 1999 NAS CONFERENCE:

- “...We annually release every test that we give. So that once an item is given in a live test, it’s no good to us anymore. So we have to build enough new items every year to totally revise the test or have a totally new set. We have to have enough items to build a new test every year...”

Says the report: “The ratings against the California Mathematics Standards yielded a mean grade level of 5.3 for the TAAS exit exam.

Admittedly, the California standards are set at a high level, being roughly equivalent to progress in Singapore and Japan. Nonetheless, the low estimated grade level is striking. Moreover, the California standards are designed to complete the content of pre-algebra by grade 7 so that students will be ready to study algebra and geometry in grades 8 and above.

## DISTRIBUTION OF RAW SCORES ON THE TAAS EXIT EXAM

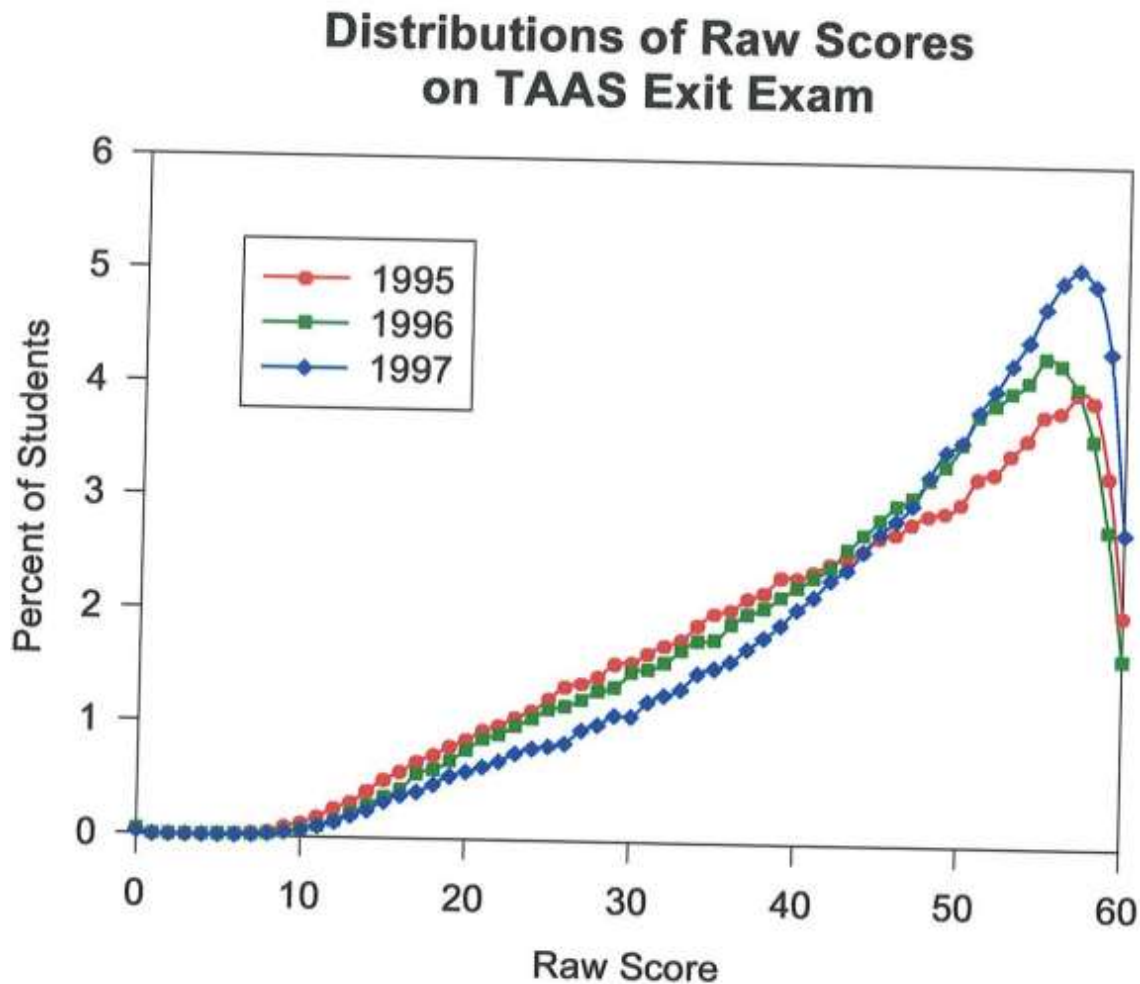
In a phrase, the authors documented statistically that the de minimis grade level questions created a situation of “topping out” of the higher levels of performance. Translated, most of the students regardless of actual academic skill set PASSED the TAAS exit test. By reducing performance standards of passing, the system made achieving the higher levels of performance of the tests more readily achievable irrespective of actual grade level skills.

The authors wrote of that, of course, in statistical terms in the context of “negative skews.”

Said the report:

The distribution of raw scores on the TAAS exit exams are given below for three test years. These show strong negative skews. The presence of negative skews is not surprising given that the initial target of 70% correct is surpassed by a majority of students.

However, the degree of skew is sufficient to suggest that the TAAS cannot function effectively in the identification of high achievement levels, and ceiling effects in the distribution are obvious.



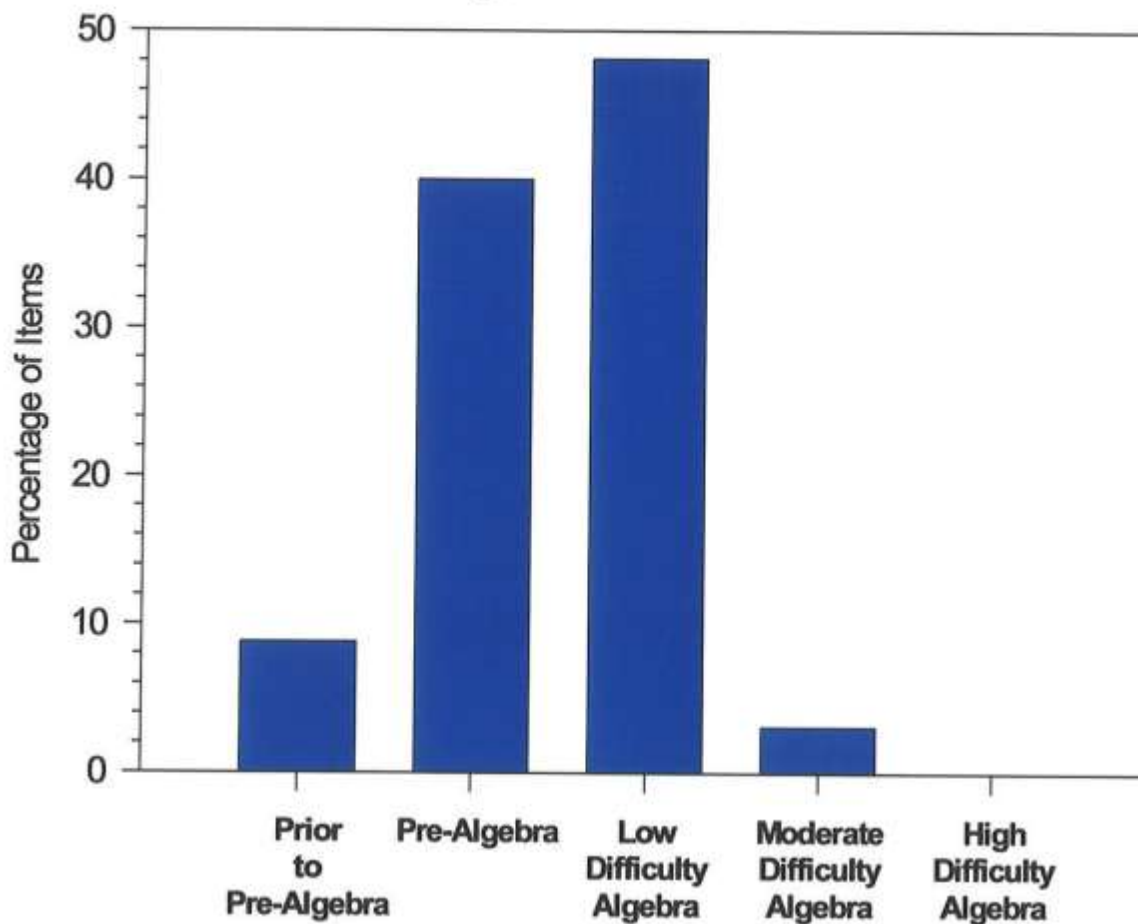
In addition to its comprehensive analysis of the 10<sup>th</sup> Grade Exit exam (along with lower grade levels as noted), the report provided the same comprehensive study of actual questions on the End of Course Algebra tests.

Each question also received a 1-5 rating with the following identifiers:

1. Prior to Pre-Algebra
2. Pre-Algebra
3. Low Difficulty Algebra
4. Moderate Difficulty Algebra
5. High Difficulty Algebra

- **A rating of 3** represents the level of standard but easy algebra, the level of universal mastery of the content of Algebra I.
- **A rating of 2** represents standard pre-algebra, say at the level of Saxon Algebra ½ or Japanese Grade 7,
- **A rating of 1** is below that, roughly fourth or fifth grade math competence without even algebra readiness implied.
- **A rating of 4** represents problems that require a more sophisticated level of algebra competence for solution.
- **A rating of 5** involves more rigorous questions but is still appropriate for a broad screen, end-of-course algebra test.

**Distribution of End of Course  
Algebra Exam Items**



The full report includes a brutal section about the topics of actual algebra that were never addressed in any meaningful way at all during every test evaluated.

## CHAPTER 10: Evaluating the TAAS Reading Tests for 1994-95 through the 1997-98 Testing Cycles

The ultimate ‘proof’ of the below grade level condition that was omnipresent for the entire TAAS testing era in reading actually comes from the TEA’s “own lips” so to say when the State transitions from the TAAS testing program to the TAKS testing program.

In reality, it’s somewhat harder to express the reality of deficiency as clearly in the readily empirical world of math.

Remember the citation of this 10<sup>th</sup> grade exit test math problem which was used in the State’s calculus of “college readiness” for Texas high school graduates?

- At a restaurant, Steven ordered food totaling \$6.85. If he paid with a \$20 bill, how much change should Steve receive?

One does not need to be a mathematician or a statistician or psychometrician to easily understand that question will NEVER EVER be a 10<sup>th</sup> grade, high school math question. Many dozens of questions of self-evident below grade level rigor leave no room for subjunctive tense criticism. To assert that is prima facie academic dishonesty.

While the statisticians and mathematicians were working the math side of the TAAS evaluation reports, Harvard professor Dr. Sandra Stotsky was asked to evaluate four years of TAAS reading tests. Analytically, she had a more challenging assignment which was more subject to manipulative criticism which the TRA received by profound supporters of the TEA and the sanctity of TAAS testing overall.

Subsequent to her service to TRA, Dr. Stotsky was selected by the Fordham Foundation to review national ELA standards for that group.

We note there was criticism because we have a due diligence obligation to do that.

However, the bottom line remains this:

When the TEA transitioned from TAAS to TAKS and published what passing TAAS reading tests was worth in terms of content mastery on the new ‘harder’ TAKS tests, the reputation of the critics were reduced to tatters and the TRA’s reputation for accuracy and independent courage was beginning to get under the skin of very powerful Texas politicians and corporate leaders who had vested interests in protecting the mirage of TAAS’ grade level integrity.

**Purpose of report:** “...to determine whether the tests at each grade level were comparable in difficulty from year to year and, if not, how they changed in difficulty.

### **What was examined:**

- The number of questions on each test.
- Reading skills assessed by selection of questions.
- The number of selections on each test.
- The number of words on each test.
- The literary nature of test passages.
- The reading grade level of each passage using Dale-Chall Readability Formula
- The number of different words and evaluation of difficulty of words.

## **Why?**

- A student's score is heavily influenced by the length of test, the types of questions, and the difficulty level of the reading passage itself.
- Among factors considered are vocabulary, average sentence length, and the number of sentences in a selection.

## **Here are the bottom-line conclusions that Dr. Stotsky's review of TAAS reading tests produced:**

### **4<sup>th</sup> Grade:**

- The 1998 test was much easier than the previous three years.
- The total number of words dropped respectively in the prior three years.
- The percentage of passages below grade level increased.
- The 1995 test contained selections higher as well as lower in difficulty than grade 4, in addition to a large number of selections right on grade level. The tests in succeeding years became progressively easier.

### **8<sup>th</sup> Grade:**

- Compared to 1995, the number of passages in 1998 dropped.
- The total number of words in cumulative passages decreased.
- The decrease in overall difficulty was due in large part by two easy fictional narratives and a relatively easy expository selection.
- The total number of words outside the Dale-Chall list dropped progressively over the tested years.

### **10<sup>th</sup> Grade:**

- The 1998 test was easier than the 1995 test and close to the rigor levels of 1996 and 1997 which were also easier than the 1995 test.
- The number of passages in 1998 declined as did the total number of words compared to 1995.
- The 1995 test was more rigorous primarily due to the presence of the inclusion of particular passages that were clearly a more grade level challenge.

## **Overall Findings Summarized:**

- Analysis of the reading tests at all grade levels and for all four years indicates the tests from 1995-1998 are not comparable in difficulty to each other at any grade levels tested.
- Grade 10 1998: "...this test is not as demanding as it should be for grade 10."
- Grade 8 1998: "...the pitch of this test is clearly below grade level."
- Grade 4 1998: "...This test is much too easy for grade four students."
- The reading selections at all grade levels in 1998 "...have not been chosen with the most appropriate criterion in mind...the most important criterion for a test of reading is reading level..."

It is fair and accurate to write that 1998 was not a smooth year for the story TEA was telling about the academic integrity of the TAAS testing program. 1999 was going to be even bumpier because of the Rand Corporation's report and the growing awareness by some key outlets in the Texas news media that 'something was wrong' about the story that was being told.

The next chapter will deal with four summarized issues. Then the dramatic revelations of the TAAS to TAKS transition will be shown in some detail. It is the data that the TEA produced during this transition

that effectively and logically eviscerated its own TAAS-era credibility and set the stage for a different kind of academic deception that the 2023 STAAR tests results published in the preamble provide still exists.

Those areas include:

- **TEA’S announced plan to introduce a more rigorous TAAS for the 1999-2000 test cycle.**
  - The agency implemented its ‘harder’ test in the fall administrations but reversed course in the spring opening an unparalleled opportunity to analyze what the TEA called ‘harder’ questions.
- **Actual presentation of explicit math questions over multiple years that absolutely explain and validate Mathematically Correct’s analysis of teaching to the test methodologies that artificially boosted passing scores on below grade level questions.**
  - TEA’s own actions – not words – document it knew conclusively that questions at the 8<sup>th</sup> and 10<sup>th</sup> grades in particular were grossly below grade level as Dr. Coburn foreshadowed back near the start of the TAAS accountability era.
- **Supportive Study of End of Course Algebra & End of Course Biology Showing De Minimis Academic Standards.**
  - HS Algebra Teacher confirms MC’s Algebra Analysis
  - HS Biology Teacher mocks EOC Biology Test
- **Copy & Independent analysis of 1999-2000 “Harder TAAS” Test**
  - q
- **An American Federation of Teachers’ (national teachers’ union) that mocked the academic integrity of the TAAS math tests. (Report Available – brief mention only)**
  - More weight was given to the seriously below grade level analysis of other groups.
- **Growing awareness in the news media & other independent researchers**
  - **Each one of the full stories will be available to you. The Houston Press articles included negative comments about TRA’s reports. *(The media has to quote buffoons too – this won’t stay in my version. If you go forward, you need to be aware of this.)***
    - **The Houston Press.**
    - **The American Prospect** *(Came out right before the federal court decision)*
    - **The New York Times** *(I gave reporters computer disk with raw data files from public record of TEA and they turned it into a great retroactive look at TAAS 20 years or so later, they did then what I hope you all will do now)*
    - **Dr. Neal Carl Shaw** *(One of Texas’ top psychometric experts – these are brutal)*
    - **The National Review** *(Texas power structure wasn’t really concerned when I was quoted in local media but this story in May 1993 eventually sabotaged my nonprofit research group. I wasn’t fired but BUSH got his first MISSION ACCOMPLISHED. You don’t need to google that phrase.*



**PART 8 CHAPTER 11: The First 2 Topics Will Directly Help Explain The Horrific Challenge TEA Confronted in Transition to TAKS; The Second 2 Topics Show the Growing Awareness of Issues One Year Out From Federal Court Decision**

Prior to the administration of TAAS tests in the 1999-2000 academic year testing cycle, TEA Education Commissioner Jim Nelson advised school districts throughout the state that that year’s TAAS would be a more rigorous test – a harder test academically.

However, with that notification Commissioner Nelson also soothed the concerns of district officials when he also advised them that the performance standards (passing) would be lowered such that no higher percent of students would fail the test than the prior ‘easier’ ones.

**“...this test is more rigorous. However, a child who would have passed last year’s test will also pass this year’s test...In other words, the TAAS will be no more or no less difficult for a child to pass in one year than another...Since a child who could have passed last year’s test will also pass this year’s test, there will be no change from the perspective of a school district for purposes of accountability...”** wrote Nelson.

The simple fact of the matter is that the TEA had an absolute legal burden to produce that ‘no change in passing result’ for overall discrimination purposes because of the timing of the change from one year to the next. It had ZERO to do with academic grade level integrity. The Agency would have been legally crucified in a court of law had they discriminated against the graduation standards for students in immediately successive testing years.

<b>TAAS Passing Standards: Final 3 Years</b>				
Test Cycle	Academic Year	Questions On Test	Right Answers To Pass	% Right Answers
Win/Spr	1998-99	60	41	68%
Fall	1999-00	60	32	53%
Win/Spr	1999-00*	60	39	65%
Fall	2000-01	60	30	50%
Win/Spr	2000-01	60	29	48%
Fall	2001-02	60	30	50%
Win/Spr	2001-02	60	29	48%

It was dramatic foreshadowing of what was to come in the transition to TAKS.

For the most part during the TAAS testing era, students had to achieve at or about a 70% content mastery on the tests to have passed. It has been more than documented by now that TAAS was substantially below grade level assessment at every level particularly at the 8<sup>th</sup> and 10<sup>th</sup> grades.

The table above shows what the passing standards on the 10<sup>th</sup> grade math exit test: 41 questions or 68%% correct answers out of 60 questions on the test.

In the one administration of this ‘harder’ test in the fall 1999, there were still 60 questions but a student only had to get 32 correct answers or 53% content mastery.

You will note that in the winter and spring of the 1999-00 test administration, the TEA had returned to the easier test kicking the passing rate back up to 65% content mastery.

There is no mystery as to why the TEA retreated for the spring 2000 administrations of TAAS: Texas Governor George Bush was going to be running for President and one of the prime strengths was the Texas Educational Miracle he ‘fathered.’

As evidence of the growing cantankerous relationship and increasing publicity that TRA was gaining on the issue of education, I called the head of the TEA's accountability section and literally taunted and laughed at him for the TEA's willingness to put its Governor out on a Presidential campaign having acknowledged that the TAAS was not rigorous grade level forced to reduce performance standards to keep the image alive.

By the fall of 2000, it was really no longer a potential issue of Presidential politics; the TEA went back to its "harder" TAAS test in preparation for the launch of the TAKS testing era which would start in 2002-03.

More important than this actually relevant political factoid was the reality that researcher groups such as TRA could now see and analyze what TEA was calling a harder test.

There is a full report evaluating the 10<sup>th</sup> grade math test on a question by question basis for both the fall and spring administrations.

Here's a summary:

Between the fall test of the 1999-00 cycle (the harder test) and the February test in that same cycle (the easier test) there were a total of 92 questions. Each test had 60 questions:

Of these 92 questions, an independent advanced level classroom teacher of mathematics was retained to evaluate the academic rigor of each question. The standard of evaluation that this highly qualified mathematics teacher was asked to use was from the book "The Educated Child" written by William J. Bennett and Chester Finn, Jr. Finn was then president of the Fordham Foundation. Bennett became a Secretary of Education.

In their book, the authors outlined detailed specifications of what math students should be able to do on a grade level basis.

On that standard:

- **5<sup>th</sup> Grade:** 21 questions or 23%
- **6<sup>th</sup> Grade:** 34 or 37%
- **7<sup>th</sup> Grade:** 19 or 21%
- **8<sup>th</sup> Grade:** 18 or 20%

Of these 92 questions:

- **32** questions appeared upon the FALL test but not the FEBRUARY test.
- **28** questions appeared upon both the FALL and FEBRUARY tests.
- **32** questions appeared ONLY on the FEBRUARY test.

The average grade level of the 60 questions that were published on the fall and February tests:

- **FALL:** Slightly above 6<sup>th</sup> grade
- **FEBRUARY:** Slightly above 6<sup>th</sup> grade

In fact, there were more 7<sup>th</sup> and 8<sup>th</sup> grade questions on the February (easier) test than the 7<sup>th</sup> and 8<sup>th</sup> grades on the Fall (harder) test.

Independently, neither of the tests even approached credible grade level and the tests evaluated at essentially the same mean level. The full report is available inclusive of the actual questions disaggregated by fall or February.

The Mathematically Correct researchers, in particular, but also the Rand Corporation addressed:

- The ‘topping out’ factor that allowed below grade level students to have high achievement on TAAS,
- The annual release of ALL TAAS tests which allowed parallel testing across grade levels to artificially boost performance results by teaching the test methodologies.

The following section publish ACTUAL questions that appeared on TAAS’ math tests at various grade levels over a several year period.

This section as well will give tremendous context to the TAAS transition to TAKS and the manipulation of passing standards which were foreshadowed by the ‘harder’ TAAS tests.\

## CHAPTER 12: Parallel Questions Across Grade Levels (Samples selected among many more available)

The questions shown here are a small portion of what could be shown to give empirical evidence from TAAS tests that validate both the statistical and grade-level analytics of critics that have now been presented.

All of the questions were multiple choice. When one observes the multiple-choice answers, keep in mind the MC's analysis of the quality of the choices the group raised. There is a profound example of that provided among the questions. The "Bennett/Finn" references in headlines alludes to their assessment of grade-level in their book "The Educated Child." It's there for context. The questions shown were published on TAAS tests.

There is simply no other way to evaluate what you are about to review as anything other than TEA's acknowledgement that it created a system:

1. That systemically put below grade level questions on the full range of testing.
2. That the annual release of tests in conjunction with the parallel questions that cut across grade levels boosted passing rates.
3. That implementing testing methodologies that allowed systemic 'teaching to the tests' strategies to work at the highest level of efficiency.\
4. While not as extensive, this section will show you some questions from the end of course Biology exams.

The examples of actual questions starts on the next page.

### Parallel Questions Across Grade Levels: Bennett/Finn 5<sup>th</sup> grade page 304 and 6<sup>th</sup> grade page 306

- **TAAS – Grade 5 – 1997-98:** Alexander bought a book for \$12.89, a ruler for \$1.75, a calculator for \$14.89, and a dictionary for \$26.76. How much money did he spend altogether, not including tax?
- **TAAS – Grade 5 – 1998-1999:** Amanda bought 4 books for \$2.95, \$11.49, \$17.50, and 24.85, not including tax. How much did the books cost, not including tax?
- **TAAS – Grade 6 – 1996-97:** LaTasha wants a blouse that costs \$17.50, a skirt that costs \$24.69, and a belt that costs \$6.88. What is the cost of the outfit she wants to buy before tax is added?
- **TAAS – Grade 7 – 1988-99:** Meryl saved \$78 from doing yard work, \$8.13 from her allowance and \$34.50 from gifts. What was the total amount she saved?
- **TAAS – Grade 7 – 1997-98:** A trip for a school band will cost \$425. The band students have raised \$98.46. Exactly how much do they still need to raise?
- **TAAS – Grade 8 – 1988-99:** Including tax, Sandy paid \$24.95 for a sweater, \$22.49 for shoes, and \$6.89 for earrings. How much did she spend altogether?
- **TAAS – Grade 10 – 1988-99:** Ashley had \$127.34 in her savings account. After withdrawing \$48.65, how much remained?
- **TAAS – Grade 10– 1998-99:** Sarah bought a rake for \$8.29, a garden hose for \$12.99 and a 50-pound bag of topsoil for 4.49. How much did she spend altogether?
- **TAAS – Grade 10– 1995-96:** Mr. Appleton spent \$8,50, \$10,20, \$17.59 and \$22.90 for 4 prescriptions at the drugstore. What is the total amount that Mr. Appleton paid for his prescriptions?
- **TAAS – Grade 10– 1988-99:** A motorist asked for direction and was told, "Go 10.5 miles straight ahead, then turn right and go 3.3 miles, then turn left and go 5.7 miles farther" If the motorist follows these instructions, how far will he travel?
- **There are more...**

**Parallel Questions Across Grade Levels: Bennett/Finn**  
**5<sup>th</sup> grade page 304 and 6<sup>th</sup> grade page 306**

- **TAAS – Grade 5 – 1997-98:** A magazine cost \$3.75. Lenny gave the clerk \$20 for the magazine. How much change should Lenny have received from the clerk?
- **TAAS – Grade 5 – 1996-97:** Byron bought some groceries. The total was \$17.44, including tax. If he paid with a \$20 bill, how much change did he receive?
- **TAAS – Grade 6 – 1998-99:** Ms. Foster put \$10.32 worth of gasoline into her car. If she gives the gas station attendant a \$20 bill, how much change should she receive?
- **TAAS – Grade 6 – 1995-96:** Mrs. Vargas pumped \$5.67 worth of gasoline into her car. If she gave the gas station attendant a \$10 bill, how much change should she receive?
- **TAAS – Grade 10 – 1997-98:** At a restaurant Steve ordered food totaling \$6.85. If he paid with a \$20 bill, how much change should he receive?
- **TAAS – Grade 10 – 1997-98:** Jerry bought two textbooks at the campus bookstore and was charged a total of \$66.89. If he paid the cashier with a \$100 bill, how much change should he receive?
- **There were more...**

**Parallel Questions Across Grade Levels: Bennett/Finn**  
**5<sup>th</sup> grade page 304 and 6<sup>th</sup> grade page 306**

**Find A Perimeter: All Questions Provide The Distance of 2 Non-Parallel Sides**

- **TAAS – Grade 3 – 1998-99:** A park in the shape of a rectangle is 50 yards wide and 100 yards long. What is the perimeter of the park?
- **TAAS – Grade 3 – 1994-95:** A fence 9 feet high is to be built around a rectangular field. How many feet of fencing will be needed? (54 feet and 120 feet for respective sides of rectangle are shown in graph).
- **TAAS – Grade 3 – 1997-98:** How much ribbon is needed to go all the way around the bulletin board shown below? (5 feet and 4 feet for respective sides of rectangle are shown in graph).
- **TAAS – Grade 4 – 1998-99:** The softball diamond measures 60 feet between each base. If Laquita starts at home base and runs all the way around the bases in order, how many feet will she have to go to get back to home base? (graphic included).
- **TAAS – Grade 5 – 1996-97:** Paul walked around the perimeter of a garden. The garden measures 75 feet by 100 feet. How far did Paul walk?
- **TAAS – Grade 5 – 1998-99:** What is the perimeter of this square? (Graphic shows length of one side).
- **TAAS – Grade 6 – 1994-95:** What is the perimeter of this rectangle? (Graphic shows respective sides of 25cm and 16 cm and answers are expressed in centimeters).
- **TAAS – Grade 10 – 1996-97:** Devon's house is on a rectangular block that is 330 yards long and 1120 yards wide. What is the distance around this block? (In this question, you will see the answers which automatically indicated **ONLY 1 ANSWER IS AVAILABLE**.
  - **450 YARDS**
  - **570 YARDS**
  - **900 YARDS**
  - **3900 YARDS** – One side of the rectangle is longer than 3 of the answers thus this is way below grade level AND with 3 dishonest answers: a cheating psychometrician's 'wet dream.'
- **There are more...**

When the MC group referenced diminished credibility in the actual multiple-choice selections, they had the last question above in mind.

## Parallel Questions Across Grade Levels: Bennett/Finn

### 4<sup>th</sup> grade page 301

#### Rounding Numbers to the Nearest Thousandth

- **TAAS – Grade 8– 1997-98:** According to the Almanac, the population of Los Angeles, California is 3,485,398. What is the population of Los Angeles rounded to the nearest thousand?
- **TAAS – Grade 10– 1995-96:** Total attendance recorded at the 1984 Summer Olympic Games in Los Angeles, California was 5,797,923. What is this number rounded to the nearest thousand?
- **There are more**

## Parallel Questions Across Grade Levels: Bennett/Finn

### 5<sup>th</sup> Grade Page 304 and 6<sup>th</sup> Grade Page 307

#### Understanding Mean, Mode, Range, and Median

- **TAAS – Grade 7 1997-98:** There were 18 students in Monica’s class on Monday, 23 on Tuesday, 21 on Wednesday, and 18 on Thursday. What was the mean (average) number of students present for these 4 days?
- **TAAS – Grade 7 1994-95:** Gloria bowled 4 games. Her scores were 93, 105, 84, and 110. What the mean (average) of Gloria’s 4 scores?
- **TAAS – Grade 8 1997-98:** Carla’s midterm grades were 93 in English, 88 in mathematics, 81 in social studies, and 82 in science. What was the mean (average) grade in the 4 subjects?
- **TAAS – Grade 10 1997-98:** Ms. Bateman recorded her weekly grocery bill for 4 weeks. The amounts were \$90, \$85, \$115, and \$90. What was the mean average of the grocery bills?
- **TAAS – Grade 10 1997-98:** The ages of the students in a dance class are 15, 10, 16, and 15. What is the mean (average) age of these students.
- **There are more...**

## Demonstrably Across Grade Levels: Bennett/Finn

### Top Question: 6<sup>th</sup> Grade Page 306-307

### Bottom Question: 5<sup>th</sup> Grade Page 304 and 6<sup>th</sup> Grade Page 306

- **TAAS – Grade 10 1995-96:** The weather reporter said that the probability of rain on Tuesday in a certain town is 20%. What is the probability that it will not rain in that town on Tuesday?
- **TAAS – Grade 10 1998-99:** Brian received a bill from an auto repair shop for maintenance done on his car. He was charged \$98.95 for brake work, \$19.90 for an oil change and \$32.50 for a tune-up. If Brian was also charged \$73.25 for parts, how much was the total bill not including tax?
- **There are more...many more...**

We’ll make only a passing reference to this screenshot from years ago from a report issued by the American Federation of Teachers (national teachers’ union!) that mocked the TAAS math 8<sup>th</sup> grade tests.

The full report is available. The AFT’s conclusion have been more than validated by other researchers the data would be repetitive.

However, there was one ferocious conclusion from the report that deserves this retroactive applause for courage that it took for that group to be so bold.

**1998: American Federation of Teachers Study of 8<sup>th</sup> Grade Math Test**

<b>American Federation Of Teachers TAAS 8th Grade Math Test</b>		
<b>Rating</b>	<b>% Of Problems</b>	<b>Each Category Defined</b>
<b>HARD</b>	0%	The problem is not well defined in that you cannot look at it and immediately know what to do...
<b>MEDIUM</b>	2%	Generally defined as requiring thinking and coalescing of knowledge...
<b>EASY</b>	98%	Questions that basically require students to recognize and plug numbers into a formula which is usually given. The solution jumps out at the student.

**Another Look At End of Course Algebra and Quick Peek At End of Course Biology**

The MC group did an extensive review of the end of course Algebra testing that was previously reported for the academic years of 1995-1998. The TRA decided to take a peek at End of Course Biology.

The group retained two highly qualified and experienced teachers to do two reviews:

- The Algebra Teacher: The teacher was asked to take the next two years of Algebra testing beyond what the California researchers had reviewed: 1999 and 2000.
- The Biology Teacher: The teacher was asked to evaluate two years of EOC Biology tests: 2000 and 2001.

**THE ALGEBRA TEACHER:**

The tables on the following page show separately and in combination the overall evaluation of the academic rigor for six testing cycles was by both the Mathematically Correct group and the classroom teacher.

Both used the same standard to classify each individual problem.

The results between the studies were remarkably similar. As one reads the tables, it is important to note that the classroom teacher evaluated the ‘problem’ without discounting certain factors that made it easier.

The MC evaluators included the external factors in their final evaluation of rigor including multiple choice selections that narrow the answers.

The classroom teacher explicitly noted which questions were reduced in actual rigor because students were allowed to use calculators and formulas were provided.

Even without considering the footnotes and acknowledgements of the teacher, the percent of questions per category were extremely consistent.

Of the 80 questions evaluated by the teacher, she noted just over 36% of the stated problems could be rated lower due to the use of the calculator. It is particularly interesting to note that the use of the calculator's impact was particularly relevant at the pre-algebra and low-difficulty algebra levels.

The teacher did classify 13.8% of the problems as moderately difficult nothing that the three of those questions were made easier by the use of the calculator.

Overall, of the 240 total questions evaluated, some 93% were evaluated as ranging from prior to pre-algebra to low difficulty algebra.

Neither evaluator found a single problem that rated high difficulty.

### THE BIOLOGY TEACHER:

We have deliberately saved this portion of the TAAS testing program analysis as the last step before moving to the TAAS transition to the TAKS era.

After strictly adhering to solid and reliable statistical and academic rigor analysis standards, we make no apologies for resorting to outright facetiousness and mocking as we deal with this topic.

Why?

The classroom biology teacher's review of the 80 questions determined 74% of the actual questions were low difficulty or did not even test biology.

We are going to give you examples of questions on the test that validate the teacher's conclusions. But more than that these are the images that should be in your brain when we introduce the TAKS transition to you. We've made the case of TEA's absolute abandonment of credible grade-level integrity. We believe these images inclusive of the graphics actually symbolize the TEA's manipulation of academic

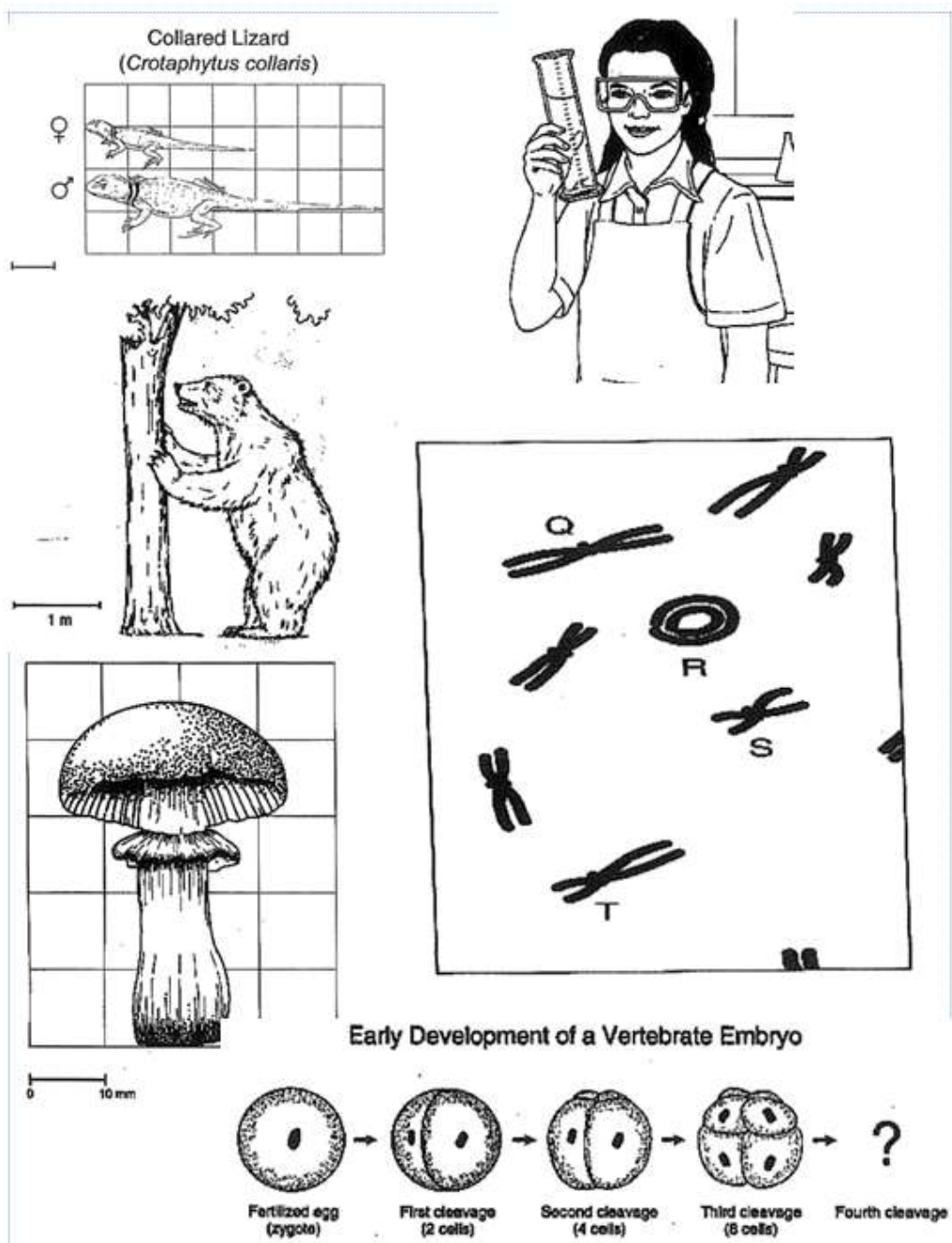
<b>State of Texas: End of Course Algebra: TAAS</b>			
<b>Academic Years: 1995-2000 (6 Consecutive Years)</b>			
<b>Prior Mathematically Correct Study: 1995-1998</b>			
<b>160 Questions Over 4 Years</b>			
<b>Academic Rigor Evaluation</b>	<b>Number of Questions</b>	<b>% By Category</b>	<b>?s Easier By Calculator</b>
Prior Pre-Algebra	14	8.8%	<b>Calculator &amp; Multiple Choice Was Included In Final Evaluation of Rigor</b>
Pre-Algebra	64	40.0%	
Low Difficulty	77	48.1%	
Moderate Difficulty	5	3.1%	
High Difficulty	0	0.0%	
<b>Total Questions</b>	<b>160</b>	<b>100%</b>	
<b>Prior Mathematically Correct Study: 1999-2000</b>			
<b>80 Questions Over 2 Years</b>			
<b>Academic Rigor Evaluation</b>	<b>Number of Questions</b>	<b>% By Category</b>	<b>?s Easier By Calculator</b>
Prior Pre-Algebra	6	7.5%	1
Pre-Algebra	31	38.8%	16
Low Difficulty	32	40.0%	9
Moderate Difficulty	11	13.8%	3
High Difficulty	0	0.0%	0
<b>Total Questions</b>	<b>80</b>	<b>100%</b>	<b>36.3%</b>
<b>COMBINED OVER SIX YEARS</b>			
<b>Academic Rigor Evaluation</b>	<b>Number of Questions</b>	<b>% By Category</b>	<b>?s Easier By Calculator</b>
Prior Pre-Algebra	20	8.3%	<b>Classroom Teacher Noted &amp; Footnoted Factors But Evaluation Included Problem Only</b>
Pre-Algebra	95	39.6%	
Low Difficulty	109	45.4%	
Moderate Difficulty	16	6.7%	
High Difficulty	0	0.0%	
<b>Total Questions</b>	<b>240</b>	<b>100%</b>	

<b>State of Texas: End of Course Biology: TAAS Academic Years 2000 &amp; 2001</b>		
<b>Katy I.S.D. AP Biology Teacher Findings</b>		
<b>84 Questions Over 2 Testing Cycles</b>		
<b>Academic Rigor Evaluation</b>	<b>Number of Questions</b>	<b>% By Category</b>
Difficult	0	0%
Moderate Difficulty	22	26%
Low Difficulty	41	49%
Not Testing Biology	21	25%
<b>TOTAL QUESTIONS</b>	<b>84</b>	<b>100%</b>



integrity to achieve a desired legal and political and judicial goal: closing achievement gaps

In the real world, the graphics tell the story here. You don't even really need to know the actual questions. So, let's cut to the chase.



**COLLARED LIZARD:**

It's not legible but the scale shows 5 cm.

**How much longer is that lizard on bottom than the one on top?**

One absolutely does not need to know anything biological such as 'Crotaphytus collaris.'

\*\*\*\*\*

**BEAR:**

It's not legible but the scale shows 1 m.

**How tall is that bear?**

\*\*\*\*\*

**MUSHROOM**

It's not legible but the scale shows 10 MM.

**How tall is that mushroom?**

Back up to the top:

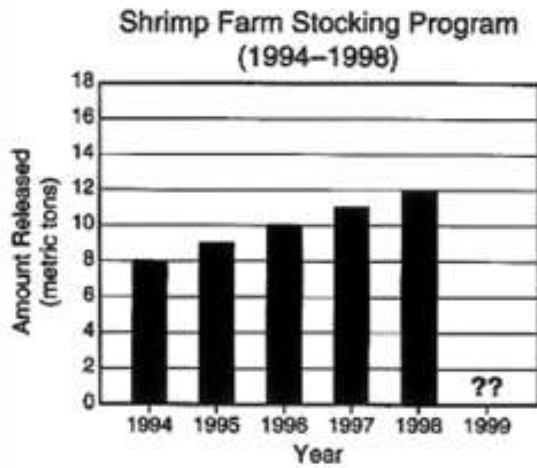
**BEAKER:** What does the student need to do to get an accurate measurement?

**X & O:** Which of these

symbols is not like the others? (actual question to give the pretense of biology was: Which of these chromosomes was most likely exposed to toxic chemicals or radiation?)

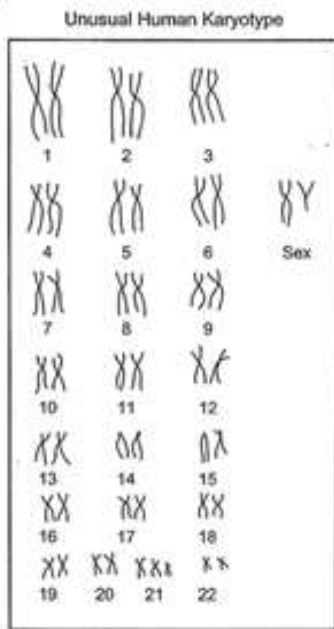
**VERTEBRATE EMBRYO:** Base + 2 = 2 + 2 = 4 + 2 = 6 + 2 = ? This is elementary school math by the nature of the graphic which is more legible in full size. What does one need to know about the early development of a Vertebrate Embryo? NOTHING. What does biological cleavage have to do with test question construction as presume biology? NOTHING.

**SHRIMP STOCKING PROGRAM:** 8, 9, 10, 11, 12, ? This is an upper elementary, lower middle school graph of almost the simplest challenge using biological terms. Replace the descriptions and ask what's the next number? Presumed biology.



### Sunflower Blossoms in a Meadow

Day	Time	Closed Buds (%)	Open Blossoms (%)
1	6:00 A.M.	100	0
	12:00 NOON	85	15
	6:00 P.M.	70	30
2	6:00 A.M.	55	45
	12:00 NOON	40	60
	6:00 P.M.	25	??



- 37 This human karyotype is unusual because chromosome set —
- A 5 has chromosomes of different shapes
  - B 10 is missing genetic material
  - C 14 has enlarged centromeres
  - D 21 has extra genetic material

### Change in Mass of Estivating Frogs

Week	Average Mass After Estivation (g)
0	450
3	442
6	434
9	426
12	???

42 The chart shows the average change in mass of some frogs during a period of estivation. If this trend continues, what will be the average mass of the frogs by the twelfth week of estivation?

- F 434 g
- G 422 g
- H 420 g
- J 418 g



- 41 According to this label, people should NOT take this pain reliever if they —
- A suffer from cold-related headaches
  - B are allergic to aspirin
  - C have high blood pressure
  - D experience mild heartburn

**SUNFLOWER BLOSSOMS IN A MEADOW:** Remove all the biological verbiage and here's what a student has: 2 columns with one complete filled in. This is an elementary school math problem.  $0 + 15 = 15$   
 $0 + 15 = 30 + 15 = 45 + 15 = 60 + 15 = ?$  Coupled with that, in every instance shown, the two columns add up to 100. So, a second embedded tips:  $100 - 25 = ?$

**CHANGE IN MASS OF ESTIVATING FROGS:** Remove all the biological verbiage and here's what a student has:  $450 - 8 = 442 - 8 = 434 - 8 = 426 - 8 = ?$  Students need no biological understanding at all. Although there is no referenced to a pond of water, they don't need to know if a frog estivating is having sex with another frog or hibernating.

With three of the samples here (one above and two below), we have left in the actual questions with the multiple-choice answers. Why? Because there is a more theoretical reference to biology. But, look at the graphics of the two questions below in particular because the biological references are needless.

**UNUSUAL HUMAN KAROTYPE:** The question might as well be: Of the 22 'numbered' symbols, which one is not like the other? Literally, a student could take a biology course and the basis of that question have zero idea of what a human karyotype is.

**NO PAIN TABLETS:** Whatever the biological references, there is one overriding fact. The answer to the question is written in black and white on the label. The other three potential answers are categorically ignored – only the right answer is, well, only the right answer making this an elementary school reading problem – not a high biology problem IS SHOWN.

At long last, we will transition this report to the State of Texas' transition from TAAS testing era which generated two key judicial victories validating its strategy to close achievement gaps for economically disadvantaged, at-risk students statistically dominated by children of color.

There was a harsh reality to the challenge Texas confronted.

The TAAS was nothing less than a systemic academic fraud and hoax if honest, credible, rational, empirical standards of genuine grade level performance by students was to be the measure.

In TAAS, testing was NEVER about academic integrity. It would about prevailing with constitutional muster from state and federal courts with a stamp of approval for its systemic academic corruption.

That this academic corruption helped elect a Texas governor President of the United States was an extra bonus – icing on the cake for more than a decade of institutional lies.

But the TAAS to TAKS transition confronted a brutal reality that gave the TEA no choice but to double down on its institutional dishonesty by doing precisely what that "harder" TAAS test fiasco in 1999 foreshadowed:

- **Make the Questions Harder** (harder than what will remain an issue but genuinely harder);
- **Dramatically Devalue Content Mastery Passing Standards** to keep the hoax alive.

At the moment the path forward from that dilemma was made, the system's institutional racism that guided the TEA to those pivotal state and federal court victories was embedded forever in the State's accountability system. It's still there.

Finally, the transition. Institutional racism that harms at-risk, economically-disadvantaged students dominated by children of color is not a pretty picture. It was mostly in the shadows – discernible for sure – during TAAS. As TAAS became TAKS, the TEA's institutional racism emerged from those shadows for those who actually gave a damn – which most didn't know enough to know what to do.

**PART 9 CHAPTER 13: All That Happened During the TAAS Era Led Up to These Tables. All That Followed Through STAAR Today Have Embedded The Institutional Racism The TEA Table Acknowledge About Student Testing and The Destruction of Any Semblance of Academic Grade Level Integrity in Texas Public Ed Accountability**

Three of the four pages of this TEA document (the fourth page dealing with Spanish testing is not included) is a stand-alone chapter because of the magnitude of its importance in explaining Texas public education accountability.

This third-generation screenshot may not be fully legible in this format, but it is vital to understand this document is a copy of a genuine public record. You will have access to a more legible copy and tables which report the numbers.

**Texas Assessment of Knowledge and Skills (TAKS) Standard Setting  
Summary of Projected Impact of Phase-In Options - Number of Students of Not Meeting Standard  
Projected Impact Based on Estimated Proficiencies from Spring 2002 TAKS Field Test  
Reading / English Language Arts**

Grade	Standard	Total TAKS Test Items	TAKS Raw Score Cut	% of Total TAKS Test Items	Met Standard						
					All Students (186,000)	White Students (117,400)	Hispanic Students (116,000)	African American Students (41,000)	Male Students (140,000)	Female Students (140,000)	Economically Disadv. Students (140,000)
<b>Reading</b>											
3	Panel Recommendation	36	24	66.7%	64,000	15,288	34,440	15,340	35,000	28,000	46,200
	One SEM Below	36	22	61.1%	50,400	11,760	27,552	13,020	29,400	22,400	37,800
	Two SEM Below	36	20	55.6%	42,000	8,232	21,812	10,500	22,400	18,200	30,800
	TAAS TLI of 70:		18	50.0%							
4	Panel Recommendation	40	27	67.5%	75,600	17,540	42,476	18,060	39,200	36,400	56,000
	One SEM Below	40	25	62.5%	61,600	12,936	34,440	15,120	32,200	29,400	46,200
	Two SEM Below	40	23	57.5%	47,600	9,468	27,552	12,600	26,500	22,400	36,400
	TAAS TLI of 70:		16	40.0%							
5	Panel Recommendation	42	29	69.0%	92,400	22,344	51,660	19,740	47,600	44,800	64,400
	One SEM Below	42	27	64.3%	75,600	17,640	42,476	16,380	39,200	36,400	53,200
	Two SEM Below	42	25	59.5%	61,600	14,112	34,440	13,860	32,200	29,400	44,800
	TAAS TLI of 70:		17	40.5%							
6	Panel Recommendation	42	27	64.3%	89,800	23,520	48,216	18,900	50,400	40,600	61,600
	One SEM Below	42	24	57.1%	67,200	16,464	37,884	14,700	39,200	29,400	47,600
	Two SEM Below	42	21	50.0%	47,600	10,384	27,552	10,920	29,400	21,000	35,000
	TAAS TLI of 70:		16	38.1%							
7	Panel Recommendation	48	33	68.8%	100,800	23,872	53,104	21,420	56,000	44,800	70,000
	One SEM Below	48	30	62.5%	78,400	19,992	44,772	17,220	44,800	33,600	56,000
	Two SEM Below	48	27	56.3%	58,800	14,112	34,440	13,440	33,000	23,200	43,400
	TAAS TLI of 70:		18	37.5%							
8	Panel Recommendation	48	34	70.8%	100,800	29,400	52,808	21,000	57,400	44,800	68,800
	One SEM Below	48	31	64.6%	81,200	22,344	42,476	17,220	47,600	33,600	54,600
	Two SEM Below	48	28	58.3%	64,400	17,640	34,440	13,860	39,200	23,200	44,800
	TAAS TLI of 70:		13	31.3%							
9	Panel Recommendation	42	29	69.0%	112,000	34,104	56,252	20,580	64,400	46,200	70,000
	One SEM Below	42	27	64.3%	89,600	25,872	45,920	17,220	53,200	36,400	57,400
	Two SEM Below	42	25	59.5%	64,400	17,640	34,440	12,600	40,600	23,200	43,400
	TAAS TLI of 70:										
<b>English Language Arts *</b>											
10	Panel Recommendation	73	47	64.4%	179,200	65,856	78,064	33,180	99,400	78,400	98,000
	One SEM Below	73	44	60.3%	168,000	63,504	73,472	31,500	96,600	72,800	92,400
	Two SEM Below	73	41	56.2%	162,400	62,328	68,880	30,240	92,400	70,000	88,200
11	Panel Recommendation	73	43	58.9%	176,400	64,680	80,160	30,640	100,800	77,000	99,400
	One SEM Below	73	40	54.8%	168,000	62,328	74,420	28,980	96,600	74,400	93,800
	Two SEM Below	73	37	50.7%	156,800	58,800	70,028	27,300	92,400	65,800	86,800

\* An essay rating of 2 or higher is required for Met Standard on the English Language Arts tests.

Confronted with the potential public relations catastrophe of the TAAS transition to the TAKS era, the TEA had no choice but to double-down on its systemic academic deception when adopting passing standards for the new TAKS era.

At that very moment of transition, the systemic institutional racism that guided TEA to pivotal state and federal court victories upholding the new accountability era launched in Senate Bill 7, that institutional racism was embedded in TAKS and now STAAR.

As a panel of Texas educators convened in Austin to help establish the passing standards on the new, harder-test era of TAKS, they were given this document which cuts to the core of the definition of institutional racism.

Based upon field testing of TAKS in the last years of TAAS, the TEA statistically projected the following:

- How many students would fail the test at thresholds of performance standard.

**Texas Assessment of Knowledge and Skills (TAKS) Standard Setting**  
**Summary of Projected Impact of Phase-In Options - Number of Students of Not Meeting Standard**  
**Projected Impact Based on Estimated Proficiencies from Spring 2002 TAKS Field Test**  
**Mathematics**

Grade	Standard	Total TAKS Test Items	TAKS Raw Score Cut	% of Total TAKS Test Items	Met Standard						
					All Students (200,000)	White Students (117,600)	Hispanic Students (114,000)	African American Students (42,000)	Male Students (140,000)	Female Students (140,000)	Economically Disadv. Students (140,000)
3	Panel Recommen.	40	27	67.5%	89,600	22,344	45,920	21,420	42,000	46,200	60,200
	One SBM Below	40	24	60.0%	38,800	12,936	30,996	15,540	28,000	30,800	42,000
	Two SBM Below	40	21	52.5%	36,400	7,056	18,368	10,080	16,800	18,200	26,600
	TAAS TLI of 70:		19	47.5%							
4	Panel Recommen.	42	28	66.7%	95,200	24,696	49,364	21,840	44,800	49,000	64,400
	One SBM Below	42	25	59.5%	64,400	15,288	34,440	15,330	30,800	33,600	46,200
	Two SBM Below	42	22	52.4%	39,200	8,232	21,812	10,500	19,600	21,000	29,400
	TAAS TLI of 70:		16	38.1%							
5	Panel Recommen.	44	30	68.2%	117,600	34,104	57,400	23,200	57,400	60,200	74,200
	One SBM Below	44	27	61.4%	78,400	19,992	40,180	18,480	37,800	40,600	51,800
	Two SBM Below	44	24	54.5%	47,600	11,760	25,256	12,600	23,800	23,800	33,600
	TAAS TLI of 70:		13	29.5%							
6	Panel Recommen.	46	29	63.0%	134,400	41,160	67,732	27,720	67,200	67,200	86,800
	One SBM Below	46	26	56.5%	103,600	29,400	53,936	22,680	53,200	50,400	70,000
	Two SBM Below	46	23	50.0%	75,600	18,816	40,180	17,220	39,200	36,400	51,800
	TAAS TLI of 70:		11	23.9%							
7	Panel Recommen.	48	28	58.3%	162,400	51,744	80,560	31,920	81,200	81,200	100,800
	One SBM Below	48	25	52.1%	131,600	38,808	66,584	27,300	65,800	64,400	85,400
	Two SBM Below	48	22	45.8%	95,200	25,872	50,512	21,840	49,000	46,200	64,400
	TAAS TLI of 70:		9	18.8%							
8	Panel Recommen.	50	30	60.0%	165,200	52,920	81,508	32,760	81,200	84,000	100,800
	One SBM Below	50	27	54.0%	134,400	39,984	68,800	28,560	67,200	67,200	86,800
	Two SBM Below	50	24	48.0%	100,800	27,048	52,808	23,100	50,400	50,400	67,200
	TAAS TLI of 70:		10	20.0%							
9	Panel Recommen.	52	31	59.6%	170,800	54,996	84,952	32,340	85,400	84,000	105,800
	One SBM Below	52	28	53.8%	140,000	41,160	72,324	28,140	71,400	68,600	91,000
	Two SBM Below	52	25	48.1%	109,200	30,576	58,548	22,680	57,400	53,200	72,800
	TAAS TLI of 70:										
10	Panel Recommen.	56	33	58.9%	179,200	62,504	84,952	34,020	89,600	89,600	106,400
	One SBM Below	56	29	51.8%	151,200	51,744	73,472	29,820	75,600	74,200	91,000
	Two SBM Below	56	25	44.6%	114,800	36,456	57,400	23,940	58,600	54,600	71,400
	TAAS TLI of 70:		10	17.9%							
11	Panel Recommen.	60	33	55.0%	173,600	62,328	83,804	33,600	86,800	85,400	105,800
	One SBM Below	60	29	48.3%	145,600	51,744	72,324	29,820	75,600	70,000	92,400
	Two SBM Below	60	25	41.7%	117,600	39,984	59,696	25,200	61,600	54,600	75,600
	TAAS TLI of 70:										

But more than that, the real purpose of the test was to answer these questions because they were the most important questions:

- How many black students will flunk the tests if the performance standard is set at what the “panel recommendation” or 1 standard of error of measurement below or 2 standard errors of measurement below the panel recommendation?
- How many Hispanic students? How many economically-disadvantaged students?
- Oh! By the way: how well would a student who PASSED the TAAS tests do on that subject and grade level on the new TAKS test?

After more than a decade of growing national acclaim for its Texas educational miracle, the TEA had to revert to a blatant race-based performance standard AND involving pervasive statistical manipulation to give it the appearance of credibility as mathematically justifiable in terms of student academic performance.

- What did the panel recommend? What was TAAS worth on TAKS
- How many hundreds of thousands of more PASSING tests did the transition to TAKS create because the TEA had to do everything it could administratively to hide (in plain sight) the deception of TAAS it had imposed on economically-disadvantaged, at-risk students statistically dominated by children of color to create its Texas educational miracle?

**Texas Assessment of Knowledge and Skills (TAKS) Standard Setting**  
**Summary of Projected Impact of Phase-In Options - Number of Students of Not Meeting Standard**  
**Projected Impact Based on Estimated Proficiencies from Spring 2002 TAKS Field Test**  
**Writing / Social Studies / Science**

Grade	Standard	Total TAKS Test Items	TAKS Raw Score Cut	% of Total TAKS Test Items	Met Standard						Economically Disadv. Students (140,000)
					All Students (280,000)	White Students (117,000)	Hispanic Students (114,000)	African American Students (43,000)	Male Students (140,000)	Female Students (140,000)	
<b>Writing *</b>											
4	Panel Recommen.	32	22	68.8%	75,600	24,496	37,884	15,120	44,800	32,200	50,400
	One SEM Below	32	20	62.5%	58,800	18,816	28,700	12,180	35,000	23,800	40,600
	Two SEM Below	32	18	56.3%	50,400	15,288	24,108	10,500	29,400	19,600	33,600
7	Panel Recommen.	44	28	63.6%	81,200	23,872	41,328	15,960	53,200	28,000	54,600
	One SEM Below	44	26	59.1%	70,000	22,344	34,440	13,860	47,500	22,400	47,500
	Two SEM Below	44	24	54.5%	61,600	19,992	29,848	12,180	42,000	18,200	40,600
<b>Social Studies</b>											
8	Panel Recommen.	48	25	52.1%	72,800	19,992	41,328	15,120	36,400	37,800	53,200
	One SEM Below	48	22	45.8%	44,800	11,760	25,256	9,240	22,400	21,400	32,200
	Two SEM Below	48	19	39.6%	22,400	5,880	13,776	4,620	12,600	11,200	16,800
10	Panel Recommen.	50	29	58.0%	103,600	31,732	56,252	22,260	53,200	50,400	71,400
	One SEM Below	50	26	52.0%	78,400	22,344	42,476	17,220	42,000	36,400	54,600
	Two SEM Below	50	23	46.0%	56,000	16,464	28,700	12,180	30,800	23,800	37,800
11	Panel Recommen.	55	28	50.9%	67,200	17,640	37,884	14,700	33,600	33,600	49,000
	One SEM Below	55	25	45.5%	42,000	11,760	24,108	10,080	22,400	19,600	30,800
	Two SEM Below	55	22	40.0%	22,400	5,880	12,628	5,460	14,000	9,800	16,800
<b>Science</b>											
5	Panel Recommen.	40	30	75.0%	192,200	59,976	94,136	35,960	89,600	102,200	116,200
	One SEM Below	40	27	67.5%	140,000	36,456	73,472	30,660	64,400	73,500	92,400
	Two SEM Below	40	24	60.0%	89,600	19,992	49,364	21,840	40,600	49,000	64,400
10	Panel Recommen.	55	35	63.6%	184,800	62,328	91,840	34,020	91,000	95,200	113,400
	One SEM Below	55	31	56.4%	142,800	43,512	75,768	28,140	71,400	72,800	93,800
	Two SEM Below	55	27	49.1%	100,800	29,400	56,252	20,380	51,800	49,000	70,000
11	Panel Recommen.	55	30	54.5%	151,200	51,744	76,916	31,500	74,200	77,000	96,600
	One SEM Below	55	27	49.1%	114,800	36,456	59,096	25,620	57,400	57,400	75,600
	Two SEM Below	55	24	43.6%	75,600	23,520	39,032	18,900	40,600	36,400	50,400

\* An essay rating of 2 or higher is required for Met Standard and an essay rating of 3 or higher is required for Commended on the grades 4 and 7 writing tests.

**CHAPTER 14: Before Diving Into the Nuts and Bolts of TAKS Passing Performance Tables, Let’s First Address the Bottom Line of What TEA Said in Transition That TAAS Would Be Worth on the New TAKS**

First, let’s recall two of the major defenses of the academic grade-level rigor supported by key TEA officials as it moved to a final federal court decision in January 2000.

**BEFORE THE NATIONAL ACADEMY OF SCIENCE CONFERENCE: June 1999**

- “...The items really are decided in terms of their level back here with whether or not they think that’s an appropriate objective for that grade level. Remember, this is a grade level test...”
- “...The group is asked four questions. Does the item match the objective it’s supposed to match. Is it appropriate? That is. Should students have learned this by the end of X grade level? The adequacy of preparation: that is. In your district, did you teach this by the end of X grade? Do students have sufficient information by the end of X grade to be tested on this kind of information? And then is there any potential bias that you can see in the item itself. That’s before we do any kind of field testing...”

**LETTER TO INQUIRY FROM DALLAS ISD: November 1998**

**Texas Education Agency – Transition TAAS to TAKS:  
Overnight Devaluation of TAAS**

What Was TAAS Passing Worth On New TAKS				
Grade Level	Subject	Questions On New TAKS	TAAS Passing = TAKS Right Answers	TAAS Passing = % Mastery On New TAKS
3	MATH	40	19	48%
4	MATH	42	16	38%
5	MATH	44	13	30%
6	MATH	46	11	24%
7	MATH	48	9	19%
8	MATH	50	10	20%
10	MATH	56	10	18%
3	ELA	36	19	53%
4	ELA	40	16	40%
5	ELA	42	17	40%
6	ELA	42	16	38%
7	ELA	48	18	38%
8	ELA	48	15	31%

• “Texas has been recognized across the nation for our public-school accountability system and the strides we have made in improving the performance of students, particularly our economically-disadvantaged and minority students...”

• “At the core of our accountability system is the state’s testing programs...TAAS is designed to give accurate and specific information about individual student achievement based on the state’s curriculum standards...TEKS...”

• “It is the criterion-referenced nature of the test that allows us to see whether schools are successfully teaching students...The TAAS test and our accountability

system are the best tools we have for increasing student achievement...”

- “The agency defines proficiency in reading as passing the reading portion of the TAAS. A student who is “on grade level”...is performing satisfactory on the curriculum specified to be taught at the particular grade...”

- “Thus, the TAAS is an “on grade level” measure of student performance...”

The table above pulls numbers from the prior tables just shown.

On that rigorous grade level TAAS test that was strongly defended as rigorous grade level in state and federal courts, the TEA acknowledge in transition:

- In grades 3-8 & 10<sup>th</sup> in math respectively, students who performed at grade level on the rigorous, grade-level TAAS would need to answer 48%, 38%, 30%, 24%, 19%, 20% and 18% of the questions on Texas’ new grade level tests.
- In grades 3-8 in English Language Arts, students who performed at grade level on the rigorous grade-level TAAS would need to answer 53%, 40%,40%, 38%, 38%, and 31% of the questions on the Texas’ new grade level test.

Now let’s look at tables which replicate the ones previously shown. We’ll use 5<sup>th</sup> grade to get your eyes focused. The rest of the tables are constructed in the same way.

As a due diligence notice, be aware that the original copy of that State document has some figures that are somewhat blurred. In these tables, every effort has been made to be faithful. There MAY be a handful of errors along the way, BUT, THEY WILL NOT BE MATHEMATICALLY OR STATISTICAL RELEVANT to altering what these tables report. But due diligence requires you know this. Any mistakes in these tables are inconsequential and minor.

TAKS Transition Passing Standard Looking Beneath The Hood of 2 SEM Below the Panel						TAKS Transition Passing Standard Looking Beneath The Hood of 2 SEM Below the Panel					
5th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	5th Math	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
<b>RAW CUT SCORE</b>	42	29	27	25	18	<b>RAW CUT SCORE</b>	44	30	27	24	13
<b>Students Who Would Fail At Standard</b>	State	92,400	75,600	51,600		<b>Students Who Would Fail At Standard</b>	92,400	117,600	78,400	47,600	
	White	22,344	17,640	14,112			22,344	34,104	19,992	11,760	
	Hispanic	51,660	42,476	34,440			51,660	57,400	40,180	25,256	
	Af.A.	19,740	16,380	13,860			19,740	25,200	18,480	12,600	
	Eco. Dis.	64,400	53,200	44,800			64,400	74,200	51,800	33,600	

In 5<sup>th</sup> grade reading, the table shows that the projected failure rates would drop dramatically if the State adopted the 2 SEM performance standard. In 5<sup>th</sup> grade math, the failure rates would be dramatically higher at the panel recommendation than the 2 SEM standard.

The table shows the number of questions on the tests and the number of questions that a student must answer correctly at each threshold. The percentage rates of passing standards will be reported subsequently.

TAKS Transition Passing Standard Looking Beneath The Hood of 2 SEM Below the Panel						TAKS Transition Passing Standard Looking Beneath The Hood of 2 SEM Below the Panel					
6th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	6th Math	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
<b>RAW CUT SCORE</b>	42	27	24	21	16	<b>RAW CUT SCORE</b>	46	29	26	23	11
<b>Students Who Would Fail At Standard</b>	State	89,800	67,200	47,600		<b>Students Who Would Fail At Standard</b>	State	134,400	103,600	75,600	
	White	23,520	16,464	10,584			White	41,160	29,400	18,816	
	Hispanic	48,216	37,884	27,552			Hispanic	67,732	53,956	40,180	
	Af.A.	18,900	14,700	10,920			Af.A.	27,720	22,680	17,220	
	Eco. Dis.	61,600	47,600	35,000			Eco. Dis.	86,800	70,000	51,800	



TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
7th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	7th Math	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	48	33	30	18		RAW CUT SCORE	48	28	25	22	9
<b>Students Who Would Fail At Standard</b>	State	100,800	78,400	58,800		<b>Students Who Would Fail At Standard</b>	State	162,400	131,600	95,200	
	White	25,872	19,992	14,112			White	51,744	38,808	25,872	
	Hispanic	55,104	44,772	34,440			Hispanic	80,360	66,584	50,512	
	Af.A.	21,420	17,220	13,440			Af.A.	31,920	27,300	21,840	
	Eco. Dis.	70,000	56,000	43,400			Eco. Dis.	100,800	85,400	64,400	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
8th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	8th Math	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	48	34	31	28	15	RAW CUT SCORE	50	30	27	24	10
<b>Students Who Would Fail At Standard</b>	State	100,800	81,200	64,400		<b>Students Who Would Fail At Standard</b>	State	165,200	134,400	100,800	
	White	ih	22,344	17,640			White	52,920	39,984	27,048	
	Hispanic	52,808	42,476	34,440			Hispanic	81,508	68,880	52,808	
	Af.A.	2,100	17,220	13,860			Af.A.	32,760	28,560	23,100	
	Eco. Dis.	68,600	54,600	44,800			Eco. Dis.	100,800	86,800	67,200	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath the Hood of 2 SEM Below the Panel						Looking Beneath the Hood of 2 SEM Below the Panel					
9th Reading	# Test ????	Panel Rec.	1 SEM	2 SEM	Pass TAAS Worth?	9th Math	# Test ????	Panel Rec.	1 SEM	2 SEM	Pass TAAS Worth?
Raw Score Cut	42	29	27	25	NA	Raw Score Cut	52	31	28	25	NA
<b>Students Who Would Fail At Standard</b>	State	112,000	89,600	64,400	<b>Not Very Much</b>	<b>Students Who Would Fail At Standard</b>	State	170,800	140,000	109,200	<b>Not Very Much</b>
	White	34,104	25,872	17,640			White	54,096	41,160	30,576	
	Hispanic	56,252	45,920	34,440			Hispanic	84,952	73,324	58,548	
	Af.A.	20,580	17,220	12,600			Af.A.	32,340	28,140	22,680	
	Eco. Dis.	70,000	57,400	43,400			Eco. Dis.	105,000	91,000	72,800	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath the Hood of 2 SEM Below the Panel						Looking Beneath the Hood of 2 SEM Below the Panel					
10th Math	# Test ????	Panel Rec.	1 SEM	2 SEM	Pass TAAS Worth?	11th Math	# Test ????	Panel Rec.	1 SEM	2 SEM	Pass TAAS Worth?
Raw Score Cut	56	33	29	25	10	Raw Score Cut	60	33	29	25	NA
<b>Students Who Would Fail At Standard</b>	State	179,200	151,200	114,800	<b>Not Very Much</b>	<b>Students Who Would Fail At Standard</b>	State	173,600	145,600	117,600	<b>Not Very Much</b>
	White	63,504	51,744	36,456			White	62,328	51,744	39,984	
	Hispanic	84,952	73,472	57,400			Hispanic	83,804	72,324	59,696	
	Af.A.	34,020	29,820	21,940			Af.A.	33,600	29,820	25,200	
	Eco. Dis.	106,400	91,000	71,400			Eco. Dis.	105,000	92,400	75,600	

Interesting – I have a theory but no definitive answer – the next tables that show 10<sup>th</sup> grade reading and 11<sup>th</sup> grade reading have the least drop-off from panel recommendation to the 2 SEM standard.

It is also interesting to note that the 10<sup>th</sup> grade reading test from TAAS was not expressed in terms of passing value on the new TAKS 10<sup>th</sup> grade reading test. Just noting.

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
10th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	11th Reading	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	73	47	44	41	N.R.	RAW CUT SCORE	73	43	40	37	
<b>Students Who Would Fail At Standard</b>	State	179,200	168,000	162,400		<b>Students Who Would Fail At Standard</b>	State	176,400	168,000	156,800	
	White	65,856	63,504	62,328			White	64,680	62,328	58,800	
	Hispanic	78,064	73,472	68,880			Hispanic	80,260	74,420	70,028	
	Af.A.	33,100	21,500	20,240			Af.A.	38,660	28,900	27,300	
	Eco. Dis.	98,000	92,400	88,200			Eco. Dis.	99,400	93,500	86,800	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
8th Soc. St.	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	5th Science	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	48	25	22	19	N.R.	RAW CUT SCORE	40	30	27	24	
<b>Students Who Would Fail At Standard</b>	State	72,800	44,800	22,400		<b>Students Who Would Fail At Standard</b>	State	193,200	140,000	89,600	
	White	19,992	11,760	5,880			White	59,976	36,456	19,992	
	Hispanic	41,328	25,256	13,776			Hispanic	94,136	73,472	49,364	
	Af.A.	15,120	9,240	4,620			Af.A.	36,960	30,680	21,840	
	Eco. Dis.	53,200	32,200	16,800			Eco. Dis.	116,200	92,400	64,400	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
10th Soc. St.	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	10th Science	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	50	29	26	23	N.R.	RAW CUT SCORE	55	35	31	27	
<b>Students Who Would Fail At Standard</b>	State	103,600	78,400	56,000		<b>Students Who Would Fail At Standard</b>	State	184,800	142,800	100,800	
	White	31,732	22,344	16,464			White	62,328	43,512	29,400	
	Hispanic	56,252	42,476	28,700			Hispanic	91,840	75,762	56,252	
	Af.A.	22,260	17,220	12,180			Af.A.	34,020	28,140	20,580	
	Eco. Dis.	71,400	54,600	37,800			Eco. Dis.	113,400	93,800	70,000	

TAKS Transition Passing Standard						TAKS Transition Passing Standard					
Looking Beneath The Hood of 2 SEM Below the Panel						Looking Beneath The Hood of 2 SEM Below the Panel					
11th Soc. St.	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?	11th Science	# Test ????	Panel Recom.	1 SEM	2 SEM	Pass TAAS Worth?
RAW CUT SCORE	55	28	25	22	N.R.	RAW CUT SCORE	55	30	27	24	
<b>Students Who Would Fail At Standard</b>	State	67,200	42,000	22,400		<b>Students Who Would Fail At Standard</b>	State	151,200	114,800	75,600	
	White	17,640	11,760	5,880			White	51,744	36,456	23,520	
	Hispanic	37,884	24,108	12,628			Hispanic	76,916	59,696	39,032	
	Af.A.	14,700	10,080	5,460			Af.A.	31,500	25,620	18,900	
	Eco. Dis.	49,000	30,800	16,800			Eco. Dis.	96,600	75,600	50,400	

These tables were the basis the State of Texas used in establishing performance standards on the new TAKS.

What were the actual transitional passing standards? That table follows. While there may have been some slight content mastery changes, the 2 SEM standard was the foundation. As previously noted, the TAAS 'harder test' flip flop in the 1999-2000 academic year foreshadowed that the State would have to diminish the performance standards to keep the TAAS hoax alive.

But as you look at these TAKS transitional standards, take another peak in 3<sup>rd</sup> through 8<sup>th</sup> & 10 the what the value of TAAS grade level performance would be in the context of these standards.

Grade Level	Subj.	??? On TAKS Test	Need To Pass	% Need To Pass TAKS	Grade Level	Subj.	??? On TAKS Test	Need To Pass	% Need To Pass TAKS
3rd	Math	40	21	53%	11th	Math	60	25	42%
4th	Math	42	22	52%	11th	ELA/R	73	37	51%
5th	Math	44	24	55%	11th	Science	55	24	44%
6th	Math	46	23	50%	11th	Soc. St.	55	22	40%
7th	Math	48	22	46%	10th	Math	56	25	45%
8th	Math	50	24	48%	10th	ELA/R	73	41	56%
9th	Math	52	25	48%	10th	Science	55	27	49%
10th	Math	56	25	45%	10th	Soc. St.	50	23	46%
11th	Math	60	25	42%	9th	Math	52	25	48%
3rd	ELA/R	36	20	56%	9th	ELA/R	42	25	60%
4th	ELA/R	40	23	58%	8th	Math	50	24	48%
5th	ELA/R	42	25	60%	8th	ELA/R	48	25	52%
6th	ELA/R	42	21	50%	8th	Soc. St.	48	19	40%
7th	ELA/R	48	27	56%	7th	Math	48	22	46%
8th	ELA/R	48	25	52%	7th	ELA/R	48	27	56%
9th	ELA/R	42	28	67%	6th	Math	46	23	50%
10th	ELA/R	73	41	56%	6th	ELA/R	42	21	50%
11th	ELA/R	73	37	51%	5th	Math	44	24	55%
5th	Science	40	24	60%	5th	ELA/R	42	25	60%
10th	Science	55	27	49%	5th	Science	40	24	60%
11th	Science	55	24	44%	4th	Math	42	22	52%
8th	Soc. St.	48	19	40%	4th	ELA/R	40	23	58%
10th	Soc. St.	50	23	46%	3rd	Math	40	21	53%
11th	Soc. St.	55	22	40%	3rd	ELA/R	36	20	56%

While we are not going to spend nearly the time on the TAKS tests themselves, it is important to answer a a key question.

- Was the TAKS test at every grade level and every subject harder than its corresponding test in the TAAS era.
  - **UNEQUIVOCALLY YES.**

That is the exact reason that the State of Texas had to adopt performance standards that made it easier and reachable for below grade level, academically poor students to pass the tests to help Texas maintain as much of an image as possible for achieving its statutory and constitutional burden to close achievement gaps for at-risk, disadvantaged students statistically dominated by children of color.

Dr. William Howland, professor of math at St. Thomas University at the time of his reports, produced several analytical reports for George Scott. Two of the reports are referenced here because they directly relate to correlation analysis involving TAKS scores, PSAT scores, and classroom grades in Katy I.S.D. Dr. Howland, who is now retired, had working experience in participation and evaluation of public education issues.

### **TAKS PERFORMANCE CORRELATION WITH PSAT MATH**

Data from "Tracking Math Course.xls" were copied to a working file, then all middle school data was eliminated as were ALL cases which did not have TAKS or PSAT math scores. Linear correlation and regression were used in an attempt to predict PSAT math scores from TAKS scores. A series of regressions for all the students at 50% mastery or above on TAKS or above using SPSS 14 was performed.

- There are very strong correlations present in the cohort of students with low content mastery on TAKS Math and PSAT Math scores.
  - While doing poorly on the TAKS up to the range of 60% content mastery (Constitutionally general equity passing level incidentally) quite accurately predicts doing poorly on the PSAT.
  - As the cohorts of students rises at or above the 70% content mastery on TAKS, the relationship between TAKS mastery and PSAT performance declines dramatically as TAKS scores rise.
    - Relationships between TAKS mastery and PSAT decline sharply between 65% and 80%.
    - Relationships between TAKS mastery and SAT scores from 85% to 99% decline further prompting Dr. Howland to conclude:
      - **At higher levels of TAKS mastery, "...the TAKS has almost nothing to do with the PSAT math score...**

➤ How much harder is the TAKS test than the TAAS test?  
○ In a nutshell, it still 'topped' out at the higher levels of content mastery so that students who did not have superior or even high levels of grade level skills could achieve the higher performance standards on TAKS.

While the TRA had died on the vine from the results of political pressure and corresponding funding support, Dr. William Howland was retained by George Scott individually to address that issue using student-by-student correlation analysis in Katy I.S.D. on student performance on the Preliminary

Scholastic Aptitude Test (PSAT) and on classroom grades. The full report is available.

The reality is that because of the gross manipulation of STAAR test performance standards, nothing in that regard has materially changed through the current day.

We have already focused extensively on the detailed passing standards of current-day STAAR, Here are the original transitional passing standards from TAKS.

# STAAR Passing Standards

## Middle, High School (Transition from TAKS)

<b>Grade Level</b>	<b>Subject</b>	<b>Content Mastery To Pass TAKS</b>
End of Course	Algebra I	37%
End of Course	Algebra II	38%
End of Course	English 1 Reading	54%
End of Course	English II Reading	54%
End of Course	Geometry	35%
End of Course	U.S. History	41%
End of Course	World History	46%
End of Course	Biology	37%
6th	Reading	56%
6th	Math	42%
7th	Reading	54%
7th	Math	43%
7th	Writing	56%
8th	Reading	54%
8th	Math	39%
8th	Social Studies	50%
8th	Science	52%

## **PART 10 PERSONAL EPILOGUE:**

I believe some context in my specific actions on the issues in this paper might be important to you.

I will summarize them because there are full stories behind each that demonstrate my continuing interest since 1991 of advocating for at-risk, minority children in Texas public education. I will be glad to answer any questions regarding any of this inclusive of the report itself. There is a mountain of hard copy data to support it.

### **1. WESLEY ELEMENTARY SCHOOL 1991 – Thaddeus Lott**

- Black inner-city principal Thaddeus Lott was being vilified by White Superintendent Joan Raymond and some other Houston ISD educators as a cheater because his 99% at-risk, disadvantaged, black and brown students were performing equivalent to some of the silk-stocking elementaries in the district – even on the Iowa Test of Basic Skills. His kids can't do that well! He had to be cheating! I was asked to visit the campus by Houston Federation of Teachers President Gayle Fallon. Before the end of the year, we helped take Lott's courage and performance to ABC TV's Prime Time Live during which a much younger Chris Wallace did the reporting. It was a life/career changing matter for me personally. Why did it go national? HISD administrators stormed the campus; marched into classroom teachers during tests. Racism on steroids.

### **2. DR. ROD PAIGE – Dean of Education at Texas Southern University; Member Houston I.S.D. School Board**

- A couple of years before he became Houston I.S.D. Supt. and even more years before George Bush was elected President, I advised Rod in a meeting in his office how he could plot a path to become the first Black Secretary of Education in United States history. How? Stop hiring idiot out-of-staters destined to be failed Houston superintendents. He should become superintendent; support reforms that he espoused; and when the Republicans won the White House back, he'd be Secretary of Education. He did and he did. Interesting story; bad ending; but a true story.

### **3. HARRIS COUNTY JUVENILE JUSTICE ALTERNATIVE PROGRAM: Effort for Radical Reform**

- Harris County began an alternative education program. I worked with the director and Dr. Carl Shaw to develop a criterion test patterned after TAAS but one with genuine grade level rigor. These are the children who got in trouble with the law or serious trouble on their district's campuses. The director and I worked to establish pre-test and post-test accountability measuring real academic progress over the course of student's enrollment in the JJAEP. I worked simultaneously with Dr. Paige to start the program with the same private provider in the alternative school of HISD. I worked with Paige, TEA Commissioner Dr. Mike Moses, and the private contractor to put in \$30,000 each to allow Dr. Shaw to fully develop and implement a new rigorous standard of accountability for academic growth. (Not 1 Penny to Me) When the first round of results started coming in, the private contractor was failing miserably: not even close. I urged Dr. Paige and Dr. Moses to pull the plug on the contractor and not extend any contracts. Rather, the contractor got a 'peter principle' bigger contract from Houston I.S.D. It was my final straw with both Paige and Moses.

### **4. INTERVIEW WITH TEA'S ACCOUNTABILITY TESTING OFFICIALS & PRIVATE CONTRACTORS: TEA Commissioner's conference room – 1998**

- The TEA Commissioner and legal counsel refused to allow me to record the interview explicitly citing fear that any recording might have a negative impact upon the impending federal court decision. It was a stunning interview from the first question. I should have surreptitiously recorded it; rather I took a witness so they could not accuse me of being rude and intemperate. I want the letter I got from Dr. Moses acknowledging that I was courteous but there was tension in the meeting to be on my tombstone. "Courteous Tension". It may be the only time in my career that when I created tension it was done provably courteously.

### **5. THE ENRON MEETING: That's how it is apparently memorialized in Gov./President Bush's library (I was at the meeting, so I never requested those files.)**

- The published reports, the growing local publicity, the courteous tension meeting, the JJAEP fiasco and the final straw of being quoted in Bill Buckley's *National Review* led directly to Bush's team -including a future Secretary of Education then working for the Governor's staff – Bush's association with Ken Lay of Enron, and a lobbyists/advisor (whatever) to the Texas Business Council forced my TRA Executive Committee into a meeting at the Enron building in downtown Houston for the purpose of firing me. The meeting did not go

as well as they planned; my executive committee admired and respected the work I was doing. But my bosses were tax reps and tax lawyers for their major corporations, and they could not stand up to that kind of pressure from upstairs. They didn't fire me. But the organization died a slow death on the vine.

6. **KATY ISD SCHOOL BOARD SERVICE: I Ran and Was Accidentally Elected to KISD School Board by Six Votes After a Recount. I Had A Mission That Was Derailed On Totally Extraneous Matters**

- My mission was to convince the new superintendent that Katy I.S.D.'s legal standing could perform a tremendous service to the State, minority families, educational professionals, and taxpayers by suing the State of Texas to enjoin the TEA from further administration of its corrupt testing scheme. The superintendent retained prestigious attorney David Feldman to listen to my 'case'. Feldman convened his principal expert; met with me for a three-hour briefing. The result of that briefing was that he informed the superintendent that there was a viable legal path forward. There were more meetings. The District started marching methodically down that path. It was not going to happen overnight. A lot of I's had to be dotted and T's to be crossed and extraordinary due diligence. But the path was underway. The superintendent was bold and courageous, but he was confronted with personal allegations from his past before becoming superintendent that overwhelmed him (even while he was a student at West Memorial Junior High School in KISD). The project went down with him. He was making it happen if it could happen. I've spent the past several years after leaving the board because that mission was in tatters trying to put the pieces back together – totally unsuccessful. The only thing I despise more to this day than what has become of the ideological and sinister idiots at the State and National Republican Parties is the feckless gutlessness of civil rights groups and civil rights attorneys who don't seem to care as much about this issue as some old white guy in his 70's who attended a segregated elementary school and saw "my" elementary school when I walked onto the Wesley Elementary Campus in 1991. All the kids at West Columbia Elementary were white; all the kids at Wesley were black and brown but a few.

Now, I am reduced to making one final pitch to journalists or publishing my final pissing-on-a-forest fire, vanity-press document.

I wasn't functioning at TRA as a journalist but because of my journalistic background I understand that your due diligence relative to me is much higher. I was not only a researcher; I was an advocate for serious reform.

At 74, one of the highlights of my career took place at that 1999 national conference which I have reported upon involving the TEA's presentation along with that of the Rand Corporation's Dr. Stephen Klein.

This is a literally true anecdote. The NAS paid me to be an invited questioner at the meeting obviously because my work had traveled outside of Texas. I thought the invitation was a great honor given all factors. In the morning session, some moronic educator from Kentucky said that he was frustrated with news media reports from that state questioning the brilliance of that state's public education progress. He opined that news media and others should have to get permission and review of anything they would report that might reflect negatively on Kentucky.

I was being paid by NAS to ask questions of Texas – not Kentucky – but I don't have the personality to have let that go by. So, I asked him basically - invoking my now recognized expertise at courteous tension - if he actually meant that.

During the noon hour and before Texas took the stage, the program moderator from Cornell University came up to me as I was talking to Dr. Klein and Richard Colvin – then a reporter for the Los Angeles Times. The moderator told me point-blank not to ask any questions during the Texas presentation. Texas had heard my questions! It was a great hotel! The food was delicious. I got to meet Dr. Klein. The plane landed safely coming and going. But no questions.

Dr. Klein laughed and told me: (almost a direct quote after all these years) "Don't worry George. After my presentation, they are going to dislike me a lot more than you." That was true. He represented a giant. I was just a pissant. Rand was pressured but not destroyed.

I talked with Dr. Klein shortly before Rand issued that report in October 2000 which followed up on his NAS presentation. He knew that waiting until after the election would hurt Rand's reputation. I admire his courage because so many in Texas who have had the resources and the power and the chance to make a difference never even tried.



## George H. Scott

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Rotary Club of Houston – June 8, 2023

### **Texas Public Education Academic Accountability *What & How Things Went Terribly Wrong***

*My Remarks Today Are Designed To Leave No Doubt About The Absolute Crisis In Texas Public Education Accountability That Has & Continues To Harm Texas Students & Families. This Is Particularly True Involving Economically-Disadvantaged, At-Risk Students Statistically Dominated By Children Of Color.*

*Now Retired, Here Are Some Of My Career Experiences.*

#### **PERSONAL**

Professional career has involved community-based journalism, nonprofit public policy research, and media consulting in business, government and political fields. He worked for the Harris County Appraisal District during his career. Scott's wife Anne is a classroom teacher. They have three children and nine grandchildren. Now retired at 73, Scott's 'hobby' has been consulting with civil rights attorneys and community organizations on public education policy issues.

#### **CAREER EXPERIENCES BY CATEGORY**

- ⇒ Community-based journalism: Hartman Newspapers, Inc.
  - Advertising Sales/Reporter: Fort Bend Mirror
  - News Editor: Daily Herald Coaster, Rosenberg
  - Assistant Publisher: Liberty Vindicator
  - Assistant Publisher, News Editor: The Alvin Sun
  - Publisher: The Katy Times
- ⇒ Co-Owner/Publisher: The Katy News
- ⇒ President Alvin-Manvel Area Chamber of Commerce
- ⇒ Media Political Consulting Firm: Robert S. Heller, Inc.
- ⇒ District Staff: U.S. Congressman Tom DeLay
- ⇒ Senior Researcher/President: Tax Research Association of Harris County. (Nonprofit group funded by major corporations in Harris County to provide independent research of local governments at all levels)
- ⇒ Harris County Appraisal District
  - Litigation research, news media interaction, member Executive Committee
- ⇒ Independent Media/Policy Consulting (Range of clients including Harris County Department of Education)
- ⇒ Public Service:
  - Board Member, Harris County Hospital District
  - Board Member, Katy I.S.D.
  - Board Member, Texas Association of School Boards
  - Texas Education Agency Commissioner's Accountability Advisory Committee