

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

Academic Equity Advocates: February 11, 2024

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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 Senate Bill 7 which authorizes the State Board of Education (TEA) to implement a formal accountability programs monitoring student academic performance.
●		Senate Bill 7 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 Senate Bill 7 requires the State to close achievement gaps for the disadvantaged students.
●		Senate Bill 7 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.