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?

EOC Eng I	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%

EOC Eng II	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%

EOC Alg I	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%

EOC Hist	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%

EOC Bio	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.

8th SCI	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

8th S. ST	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

7th Read	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

7th Math	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

6th Read	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%
6th Math	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

5th Read	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%
5th Math	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%
5th SCI.	Raw Score MAX	Top Fail Raw	Just APP Raw	Meet Raw	MSTR RAW	% FAIL	% APP	% MEET	% MSTR
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%

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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