

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 8th 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 10th 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 10th 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 23rd percentile in math and the 10th 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 50th percentile performance in reading and math as well as the 20th 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 50th percentile & 40th percentiles and still major gaps at the 30th percentile.
 - ii. Gaps materially narrowed in a relevant way at the 20th percentile particularly at grades 7-11

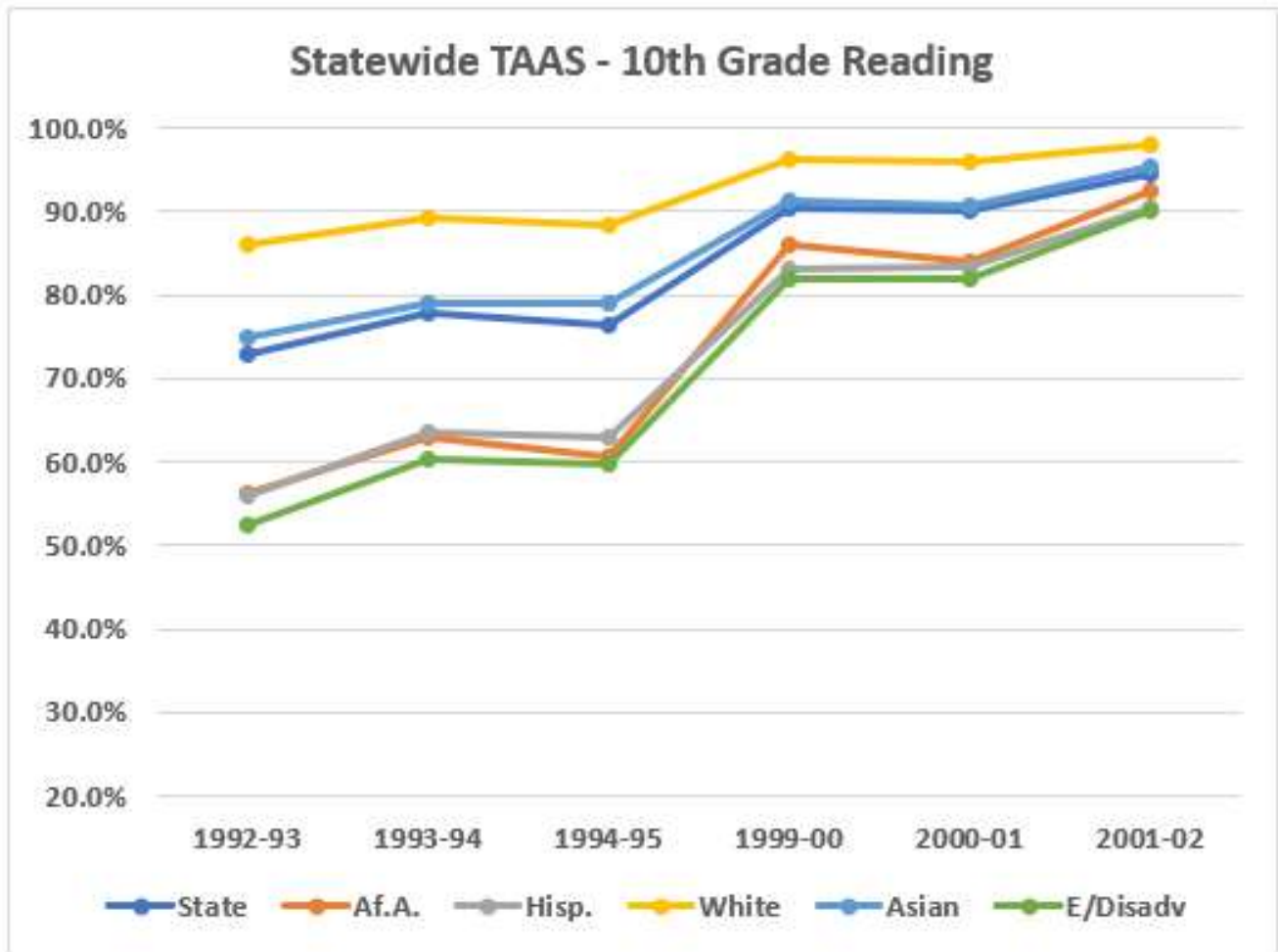
It is the thesis of this report that a strong case can be made that TEA Made an Institutionally Racist Decision That Said That It Could Not Achieve This Goal for the Majority of Disadvantaged, At-Risk Minority Children

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.

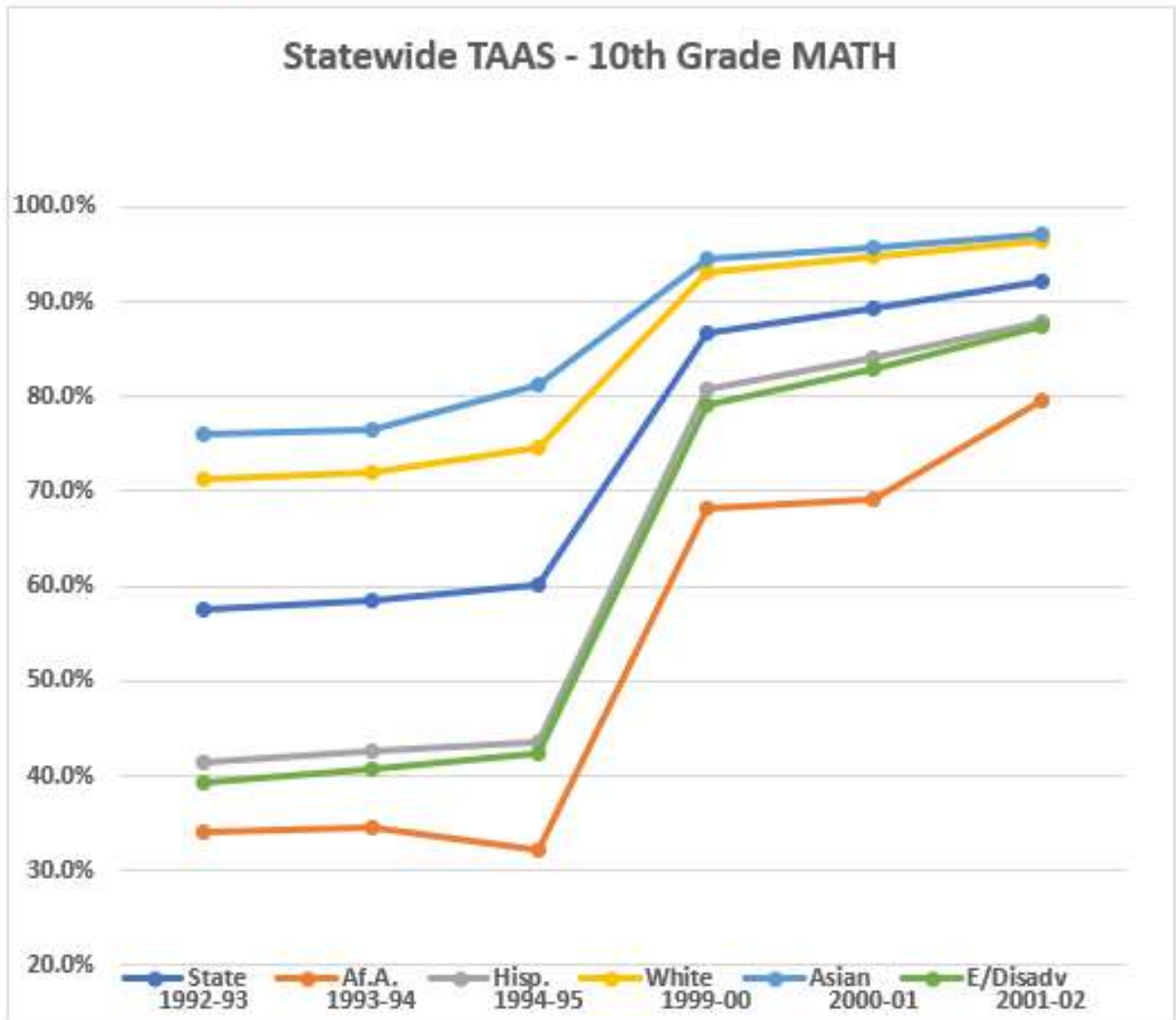
Each graph shows the passing rates on the tests and subject noted from initial administration of TAAS to the final year.

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.

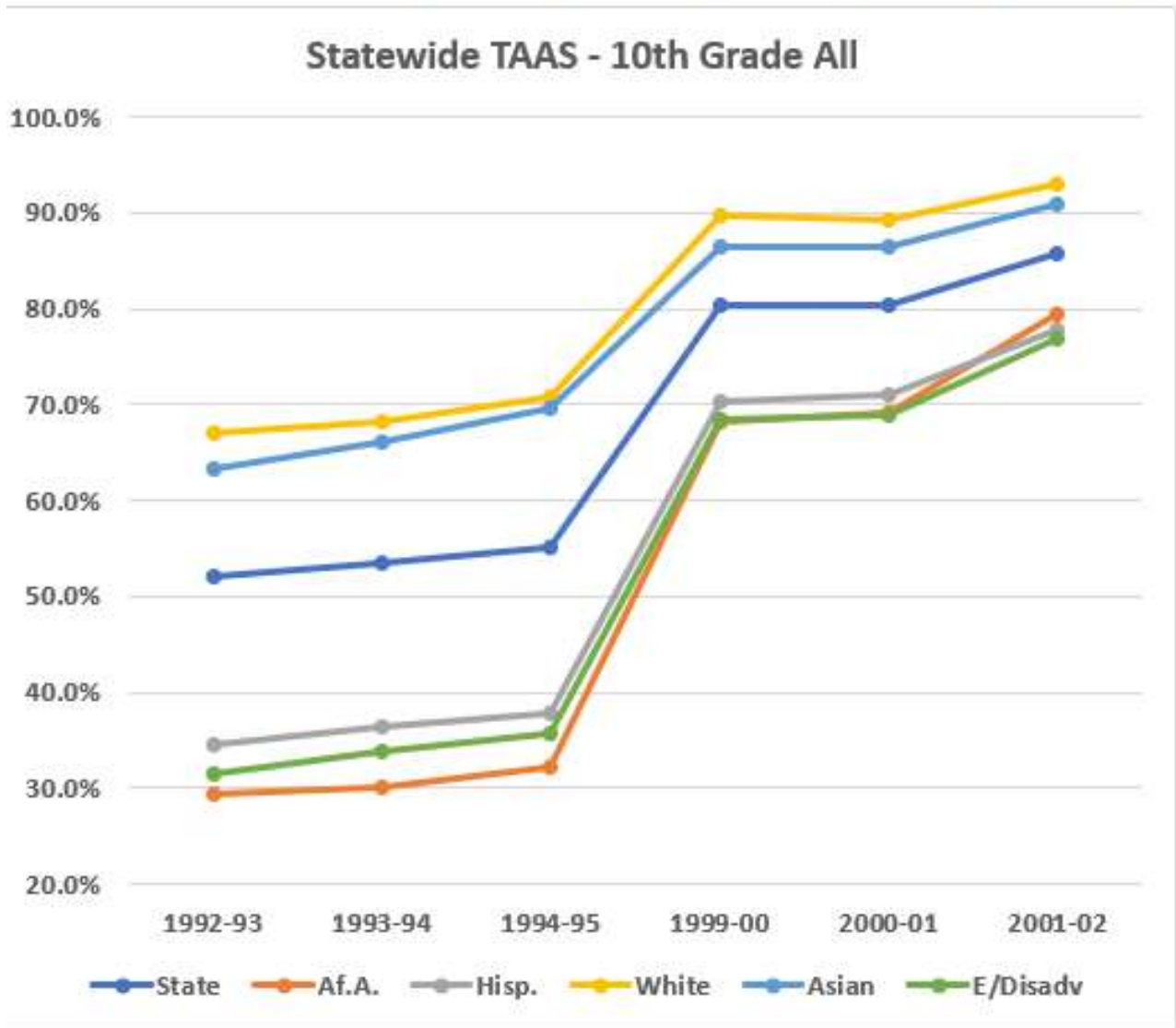
% Pass 10th Reading	1992-93	1993-94	1994-95	1999-00	2000-01	2001-02
State	72.8%	77.7%	76.4%	90.3%	90.0%	94.5%
Af.A.	56.3%	62.9%	60.5%	85.9%	84.1%	92.5%
Hisp.	56.0%	63.5%	62.8%	83.1%	83.5%	90.5%
White	86.0%	89.1%	88.2%	96.1%	96.0%	97.9%
Asian	75.0%	79.0%	79.0%	91.2%	90.6%	95.3%
E/Disadv	52.3%	60.2%	59.8%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

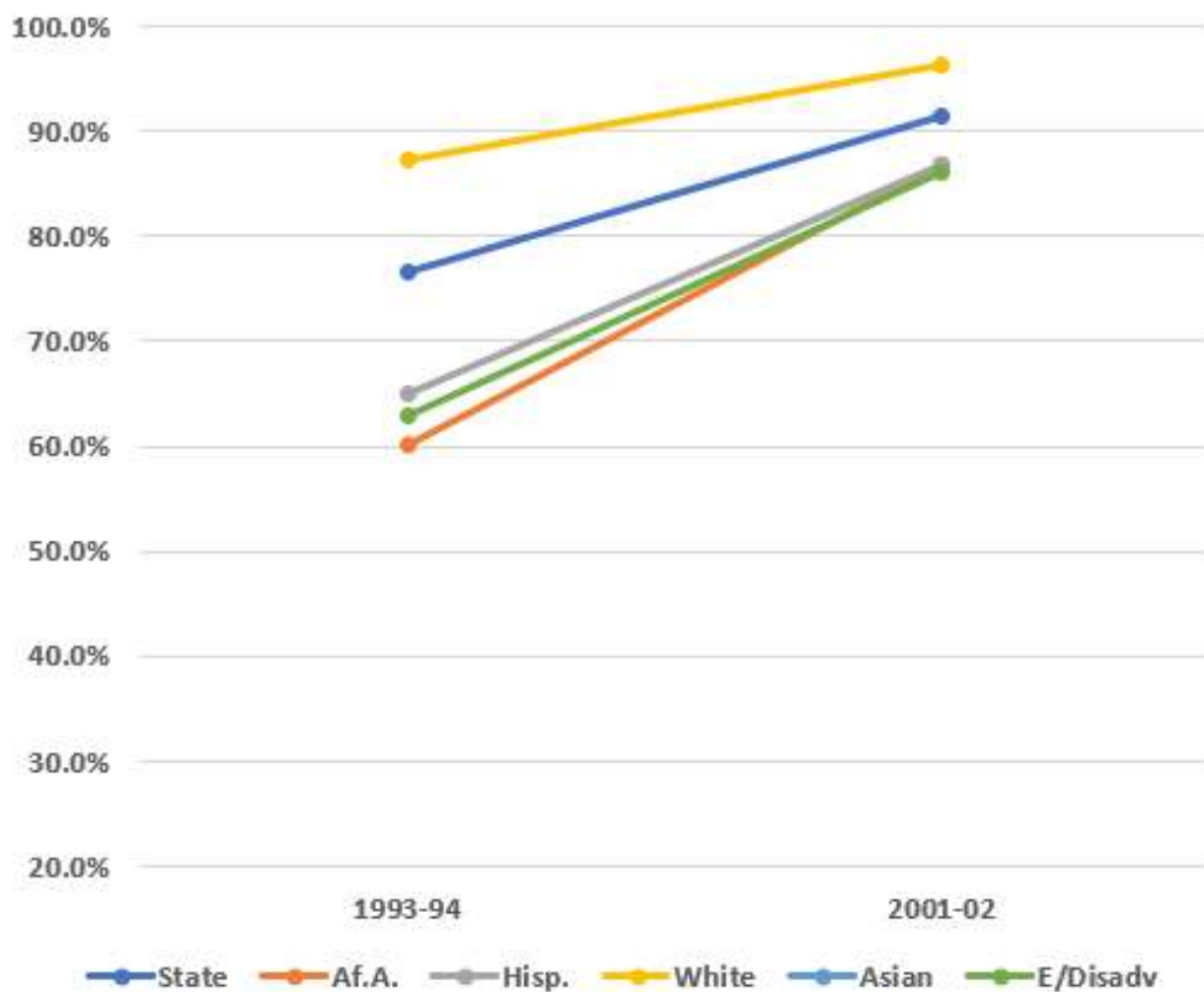


% Passing 10th All	1992-93	1993-94	1994-95	1999-00	2000-01	2001-02
State	52.0%	53.5%	55.1%	80.4%	80.3%	85.7%
Af.A.	29.3%	30.0%	32.2%	68.2%	69.2%	79.5%
Hisp.	34.5%	36.3%	37.7%	70.4%	71.0%	77.7%
White	67.1%	68.2%	70.7%	89.8%	89.3%	92.9%
Asian	63.4%	66.1%	69.7%	86.5%	86.4%	91.0%
E/Disadv	31.5%	33.9%	35.6%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

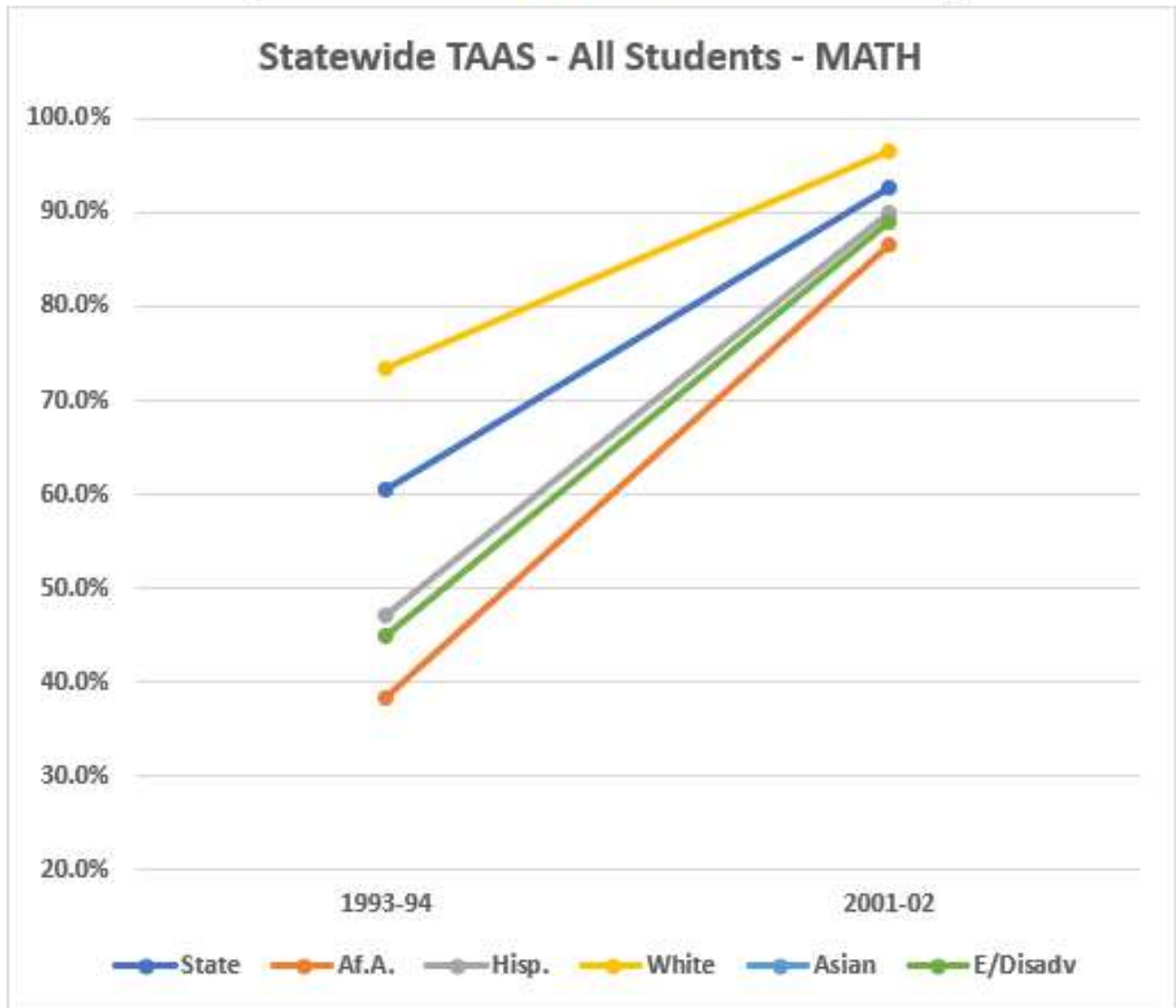


% Pass All Students Reading	1993-94	2001-02
State	76.5%	91.5%
Af.A.	60.2%	86.7%
Hisp.	64.9%	86.9%
White	87.2%	96.3%
Asian	NR	NR
E/Disadv	62.9%	86.0%

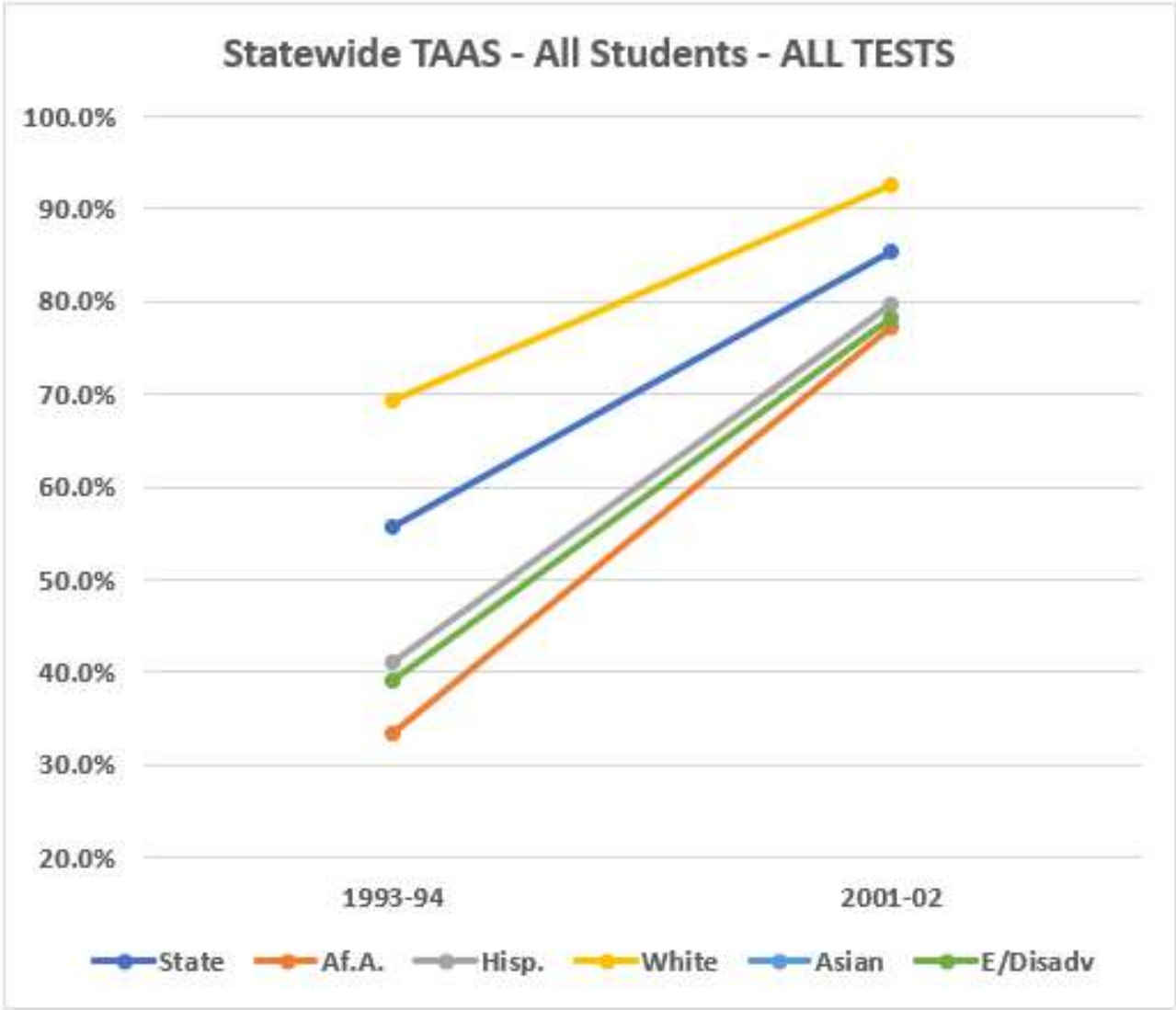
Statewide TAAS - All Students - READING



% 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%

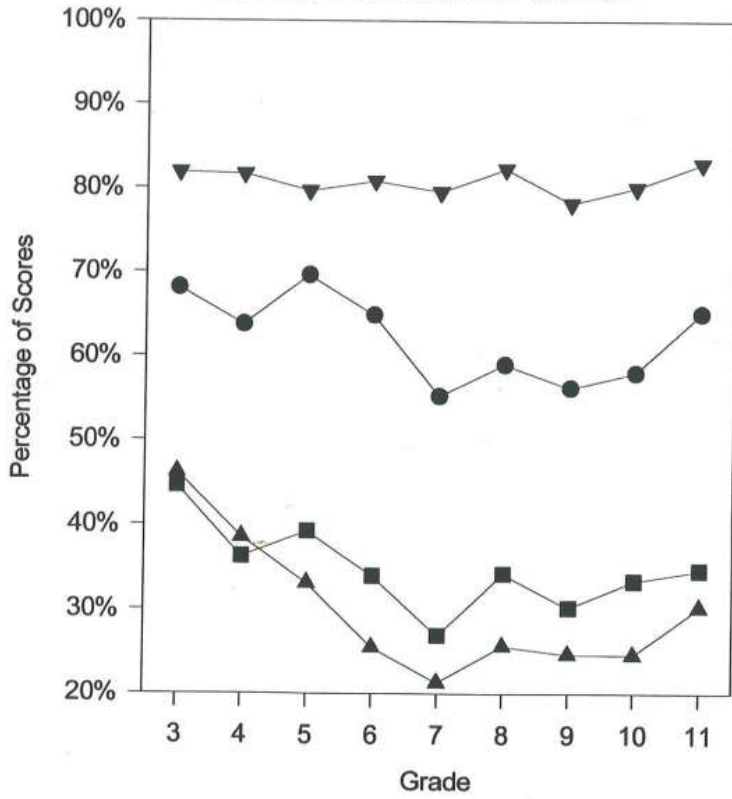


% Passing All Students		1993-94	2001-02
All Tests			
State		55.6%	85.3%
Af.A.		33.3%	77.2%
Hisp.		41.1%	79.7%
White		69.4%	92.5%
Asian		NR	NR
E/Disadv		39.0%	78.2%

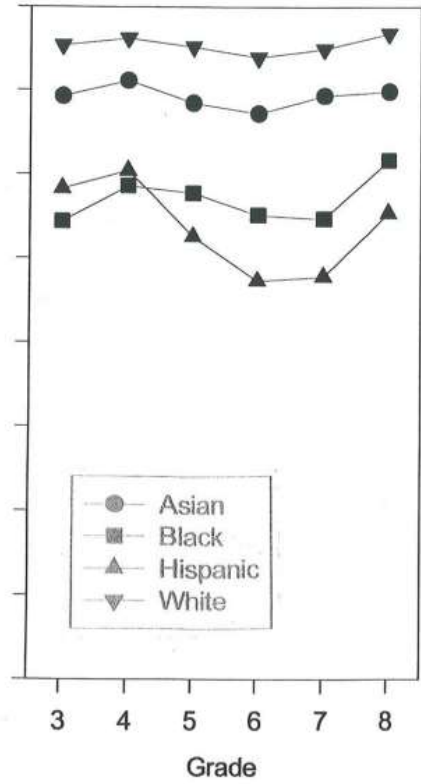


Now, take a look at achievement gaps for the 1997-98 era in Houston I.S.D. on the normed reference Stanford Achievement tests which mirror the results produced on the Iowa Test of Basic Skills in Dallas I.S.D. (You will be provided details) In reality, the achievement gaps in the two largest school districts 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?

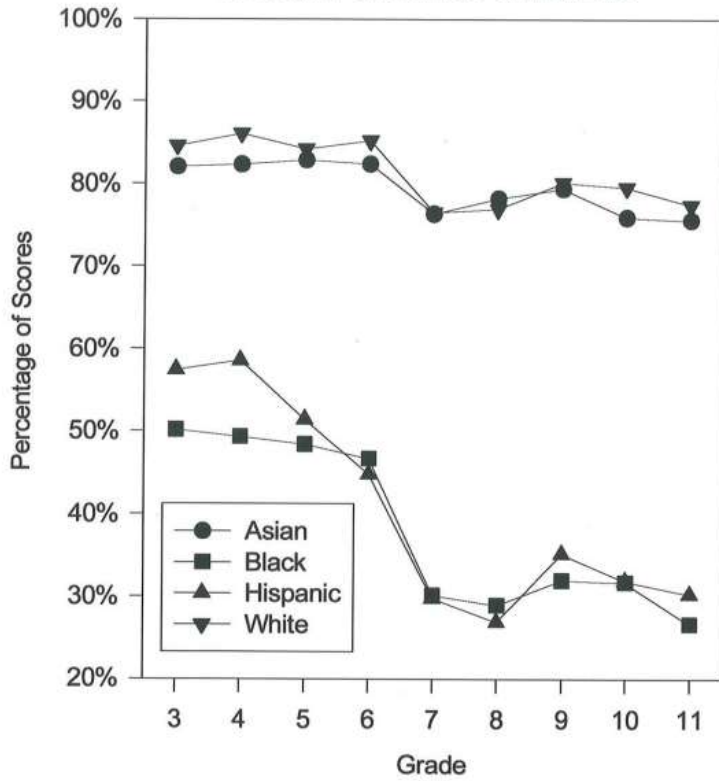
**SAT9 Reading Scores
at 50th Percentile or Above**



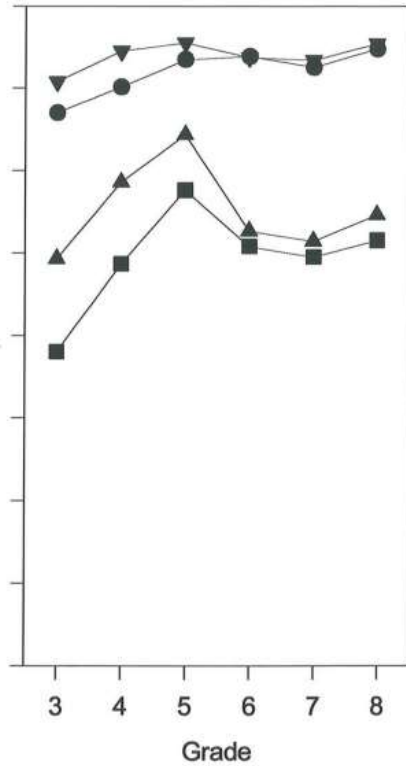
**TLI Reading Scores
of 70 or Above**



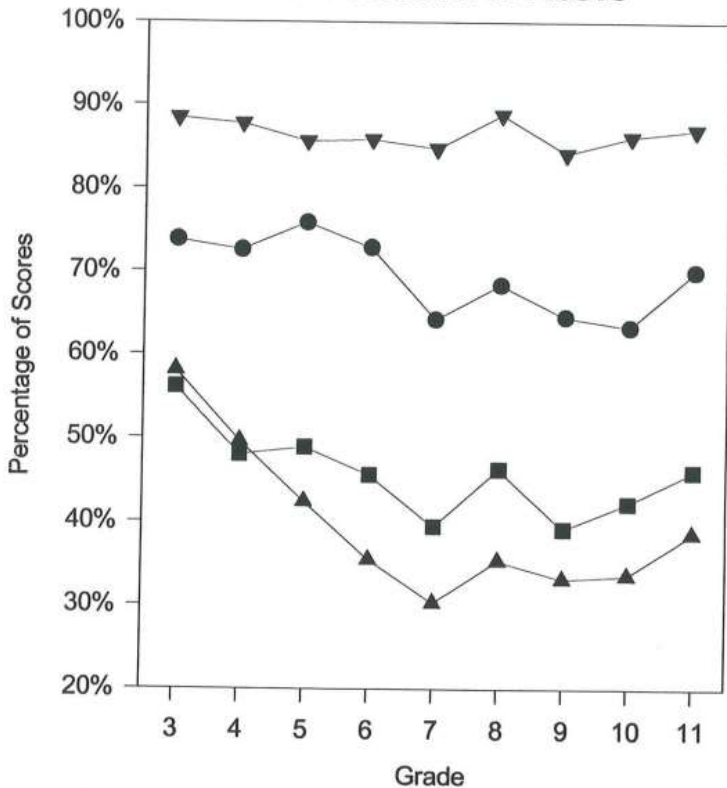
**SAT9 Math Scores
at 50th Percentile or Above**



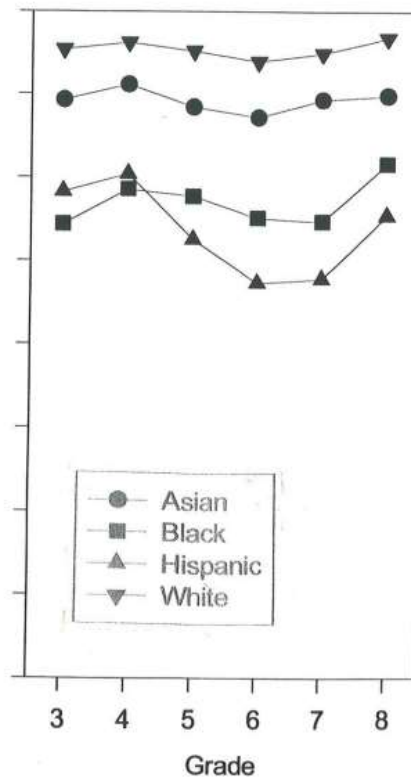
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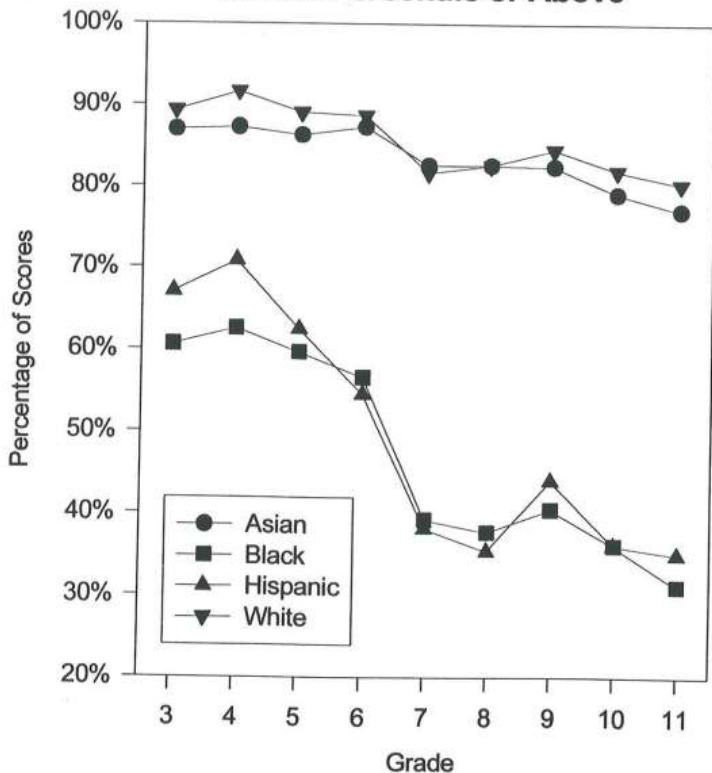
**SAT9 Reading Scores
at 40th Percentile or Above**



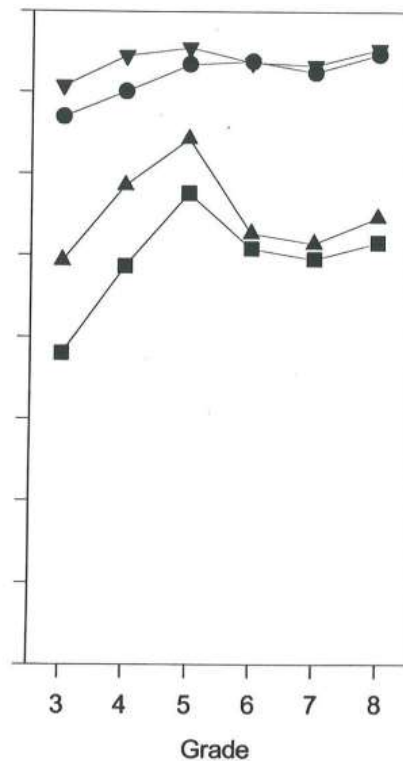
**TLI Reading Scores
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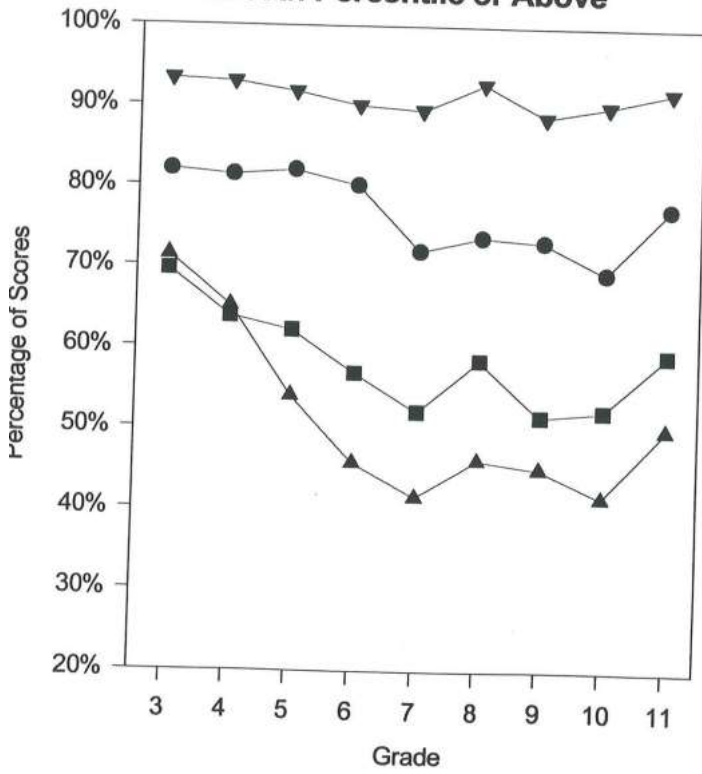
**SAT9 Math Scores
at 40th Percentile or Above**



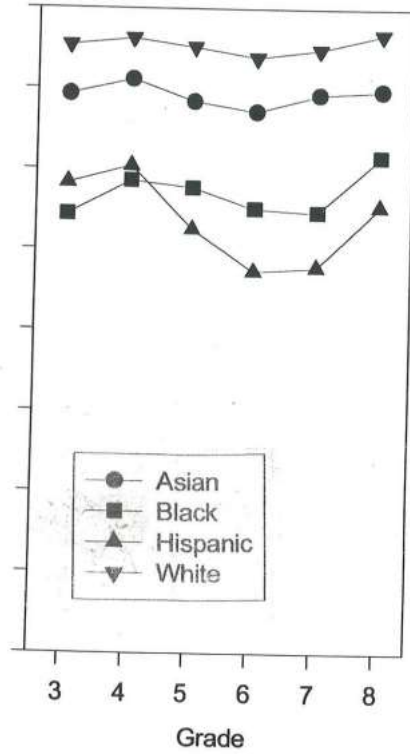
**TLI Math Scores
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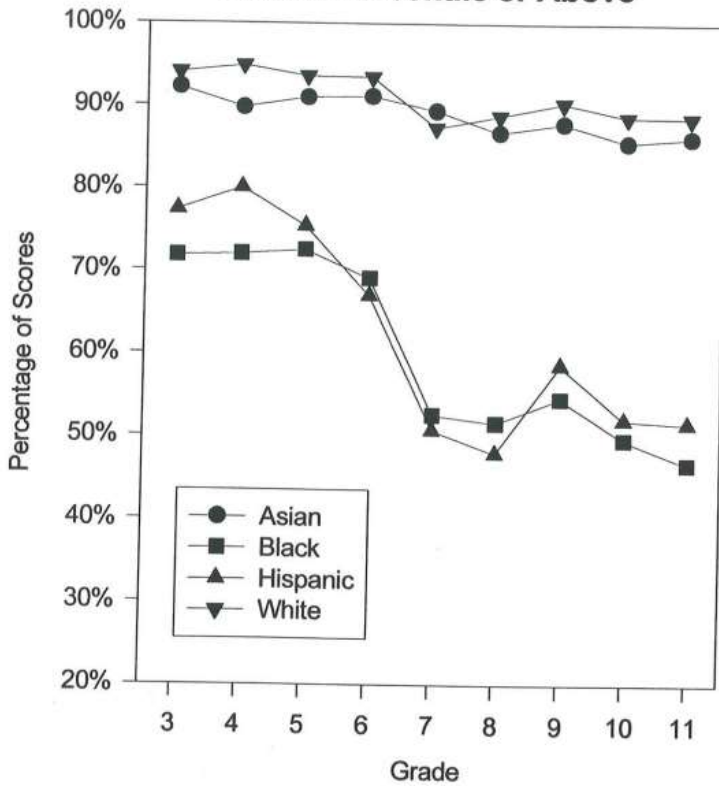
**SAT9 Reading Scores
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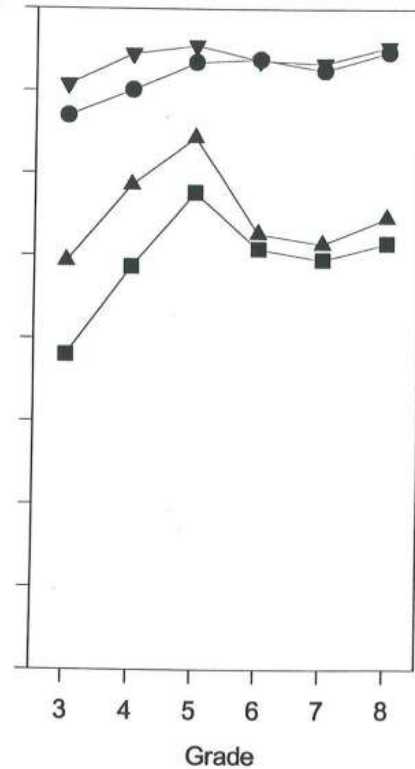
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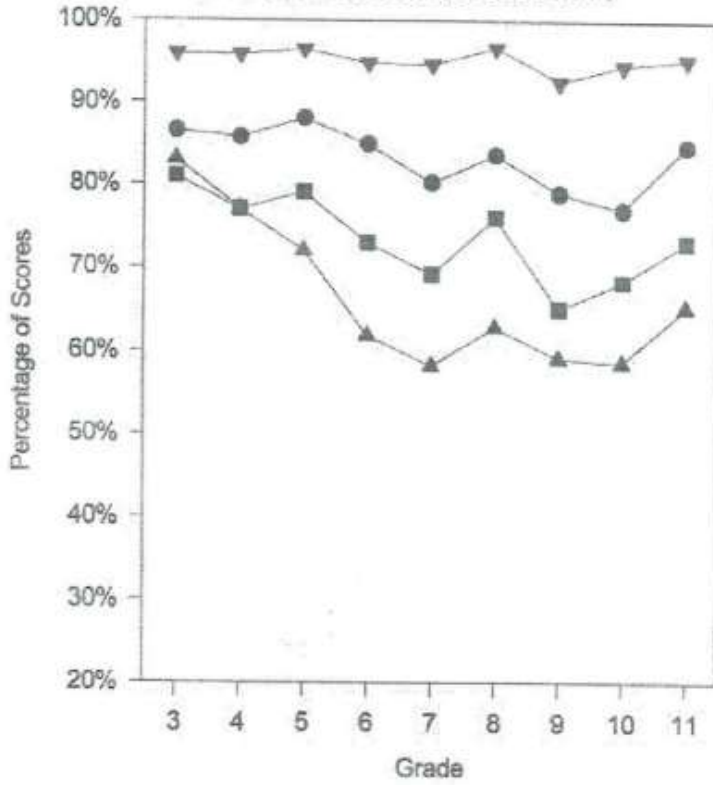
**SAT9 Math Scores
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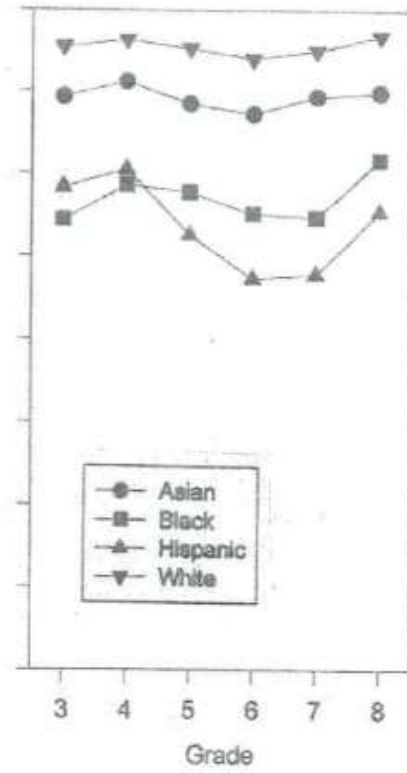
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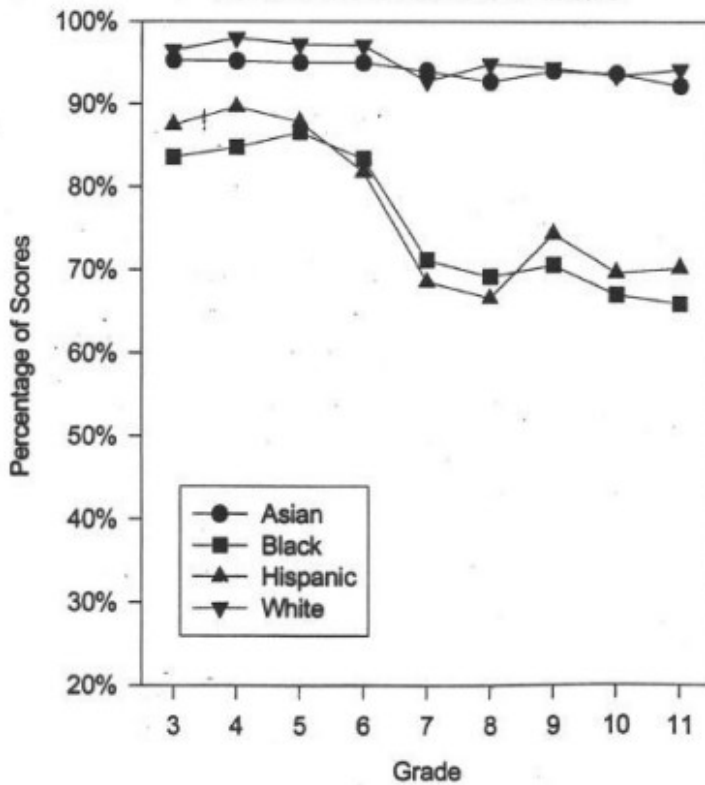
**SAT9 Reading Scores
at 20th Percentile or Above**



**TLI Reading Scores
of 70 or Above**



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



**TLI Math Scores
of 70 or Above**

