

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 (*10th 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...”