

SUPREME COURT OF OHIO

STATE EX REL., PAUL PERREA
412 Wood Avenue
Cincinnati, Ohio 45220

Relator,

-vs-

CINCINNATI PUBLIC SCHOOLS
2651 Burnet Avenue
Cincinnati, Ohio 45219

Respondents.

MANDAMUS PROCEEDING

CASE NO. 08-0748

COMPLAINT, WITH
AFFIDAVIT OF RELATOR

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SUPREME COURT OF OHIO

Relator, Paul Perrea, hereby files this Complaint in Mandamus. To the best of his information and belief, Mr. Perrea, by and through counsel, alleges as follows:

I. PRELIMINARY STATEMENT

1. This is a mandamus action in which Relator, Paul Perrea, asks this Court to order Respondent, Cincinnati Public Schools, to comply with a public document request. Mr. Perrea brings this original action pursuant to Ohio S. Ct. R. X and Ohio Rev. Code § 2731.01, *et seq.* Mr. Perrea's right to public documents is established by Ohio Rev. Code § 149.43.

II. PARTIES

2. Relator, Paul Perrea, is an Ohio citizen. (Affidavit of Relator, Paul Perrea (Perrea Affidavit), ¶ 1.) He lives at 412 Wood Avenue, Cincinnati, Ohio 45220. (Perrea Affidavit ¶ 1.) Mr. Perrea has requested public records in this case. (Perrea Affidavit ¶¶ 19-35.)

3. Respondent, Cincinnati Public Schools (CPS) is an Ohio public-school district. It is located in Hamilton County, Ohio. Cincinnati Public Schools has custody and control of the public records that Mr. Perrea has requested in this case. (Perrea Affidavit ¶ 2, Exhibit A, 000001-000002.)

4. Perrea is a teacher at CPS. His current position is at Hughes High School. (Perrea Affidavit ¶ 1.)

5. Rosa Blackwell is the superintendent of CPS. Ms. Blackwell, in her position with CPS, has custody and control of the public records that Perrea has requested in this case. (Perrea Affidavit ¶¶ 3 and 31.)

6. Laura Mitchell is deputy superintendent of CPS. Ms. Mitchell, in her position with CPS, has custody and control of the public records that Perrea has requested in this case. (Perrea Affidavit ¶¶ 4, 31.)

7. Janet L. Walsh is the chief officer of the Public Affairs Department at CPS. Ms. Walsh in her position with CPS has custody and control of the public records that Perrea has requested in this case. (Perrea Affidavit ¶¶ 5, 33-34, 36.)

8. Elizabeth A. Holtzapple, Ph.D., is the director of research, evaluation and test administration at CPS. Dr. Holtzapple in her position with CPS had custody and control of the public records that Perrea has requested in this case. (Perrea Affidavit ¶¶ 6, 27, 29.)

III. JURISDICTION AND VENUE

9. This Court has jurisdiction based on Section 2 of Article IV, Ohio Constitution, which establishes original jurisdiction for mandamus; Ohio S. Ct. R. X, which is the rule governing original actions in the Ohio Supreme Court; Ohio Rev. Code § 2731.01, *et seq.* which are the code sections controlling mandamus; and Ohio Rev. Code § 149.43, which is the statute establishing rights to public documents.

10. Venue is appropriate in this Court pursuant to Ohio Rev. Code § 2731.02 and Ohio Rev. Code § 149.43(C).

IV. ADMINISTRATIVE AND PROCEDURAL HISTORY

11. Mr. Perrea made numerous documents requests to officials at CPS, pursuant to Ohio Rev. Code § 149.43. (Perrea Affidavit ¶¶ 19-35.)

12. On February 8, 2007, Mr. Perrea placed the first public document request. (Perrea Affidavit ¶ 19, Exhibit G, 000033.) In a follow up, Perrea asked CPS to produce "Semester Exams administered in January 2007 to 9th graders." (Perrea Affidavit ¶ 19, Exhibit G, 000052.)

13. On February 8, 2007, Elizabeth A. Holtzapple, Ph.D. informed Perrea that CPS would not produce the documents. Dr. Holtzapple stated that the reason was because the semester exams were

“secure test documents.” (Perrea Affidavit ¶ 27, Exhibit G, 000034.)

14. On February 9, 2007, Perrea asked for the documents again. (Perrea Affidavit ¶ 28, Exhibit G, 000036.)

15. On February 12, 2007, Holtzapple again refused to produce the documents. This time Holtzapple stated that the reason was that the tests contained “copyrighted materials.” (Perrea Affidavit ¶ 29, Exhibit G, 000037.)

16. On February 25, 2007, Perrea again asked for the documents. This time he directed his letter to Rosa Blackwell, superintendent of CPS. (Perrea Affidavit ¶ 30, Exhibit G, 000040.)

17. On February 28, 2007, Blackwell directed Perrea to Laura Mitchell, deputy superintendent of CPS. (Perrea Affidavit ¶ 31, Exhibit G, 000041.)

18. Ms. Mitchell did not produce the documents. (Perrea Affidavit ¶ 32.)

19. On March 29, 2007, Perrea again asked for the documents. This time, Perrea made his request to Janet Walsh, chief officer of public relations. (Perrea Affidavit ¶ 33, Exhibit G, 000052.)

20. On April 4, 2007, Janet Walsh refused on the grounds that the documents were secure testing materials and protected by copyright. (Perrea Affidavit ¶ 34, Exhibit G, 000053.)

21. On July 14, 2007, Perrea wrote again and asked for the documents. When he did, he explained that he would pay the cost of copying. He also stated that he did not intend to use the copies for any commercial purpose. He would only use the copies for criticism, research, comments, and/or education. (Perrea Affidavit ¶ 35, Exhibit G, 000054.)

22. On July 23, 2007, Walsh again refused to produce the documents. (Perrea Affidavit ¶ 36, Exhibit G, 000055.)

V. STATEMENT OF THE CASE

23. Mr. Perrea is an Ohio citizen. (Perrea Affidavit ¶ 1.)
24. Mr. Perrea is aware that CPS uses various forms of standardized testing. (Perrea Affidavit ¶ 1.)
25. As a general matter, standardized tests are designed to be administered and scored in a consistent manner. The tests are based on recall of isolated facts and narrow test-taking skills. The tests often are in the form of multiple choice or true and false questions. Standardized tests sometimes use writing portions. (Perrea Affidavit ¶ 8, Exhibit B, 000003-000008.)
26. Mr. Perrea has been alerted to problems regarding standardized tests. (Perrea Affidavit ¶ 9.) Some of those problems are related to subjective aspects of the construction of the tests. Those subjective aspects include the items included in the test, the working and content of the items, the administration of the test, and the determination of the correct answer. (Perrea Affidavit ¶ 9, Exhibit C, 000009-000010.)
27. Mr. Perrea also learned that all standardized tests have a measurement error. In this context a measurement error means that a test-taker's score may vary due to the conditions of the testing or the mental and emotional state of the individual. (Perrea Affidavit ¶ 10, Exhibit D, 000011-000014.)
28. Certain measures can be implemented to improve the accuracy and reliability of standardized tests. For instance, it is possible to test population samples to determine whether the tests actually measure what the designers intended. (Perrea Affidavit ¶ 11, Exhibit D, 000012.)
29. In this case, on or about October 2006, CPS announced that it was going to start of series of standardized tests called Semester Exams. (Perrea Affidavit ¶ 15, Exhibit F, 000028-000032.)
30. CPS developed those Semester Exams for ninth grade students. CPS planned to administer

those exams and the end of each semester. The exams would be in core subjects: Modern World History, Integrated Mathematics 1, Algebra 1, Physical Science, and Ninth Grade English. All students taking those courses would take the exams. (Perrea Affidavit ¶ 15, Exhibit F, 000028-000032.)

31. The exams included multiple choice and constructed response items. CPS planned on teachers scoring the constructed response items and recording the scores on student scan sheets. (Perrea Affidavit ¶ 16, Exhibit F, 000028.)

32. The exams were planned to take up to two hours each. The exams counted as twenty-five percent of each student's grade. (Perrea Affidavit ¶ 17, Exhibit F, 000028.)

33. Mr. Perrea wanted to learn about the exams. He was concerned about the design, implementation, and scoring of the tests. (Perrea Affidavit ¶ 18.)

34. For that reason, Perrea made a public records request. Perrea's request was for CPS to "Semester Exams administered in January 2007 to 9th graders." (Perrea Affidavit ¶ 19, Exhibit G, 000052.)

35. The Ohio Public Records Act provides that all "public records" must be made available for inspection upon request. Ohio Rev. Code § 149.43(B)(1). According to the statute, "public records" are "records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units." Ohio Rev. Code § 149.43(A)(1).

36. On April 4, 2007, CPS wrote Mr. Perrea stating that it would not comply with his request because the "documents contain secure testing material and therefore are not subject to release as a public record." (Perrea Affidavit ¶ 36, Exhibit G, 000055.)

37. As the following discussion will establish, CPS is incorrect that Semester Exams that Perrea

has requested are “public records.”

- a. Public records include any “document, device, or item” that documents “the organization, functions, policies, decisions, procedures, operations, or other activities of the office.” Ohio Rev. Code § 149.011(G).
- b. In the case of exams from public schools, the Ohio Supreme Court has held that twelfth-grade proficiency test and vocational competency assessment tests are public records. *State ex rel. Rea v. Ohio Department of Education*, 81 Ohio St. 3d 527, 530, 692 N.E.2d 596, 600 (1998).
- c. In this case, therefore, the Semester Exams are public records. Ohio Rev. Code § 149.011(G).

38. CPS a “public office.”

- a. A “public office” is any “state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of the state for the exercise of any function of government.” Ohio Rev. Code § 149.011(A).
- b. Based on all these facts, CPS is a “public office.” Ohio Rev. Code § 149.011(A). Because it is a public office, the Semester Exams are “public records.” Ohio Rev. Code § 149.43(A)(1).

39. OCCS is part of a public “school district unit.”

- a. The Ohio Public Records act requires “school district units,” to comply with public document requests. Ohio Rev. Code § 149.43 (A)(1).
- b. The Ohio Supreme Court has previously held that a public school board of education

and superintendent are “public offices and officials for the purposes of the Public Records Act.” *State Ex. Rel Consumer News Services, Inc. v. Worthington City Board of Education*, 97 Ohio St. 3d 58, 65, 776 N.E.2d 82, 89 (2002).

- c. Based on these facts, OCCS is part of a “school district unit.” As such, the documents in this request are “public records” within the meaning of Ohio Rev. Code § 149.43(A)(1).

40. CPS has not met its burden of establishing an exception to public records act.

- a. As a general matter, “the inherent, fundamental policy of R.C. 149.43 is to promote open government, not restrict it.” *State ex Rel. Besser v. Ohio State University*, 89 Ohio St. 3d 396, 398, 732 N.E.2d 373, 376-77 (2000), citing *State ex Rel. The Miami Student v. Miami University*, 79 Ohio St. 3d 168, 171 680 N.E.2d 956, 959 (1997).
- b. Courts are instructed to “strictly construe exemptions from disclosure under R.C. 149.43 and to resolve any doubts in favor of disclosure of public records. *Besser*. at 405, 732 N.E.2d at 381.
- c. Trade secrets/disclosure: generally
 - i. The Public Records Act does not contain an exemption for trade secrets. Ohio Rev. Code § 149.43(A)(1)(a)-(y). And, the Trade Secret Act does not contain an exemption from disclosure under the Public Records Act. Ohio Rev. Code § 1333.61. The Ohio Supreme Court, however, has held, based on its precedents, that trade secrets are exempt from disclosure under the Public Records Act. *State ex Rel. Besser v. Ohio State University*, 87 Ohio St. 3d 535, 538, 721 N.E.2d 1044, 1047 (2000).

- ii. Trade secrets consist of any information that: (1) “derives independent economic value, actual or potential, from not being generally known,”; and (2) “is subject to efforts that are reasonable under the circumstances to maintain secrecy.” Ohio Rev. Code § 1333.61(D)(1)-(2).
- iii. Once “material is publicly disclosed, it loses any status it ever had as a trade secret.” *State ex Rel. Rea v. Ohio Dept. of Education*, 81 Ohio St. 3d 527, 532, 692 N.E.2d 596, 601 (1998). The Supreme Court has held that the “placement and use” of certain assessment tests “within the public educational domain is sufficient to constitute public release.” *Id.* at 533, 692 N.E.2d at 602.
- d. CPS disclosure of Semester Exams: public purpose of evaluating students
 - i. The Supreme Court has also held that when a public school develops examination materials “for the public purpose of evaluating school students pursuant to state and federal requirements, the test was effectively disseminated into the public domain.” *Id.* at 532, 692 N.E.2d at 601.
 - ii. The Ohio Constitution provides that, except for public schools, only the general assembly has the right to pass Ohio laws of a general nature. Ohio Const. Art. II, § 26.
 - iii. Based on that provision, school districts have broad constitutional authority. For instance, school districts have the right to “determine whether in a given situation [student] transportation to a high school is advisable and practicable.” *Minshall v. State ex rel.*, 124 Ohio St. 61, 63, 176 N.E. 888

(1931).

- iv. Similarly, when a city annexes additional territory, the board of education has the power to determine if the new territory shall become part of the city's existing school district. *Board of Education of Jefferson Local School District v. Board of Education of Columbus City School District*, 173 Ohio St. 130, 132, 180 N.E.2d 576, 578 (1962).
- v. Even though this determination regarding school district territory is a "legislative act," the board of education has that constitutional power under Art. II, § 26. *In Re Proposed Annexation by the Columbus City School District v. State Board of Education*, 45 Ohio St. 2d 117, 120, 341 N.E.2d 589, 592 (1976).
- vi. Boards of education also have the power to "adopt a policy governing the conduct of academic prevention/intervention services for all grades and all schools throughout the district." Ohio Rev. Code § 3313.6012(A). The boards have the authority to develop a "plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments." Ohio Rev. Code § 3313.6012(A)(2).
- vii. The "provision of a system of public education" is a governmental function. Ohio Rev. Code § 2744.01(C)(2)(c).
- viii. In this case, on April 24, 2006, CPS adopted a Building Futures Strategic Plan 2006-2001. As part of that strategic plan, CPS established certain

strategies for the purpose of meeting high academic standards. As part of that strategy, CPS determined that it would assess students frequently on their progress toward meeting their performance standards. (Perrea Affidavit at ¶ 12, Exhibit E, 000015-000027.)

- ix. To do that CPS would provide teachers with common benchmarks assessments for each grade and for each subject. (Perrea Affidavit ¶ 12, Exhibit E, 000019.)
 - x. CPS further directed teachers to use classroom-based assessments to monitor students' progress toward standards. CPS also directed teachers to differentiate instruction based on assessment results. Students were to be grouped based on the assessment results. (Perrea Affidavit ¶ 14, Exhibit E, 000019.)
 - xi. Based on that Building Futures Strategic Plan, CPS created the Semester Exams. (Perrea Affidavit ¶ 15, Exhibit F, 000028.)
 - xii. In this case, therefore, CPS created the Semester Exams pursuant for the "public purpose of evaluating school students pursuant to state . . . requirements." *State ex Rel. Rea*, 81 Ohio St. 3d at 532, 692 N.E.2d at 601. The tests were, accordingly, "disseminated into the public domain." *Id.* at 532, 692 N.E.2d at 601. Because the tests were disseminated into the public domain, there are not trade secrets. *Id.* at 533, 692 N.E.2d at 602.
- e. CPS disclosure of Semester Exams: teachers and students
 - i. Besides being created for a public purpose, the Semester Exams were

disclosed to so many persons that CPS has waived any trade secret arguments.

- ii. The rule is that “once material has been publicly disclosed, it loses any status it ever had as a trade secret.” *Id.* at 532, 692 N.E.2d at 601. For example, when a proficiency test has been “disclosed to thousands of public school students, teachers and administrators” it does not have trade secret status. *State ex rel. Physicians Committee for Responsible Medicine v. Board of Trustees of Ohio State University*, 108 Ohio St. 3d 288, 295, 843 N.E.2d 174, 181 (2006).
- iii. In this case, CPS has approximately 34,790 students preschool through twelfth grade. (Perrea Affidavit ¶ 20, Exhibit A, 000001.) If the grades were distributed evenly, that would mean that there are approximately 2676 ninth grade students. Based on CPS literature, it administered the Semester Exams to all ninth graders taking core courses. (Perrea Affidavit ¶ 20, Exhibit F, 000028.)
- iv. CPS also has approximately 2550 classroom teaching staff. (Perrea Affidavit ¶ 21, Exhibit A, 000002.) If those teachers are divided equally in the grades, that would mean that there are approximately 196 ninth grade teachers. (Perrea Affidavit ¶ 21.)
- v. Based on CPS literature, all ninth grade teachers had access to the Semester Exams. (Perrea Affidavit ¶ 22, Exhibit F, 000031.) Prior to the time that the students’ even take the tests, CPS required teachers to “predict the

performance of each student on each examination.” (Perrea Affidavit ¶ 22, Exhibit F, 000031.) The teachers were supposed to do that based on what they “already know about a student’s performance/skill level.” (Perrea Affidavit ¶ 22, Exhibit F, 000031.)

- vi. After the students take the exams, CPS required teachers to score the tests and record the scores. (Perrea Affidavit ¶ 23, Exhibit F, 000028.) CPS would then post the results on a website to which the principal and teachers had access. The tests would count as 25% of the students’ final grades. (Perrea Affidavit ¶ 23, Exhibit F, 000028.)
 - vii. CPS did implement what it called “test security.” CPS instructed the teachers that they could not make copies of the tests. (Perrea Affidavit ¶ 24, Exhibit F, 000031.)
 - viii. Despite that, CPS allowed the teachers to review tests. CPS, however, did not require the teachers to sign a confidentiality form. (Perrea Affidavit ¶ 25.) And, it did require the students to sign a confidentiality form. (Perrea Affidavit ¶ 26.)
 - ix. Based on the disclosure by CPS of the Semester Exams to thousands of students and teachers, it cannot claim that the exams are trade secrets. *Physicians Committee for Responsible Medicine*, 108 Ohio St. 3d at 295, 843 N.E.2d at 181.
- f. Trade secrets: no evidence
- i. Even if the documents had not been publicly disclosed, they would not

qualify as trade secrets.

- ii. The “entity claiming trade secret status bears the burden to identify and demonstrate that the material is included in categories or protected information under the statute.” *Besser*, 89 Ohio St. 3d at 401, 732 N.E.2d at 378. To do that, the entity claiming trade secret status must present “sufficient evidence” to establish that the materials are trade secrets. *Id.* at 401, 732 N.E.2d at 379.
- iii. In a similar case, Kenneth Besser requested that Ohio State University (OSU) produce certain documents. *Id.* at 396, 732 N.E.2d at 373. Those documents were related to OSU’s acquisition of a private Columbus hospital, Park Medical Center. *Id.* at 399, 732 N.E.2d at 377. The documents included, among other things, a February 4, 1999, memorandum and a January 28, 1999, business plan. *Id.* at 400-02, 732 N.E.2d at 378-79.
- iv. OSU argued that the documents were trade secrets. *Id.* at 396, 732 N.E.2d at 373. In support of its argument, OSU submitted an affidavit by one of its executives. *Id.* at 400, 732 N.E.2d at 378. The executive claimed that the information related to the hospital purchase derived “potential economic value from not being generally known to, and not being readily ascertainable to, persons who can obtain economic value from its disclosure”; and that release of the information would put OSU at “at a significant economic disadvantage.” *Id.* at 401, 732 N.E.2d at 378-79.

- v. Besides that affidavit, however, OSU did not present any evidence that the requested materials had an “potential, independent economic value.” *Id.* at 404, 732 N.E.2d at 381. OSU only produced “conclusory statements” and arguments that if it released the requested materials that it would suffer an economic disadvantage. *Id.* at 402, 732 N.E.2d at 379.
- vi. More specifically, OSU did not “introduce specific factual evidence concerning the savings effected and the value to OSU in having the information.” *Id.* at 404, 732 N.E.2d at 381. Similarly, OSU failed to present specific evidence of “the amount of effort or money expended by OSU to obtain and develop the information, and the amount of time and expense it would take for OSU’s competitors to duplicate the information.” *Id.* at 404-05, 732 N.E.2d at 381.
- vii. In this case, CPS makes the same mistake that OSU made. It has not presented any evidence to establish that the semester exams are trade secrets. CPS has not offered any evidence of savings or value from having the semester exams. (Perrea Affidavit ¶¶ 19-35, Exhibit G, 000033-000055.) It has not offered any evidence of the effort or money that it has expended in developing the exams. (Perrea Affidavit ¶¶ 19-35, Exhibit G, 000033-000055.) And, it has not presented any evidence of the time and expense that competitors would spend to duplicate the information. (Perrea Affidavit ¶¶ 19-35, Exhibit G, 000033-000055.)
- viii. Based on *Besser*, therefore, even if CPS had not already disseminated the

exams into the public domain, it could not establish that the documents were trade secrets. *Besser*, 89 Ohio St. 3d at 404-05, 732 N.E.2d at 381.

g. Copyright fair use is not a public record exemption

- i. CPS next argues that the Semester Exams are exempt from disclosure because they contain copyrighted material. (Perrea Affidavit at ¶ 34, Exhibit G, 000053.)
- ii. The holding from a 1998 Ohio Supreme Court case controls this issue. *State Ex Rel. Rea v. Ohio Dept. of Education*, 81 Ohio St. 3d 527, 692 N.E.2d 596 (1998).
- iii. In *Rea*, the Court considered the issue of whether previously administered Ohio Proficiency Tests and Ohio Vocational Competency Assessment (OVCA) tests were public records. *Id.*, at 528, 692 N.E.2d at 599. In that case, respondents argued that federal copyright laws prohibits the release of the tests. *Id.* at 532, 692 N.E.2d at 601-02.
- iv. The Supreme Court held that the Ohio “[e]xceptions to public records requests do not include the copyright defense where public records fall under the ‘fair use’ exception.” *Id.* In that case, the Court noted that the Relators had “no intention of copying these materials for commercial resale purposes.” *Id.* The Court also noted that the copyright “fair-use exception allows reproduction and copies without infringement of a copyright where the material will be used for purposes such as criticism, research, comment, and for other educational or non profit purposes that are not commercial in

nature.” *Id.*

- v. In this case, Perrea informed CPS that he “did not intend to use the copies for any commercial purpose.” (Perrea Affidavit ¶ 35, Exhibit G, 000054.) He further assured CPS that he would “only use the copies for criticism, research, comments, and/or education.” (Perrea Affidavit ¶ 35, Exhibit G, 000054.)
- vi. Based on these facts, therefore, the purported copyright exception by CPS does not apply.
- h. Semester Exams are not intellectual property
 - i. CPS finally argues that it does not have to produce the documents because they are “secure testing documents.” (Perrea Affidavit ¶ 27, Exhibit G, 000034.)
 - ii. The exception from the public records statute that most closely relates to CPS’s “secure test” argument is the exception for “intellectual property records.” *Rea v. Ohio Dept. of Education*, 81 Ohio St. 3d at 533, 692 N.E.2d at 602., citing Ohio Rev. Code § 149.43(A)(5). The statute defines intellectual property records as a record of educational study or research “that has not been publicly released, published, or patented.” *Rea v. Ohio Dept. of Education*, 81 Ohio St. 3d at 533, 692 N.E.2d at 602.
 - iii. Based on that definition, the Supreme Court noted that the OCAP test is an assessment tool “utilized to evaluate public school students.” *Id.* By construing the public records statute liberally, the Court found that “the

placement and use of the test within the public educational domain is sufficient to constitute public release under the statute.” *Id.* The Court held that the public records statute was “not designed to inhibit the release of materials used to further the state’s educational goals.” *Id.*

- iv. As recently as 2006, the Supreme Court confirmed the holding of *Rea* in the case, *State ex Rel. Physicians Committee for Responsible Medicine v. Ohio State University*, 108 Ohio St. 3d 288, 843 N.E.2d 174 (2006). In that case, the Court also considered the intellectual property exception to the public records statute. *Id.* at 843 N.E.2d at 179-80. In that case, the Court stated once again that the intellectual property exemption “did not cover previously administered Ohio 12th-grade proficiency tests and vocational examinations because those records had been publicly released.” *Id.*
- v. The holdings of *Rea* and *Physicians Committee* both establish that the argument by CPS — that the Semester Exams are “secure documents — does not provide an exemption under the public records act.
 - i. Ohio policy demands public disclosure of public education tests.
 - i. The state board of education is required to develop achievement tests for each subject area and grade level. Ohio Rev. Code § 3301.079 (C). The board then provides those tests to all Ohio school districts. *Id.* The local school districts are required to administer the achievement tests. *Id.*
 - ii. The general assembly has established: “Blank copies of diagnostic tests shall be public records.” Ohio Rev. Code § 3301.079(D)(1).

- iii. The Ohio Revised Code also requires the board of education to adopt a testing program for potential high school graduates. Ohio Rev. Code § 3301.0710. These tests are known as “Ohio graduation tests.” Ohio Rev. Code § 3301.710(B). The tests are “designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in reading, writing, mathematics, science, and social studies.” Ohio Rev. Code § 3301.0710.
- iv. The Ohio Supreme Court considered whether the graduation tests were public records. *State ex rel. Rea v. Ohio Department of Education*, 81 Ohio St. 3d 527, 530, 692 N.E.2d 596, 600 (1998). The Court referred to the tests as “Twelfth Grade OPT” examinations. *Id.* at 529, 692 N.E.2d at 599. The Court reasoned that by the “ODE is required to develop the proficiency tests.” *Id.* at 530, 692 N.E.2d at 600. And, the ODE “owns” and “maintains” the OPT. *Id.* The Court held that because the “ODE develops, owns, and maintains the OPT materials, they are considered public records under R.C. 149.43.” *Id.*
- v. Based on all legislative enactments and judicial decisions, there is a strong public policy in favor of holding that CPS Semester Exams are public records.

41. Mr. Perrea may properly bring this mandamus action.

- a. The Ohio Public Records Act when a public office refuses to promptly comply with a public records request, that “the person aggrieved may commence a mandamus

action” to obtain the documents. Ohio Rev. Code § 149.43(C).

- b. The Court has held that mandamus is “the appropriate remedy to compel compliance with Ohio’s Public Records Act.” *State ex rel. Consumer News Services, Inc. v. Worthington City Board of Education*, 97 Ohio St. 3d 58, 63, 776 N.E.2d 82, 88 (2002).
 - c. In this case, CPS and its officials have not complied with Mr. Perrea’s public records request. (Perrea Affidavit ¶ 37.)
 - d. For that reason, Mr. Perrea may properly bring this mandamus action.
42. CPS is a proper respondent for this mandamus action.
- a. A “public office or person responsible for public records,” must make the documents “available for inspection to any person at all reasonable times.” Ohio Rev. Code § 149.43(B)(1).
 - b. The “law does not require that the action be brought against the person ultimately responsible for the records. *State ex rel. Highlander v. Rudduck*, 103 Ohio St. 3d 370, 372, 816 N.E.2d 213, 216 (2004). The relator may sue “a person responsible” for the documents. *Id.* (emphasis added).
 - c. In a closely related case, a news reporter, Candace Brooks, requested public records from the Worthington City Schools, the Worthington Board of Education and the superintendent of schools. *Consumer News Services, Inc. v. Worthington*, 97 Ohio St. 3d at 58, 63, 776 N.E.2d at 84.
 - d. The superintendent had custody and control of the documents when Brooks made the request. *Id.* at 65, 776 N.E.2d at 89. Because of that, the Court held that the schools,

the board, and the superintendent were all “public offices and officials” required to produce the documents pursuant to the mandamus action. *Id.* at 65-67, 776 N.E.2d at 89-91.

- e. In the case of CPS, the E-mails from CPS establish that CPS, Blackwell, Mitchell, Holtzapple, and Walsh have “custody and control” of the public records. (Perrea Affidavit ¶¶ 19-35, Exhibit G, 000033-000055.) Because Respondents have custody and control, they are proper respondents in this case. *Highlander*, 103 Ohio St. 3d at 372, 816 N.E.2d at 216.

43. There is no valid excuse for Respondents to not produce the documents.

44. Respondents, therefore, must produce the documents pursuant Ohio Rev. Code § 149.43(B)(1).

COUNT ONE

45. Relator re-alleges paragraphs 1 through 44 as if fully re-written herein.

46. Relator requests that this Court issue a peremptory writ of mandamus, ordering Respondents to provide the documents from the public records request.

COUNT TWO

47. Relator re-alleges paragraphs 1 through 46 as if fully re-written herein.

48. Relator requests that this Court issue an alternative writ of mandamus, ordering Respondents to provide the documents from the public records request.

COUNT THREE

49. Relator re-alleges paragraphs 1 through 48 as if fully re-written herein.

50. Relator requests that this Court order Respondents to pay his reasonable attorney’s fees and

costs.

WHEREFORE, RELATOR DEMANDS:

1. That this Court issue a peremptory writ of mandamus ordering Respondents to produce the documents;
2. If the Court does not issue a peremptory writ, that this Court issue an alternative writ of mandamus ordering Respondents to produce the records;
3. That this Court order Respondent to pay Relator's attorney's fees and costs;
4. That this Court order any other relief available to Relator pursuant to Ohio Rev. Code § 149.43 and/or Ohio Rev. Code § 2731.01 *et seq.*

Respectfully submitted,



TED L. WILLS (Ohio Bar No. 0059473)
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Cincinnati, Ohio 45202
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Attorney for Relator, Paul Perrea

STATE OF OHIO

)

) **SS:**

COUNTY OF HAMILTON

)

Now comes Affiant, Paul Perrea, who being duly cautioned and sworn upon his oath, states as follows:

1. My name is Paul Perrea. I am an Ohio citizen. I currently live at 412 Wood Avenue, Cincinnati, Ohio 45220. I am a teacher at CPS. My current position is at Hughes High School in Cincinnati, Ohio. Hughes High School is in the Cincinnati Public School district.
2. Respondent, Cincinnati Public Schools (CPS) is an Ohio public-school district, located in Hamilton County, Ohio. Attached hereto as Exhibit A, is a true and accurate copy of two web pages from the CPS web site: "Introduction" and "Employment." (Exhibit A, 000001-000002.)
3. Rosa Blackwell is the superintendent of CPS.
4. Laura Mitchell is deputy superintendent of CPS.
5. Janet Walsh is the director of public affairs at CPS.
6. Elizabeth A. Holtzapple, Ph.D., is the director of research, evaluation and test administration at CPS.
7. Because of my position at CPS, I am aware that CPS uses various forms of standardized testing.
8. As a general matter, standardized tests are designed to be administered and scored in a consistent manner. The tests are based on recall of isolated facts and narrow test-taking skills. The tests often are in the form of multiple choice or true and false questions. Standardized tests sometimes use writing portions. Attached hereto is a true and accurate copy of a section from

Wikipedia Encyclopedia, "Standardized test." (Exhibit B, 000003-000008.)

9. I am also aware that there are certain problems regarding standardized tests. Some of those problems are related to subjective aspects of the construction of the tests. Those subjective aspects include the items included in the test, the working and content of the items, the administration of the test, and the determination of the correct answer. Attached hereto as Exhibit C is a true and accurate copy of an article by the organization Fair Test, "What's Wrong with Standardized Tests." (Exhibit C, 000009-000010.)

10. I have also learned that all standardized tests have a measurement error. In this context a measurement error means that a test-taker's score may vary due to the conditions of the testing or the mental and emotional state of the individual. Attached hereto as Exhibit D is an article by the organization Center for Assessment and Evaluation of Student Learning (CAESL). (Exhibit D, 000011-000014.)

11. Certain measures can be implemented to improve the accuracy and reliability of standardized tests. For instance, it is possible to test population samples to determine whether the tests actually measure what the designers intended. (Exhibit D, 000012.)

12. On or about April 24, 2006, CPS adopted a Building Futures Strategic Plan 2006-2001. As part of that strategic plan, CPS established certain strategies for the purpose of meeting high academic standards. As part of that strategy, CPS determined that it would assess students frequently on their progress toward meeting their performance standards. Attached hereto as Exhibit E is a true and accurate copy of the CPS Strategic Plan 2006-2001, Building Futures. (Exhibit E, 000015-000027.)

13. To do that CPS would provide teachers with common benchmarks assessments for each

grade and for each subject. (Exhibit E, 000019.)

14. CPS further directed teachers to use classroom-based assessments to monitor students' progress toward standards. CPS also directed teachers to differentiate instruction based on assessment results. Students were to be grouped based on the assessment results. (Exhibit E, 000019.)

15. Based on that Building Futures Strategic Plan, CPS created the Semester Exams. CPS developed those Semester Exams for ninth grade students. CPS planned to administer those exams and the end of each semester. The exams would be in core subjects: Modern World History, Integrated Mathematics 1, Algebra 1, Physical Science, and Ninth Grade English. All students taking those courses would take the exams. Attached hereto as Exhibit F are three memoranda from CPS regarding Semester Exams. (Exhibit F, 000028-000032.)

16. The exams included multiple choice and constructed response items. CPS planned on teachers scoring the constructed response items and recording the scores on student scan sheets. (Exhibit F, 000028.)

17. The exams were planned to take up to two hours each. The exams counted as twenty-five percent of each student's grade. (Exhibit F, 000028.)

18. I wanted to learn about the exams. I was concerned about the design, implementation, and scoring of the tests.

19. For that reason, on February 8, 2007, I made a public records request. In a follow up, I clarified that my request was for CPS to produce "Semester Exams administered in January 2007 to 9th graders." Attached hereto as Exhibit G are true and accurate copies of E-mails and correspondence related to my public records request. (Exhibit G, 000033-000055.)

20. CPS has approximately 34,790 students, preschool through twelfth grade. If the grades were distributed evenly, that would mean that there are approximately 2,676 ninth grade students. (Exhibit A, 000001.) Based on CPS literature, it administered the Semester Exams to all ninth graders taking core courses. (Exhibit F, 000028.)
21. CPS also has approximately 2550 teaching staff. (Exhibit A, 000002.) If those teachers are divided equally in the grades, that would mean that there are approximately 196 ninth-grade teaching staff.
22. Based on CPS literature, all ninth grade teachers had access to the Semester Exam. Prior to the time that the students' even take the tests, CPS required teachers to "predict the performance of each student on each examination." The teachers were supposed to do that based on what they "already know about a student's performance/skill level." (Exhibit F, 000031.)
23. After the students take the exams, CPS required teachers to score the tests and record the scores. CPS would then post the results on a website to which the principal and teachers had access. The tests would count as 25 percent of the students' final grades. (Exhibit F, 000028.)
24. CPS implemented what it called "test security." CPS instructed the teachers that they could not make copies of the tests. Despite that, teachers were allowed to review the exams. In fact they were also required to predict students' performance and to grade portions of the exams. (Exhibit F, 000031.)
25. CPS did not require the teachers to sign a confidentiality form.
26. And, it did require the students to sign a confidentiality form.
27. On February 8, 2007, Elizabeth A. Holtzapple, Ph.D. informed me that CPS would not produce the documents. Dr. Holtzapple stated that the reason was because the semester exams were

“secure test documents.” (Exhibit G, 000034.)

28. On February 9, 2007, I asked for the documents again. (Exhibit G, 000036.)

29. On February 12, 2007, Holtzapple again refused to produce the documents. This time Holtzapple stated that the reason was that the tests contained “copyrighted materials.” (Exhibit G, 000037.)

30. On February 25, 2007, I again asked for the documents. This time I directed my letter to Rosa Blackwell, superintendent of CPS. (Exhibit G, 000040.)

31. On February 28, 2007, Blackwell directed me to Laura Mitchell, deputy superintendent of CPS. (Exhibit G, 000041.)

32. Ms. Mitchell did not produce the documents.

33. On March 29, 2007, I again asked for the documents. This time, I made my request to Janet Walsh, director of public affairs. (Exhibit G, 000052.)

34. On April 4, 2007, Janet Walsh refused on the grounds that the documents were secure testing materials and protected by copyright. (Exhibit G, 000053.)

35. On July 14, 2007, I wrote again and asked for the documents. When I did, I explained that I would pay the cost of copying. I also stated that I did not intend to use the copies for any commercial purpose. I would only use the copies for criticism, research, comments, and/or education. (Exhibit G, 000054.)

36. On July 23, 2007, Walsh again refused to produce the documents. (Exhibit G, 000055.)

37. Respondents have never produced copies of the exams.

FURTHER AFFIANT SAITH NOT.

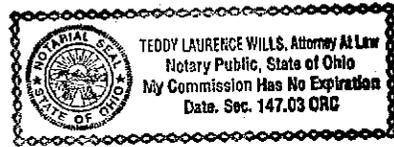
Paul A. Perrea

Paul Perrea

Subscribed and sworn to me, a Notary Public, this 15 day of April, 2008.

Ted Will

Notary Public





Cincinnati Public Schools

Introduction

Cincinnati Public Schools (CPS), with 62 schools spread around a 90-square-mile district, is moving forward strongly on two fronts: Raising student achievement inside the classroom while rebuilding and renovating its school buildings into modern 21st-century learning environments.

As Ohio's third-largest public-school district and Hamilton County's largest, CPS has demonstrated continuous improvement over recent years in overall district performance, reading and math scores, graduation rate, student attendance and high-school academic performance.

Cincinnati Public Schools serves about 34,790 students in preschool through 12th grade. Students may select from a variety of educational programs, including 16 high schools with specific focuses; 19 magnet elementary schools offering programs such as the arts, foreign language, and Montessori and Paideia teaching styles; plus a strong selection of neighborhood elementary schools.



CPS earned the Continuous Improvement rating on the 2006-07 Ohio Report Card, based on the district's steady academic achievement. CPS has been in Continuous Improvement — the report card's middle category — for three years in a row.

CPS' administration credited recent Report Card gains to the hard work of students, teachers, administrators and parents. Three major components are leading the district's improvement: aligning curriculum and teaching with state academic standards, frequently monitoring student progress toward the standards, and intervening quickly with targeted help for struggling students.

During the 2007-08 school year, CPS has welcomed students into several new buildings — the new Roberts Paideia Academy built adjacent to its old building on Grand Avenue in Price Hill, the new Douglass School on Park Avenue in Walnut Hills, the new George W. Hays School on Cutter Street in the West End, and the new Academy of World Languages (AWL) on its Fairfax Avenue campus in Evanston.

Currently, more than a dozen sites are under construction — including new buildings and full renovations — within the district's ten-year \$1-billion Facilities Master Plan, which launched in 2002. CPS is building modern schools for all Cincinnati Public Schools' students.

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Cincinnati Public Schools

Employment

Cincinnati Public Schools (CPS) is the third-largest school district in Ohio and the seventh largest employer in Cincinnati – employing about 5,000 people, of which about 2,550 are teaching staff.

We are proud to be one of the state's top urban districts. CPS has demonstrated continuous improvement over recent years in overall district performance, reading and math scores, graduation rate, student attendance and high academic performance.

Serving over 35,000 students, the district offers numerous education options and programs including Paideia, Montessori, college-prep and small neighborhood schools.

Benefits and Incentives

Cincinnati Public Schools offers a very competitive salary and benefit package. In addition, certified employees are eligible to further their education free of cost as a result of the fee-waiver programs at area colleges and universities.



Types of Opportunities

The Cincinnati Public School District hires employees in three major categories:

- **Administration:**
principals, assistant principals, central office management
- **Certificated:**
teachers, counselors, librarians, speech pathologists, school social workers, psychologists, substitute teachers
- **Civil Service:**
secretaries, plant operators, custodians, food service, crafts, instructor assistants

Together with our team of dedicated students, parents, teachers, staff, administrators and the community, Cincinnati Public Schools is Building Futures.

We hope you will join our team.

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Standardized test

From Wikipedia, the free encyclopedia

A **standardized test** is a test administered and scored in a consistent manner. The tests are designed in such a way that the "questions, conditions for administering, scoring procedures, and interpretations are consistent" ^[1] and are "administered and scored in a predetermined, standard manner."^[2]

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- 1 History
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History

The earliest evidence of standardized testing based on merit comes from China during the Han dynasty. The concept of a state ruled by men of ability and virtue was an outgrowth of Confucian philosophy. The imperial examinations covered the Six Arts which included music, archery and horsemanship, arithmetic, writing, and knowledge of the rituals and ceremonies of both public and private parts. Later, the five studies (military strategies, civil law, revenue and taxation, agriculture and geography) were added to the testing.

United States

The first large-scale use of the IQ test in the US was during the World War I (circa 1914-18). The Educational Testing Service (ETS) established in 1948 is the world's largest private educational testing and measurement organization, operating on an annual budget of approximately \$900 million.

The Elementary and Secondary Education Act of 1965 requires standardized testing in public schools. US Public Law 107-110, known as the No Child Left Behind Act of 2001 further ties public school funding to standardized testing.

Further information: List of standardized tests in the United States

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Design and scoring

In practice, standardized tests can be composed of multiple-choice and true-false questions. Such items can be tested inexpensively and quickly by scoring special answer sheets by computer or via computer-adaptive testing. Some tests also have short-answer or essay writing components that are assigned a score by independent evaluators who use rubrics (rules or guidelines) and anchor papers (examples of papers for each possible score) to determine the grade to be given to a response. Most assessments, however, are not scored by people; people are used to score items that are not able to be scored easily by computer (i.e., essays). For example, the Graduate Record Exam is a computer-adaptive assessment that requires no scoring by people (except for the writing portion).^[3]

Scoring issues

There can be issues with human scoring, which is a reason for the preference given to computer scoring. For example, the Seattle Times reported that for Washington State's WASL, temporary employees that were paid \$10 an hour spent as little as 20 seconds on each math problem and 2.5 minutes on essay items which might determine if a student graduates from high school, which some believe is a matter of concern given the high stakes nature of such tests. Pearson scores many other state tests similarly.^[4] Agreement between scorers can vary between 60 to 85 percent depending on the test and the scoring session. Sometimes states pay to have two or more scorers read each paper to improve reliability, though this does not eliminate test responses getting different scores.^[5] Note, however, that open-ended components of test are often only a small proportion of the test.

Score

There are two types of standardized test score interpretations: a norm-referenced score interpretation or a criterion-referenced score interpretation. Norm-referenced score interpretations compare test-takers to a sample of peers. Criterion-referenced score interpretations compare test-takers to a criterion (a formal definition of content), regardless of the scores of other examinees. These may also be described as standards-based assessments as they are aligned with the standards-based education reform movement.^[6] Norm-referenced test score interpretations are associated with traditional education, which measures success by rank ordering students, while standards-based assessments are based on the egalitarian belief that all students can succeed if they are assessed against high standards which are required of all students regardless of ability or economic background.

Standards

The considerations of validity and reliability typically are viewed as essential elements for determining the quality of any standardized test. However, professional and practitioner associations frequently have placed these concerns within broader contexts when developing standards and making overall judgments about the quality of any standardized test as a whole within a given context.

Evaluation standards

In the field of evaluation, and in particular educational evaluation, the Joint Committee on Standards for Educational Evaluation^[7] has published three sets of standards for evaluations. *The Personnel*

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Evaluation Standards^[8] was published in 1988, *The Program Evaluation Standards* (2nd edition)^[9] was published in 1994, and *The Student Evaluation Standards*^[10] was published in 2003.

Each publication presents and elaborates a set of standards for use in a variety of educational settings. The standards provide guidelines for designing, implementing, assessing and improving the identified form of evaluation. Each of the standards has been placed in one of four fundamental categories to promote educational evaluations that are proper, useful, feasible, and accurate. In these sets of standards, validity and reliability considerations are covered under the accuracy topic. For example, the student accuracy standards help ensure that student evaluations will provide sound, accurate, and credible information about student learning and performance.

Testing standards

In the field of psychometrics, the *Standards for Educational and Psychological Testing*^[11] place standards about validity and reliability, along with errors of measurement and reliability for individuals with disabilities. The third and final major topic covers standards related to testing applications, including credentialing, plus testing in program evaluation and public policy.

Advantages

One of the main advantages of standardized testing is that the results can be empirically documented, therefore the test scores can be shown to have a relative degree of validity and reliability, as well as results which are generalizable and replicable.^[12] This is often contrasted with grades on a school transcript, which are assigned by individual teachers. It may be difficult to account for differences in educational culture across schools, difficulty of a given teacher's curriculum, differences in teaching style, and techniques and biases that affect grading. This makes standardized tests useful for admissions purposes in higher education, where a school is trying to compare students from across the nation or across the world.

Another advantage is aggregation. A well designed standardized test provides an assessment of an individual's mastery of a domain of knowledge or skill which at some level of aggregation will provide useful information. That is, while individual assessments may not be accurate enough for practical purposes, the mean scores of classes, schools, branches of a company, or other groups may well provide useful information because of the reduction of error accomplished by increasing the sample size.

Disadvantages and criticism

Though educators recognize that standardized tests have a place in the arsenal of tools used to assess student achievement, many feel that overuse and misuse of these tests is having serious negative consequences on teaching and learning. According to FairTest,^[13] when standardized tests are the primary factor in accountability, the temptation is to use the tests to define curriculum and focus instruction. What is not tested is not taught, and how the subject is tested becomes a model for how to teach the subject. Critics say this disfavors higher-order learning. Moreover, Popham^[14] points out that standardized test score should not be a measure of school accountability because the examinee scores are influenced by three things: what kids learn in school, what kids learn outside of school, and innate intelligence.

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It is of course possible to use a standardized test and not let its limits control curriculum and instruction. However, this can result in a school putting itself at risk for producing lower test scores. For example, under the federal No Child Left Behind law in the United States, low test scores mean schools and districts can be labeled "in need of improvement" and punished. It also means parents and the community are less likely to know how well children are learning in untested areas.

Supporters of standardized testing respond that these are not reasons to abandon testing, but rather criticisms of poorly designed testing regimes. They argue that testing focuses educational resources on the most important aspects of education - imparting a pre-defined set of knowledge and skills - and that other aspects are either less important, or should be added to the testing scheme.

Some critics say that some children do not do well on standardized tests, despite mastery of the material, due to testing anxiety or lack of time management or test-taking skills.

The growing influence of test preparation is also a concern for some. As the importance of standardized testing rises, many students attempt to prepare themselves for a test, either through free sample tests and programs, purchasing books designed to prepare the student for a test, or private tutoring sessions. Some parents are willing to pay thousands of dollars to prepare their children for tests,^[15] a financial barrier that may give children of more wealthy parents an advantage compared to less affluent families. However this criticism would probably apply even more to testing alternatives such as portfolios or essays. Many studies also show that test coaching has little effect on scores on well-built tests.

Testing bias occurs when a test systematically favors one group over another, even though both groups are equal on the trait the test measures. Critics allege that test makers and facilitators are connected to government committees, and these groups and test makers tend to represent a middle class, white background. Critics claim that standardized testing match the values, habits, and language of the test makers. However, being that most tests come from a white, middle-class background, it is important to note that the highest test scores are not by people of that background.^[16] It is also important to note that virtually modern standardized tests follow extensive guidelines with regard to test bias and ensure diverse representation of ethnic groups and backgrounds during test development. Students from minority backgrounds have a hard time identifying with the subject matter of questions and readings because they do not correlate with their previous experiences. For students who speak English as a second language or another form of English, such as Ebonics, they have a hard time reading and comprehending the tests because they are written in Standard English. Note that these criticisms apply primarily to verbal tests. It is hard to imagine how a test which primarily contains abstract problems (such as a math or IQ test) could unfairly favor any particular group. Questions on these tests contain only the symbols and concepts inherent to the subject, thus any disparate group impact is simply legitimate measurement of ability.

Not all tests are well-written, for example, containing multiple-choice questions with ambiguous answers, or poor coverage of the desired curriculum. Some standardized tests include essay questions, and some have criticized the effectiveness of the grading methods. Recently, partial computerized grading of essays has been introduced for some tests, which is even more controversial.^[17]

Educational decisions

Test scores are in some cases used as a sole, mandatory, or primary criterion for admissions or

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certification. For example, some U.S. states require high school graduation examinations. Adequate scores on these exit exams are required for high school graduation. The General Educational Development test is often used as an alternative to a high school diploma.

Other applications include tracking (deciding whether a student should be enrolled in the "fast" or "slow" version of a course) and awarding scholarships. In the United States, many colleges and universities automatically translate scores on Advanced Placement tests into college credit, satisfaction of graduation requirements, or placement in more advanced courses. Generalized tests such as the SAT are more often used as one measure among several, when making admissions decisions. Some public institutions have cutoff scores for the SAT, GPA, or class rank, for creating classes of applicants to automatically accept or reject.

Heavy reliance on standardized tests for decision-making is often controversial, for the reasons noted above. Critics often propose emphasizing cumulative or even non-numerical measures, such as classroom grades or brief individual assessments (written in prose) from teachers.

The National Academy of Sciences recommends that major educational decisions not be based solely on a test score.^[18]

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See also

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Major topics

- Assessment
- Evaluation
- List of standardized tests in the United States
- Psychometrics
- Standards-based assessment
- Test (student assessment)

Other topics

- Alternative assessment
- Criterion-referenced test
- High school graduation exam
- Norm-referenced test
- Standards-based education reform
- Standards-based assessment
- Standardized testing and public policy
- Volvo Effect

External links

- Joint Committee on Standards for Educational Evaluation
- Standardized Testing in School
- The Standards for Educational and Psychological Testing

Retrieved from "http://en.wikipedia.org/wiki/Standardized_test"

Categories: Standardized tests | Educational assessment and evaluation

Hidden categories: Articles lacking sources from July 2006 | All articles lacking sources | All articles with unsourced statements | Articles with unsourced statements since February 2007 | Articles with unsourced statements since March 2007 | Articles with specifically-marked weasel-worded phrases | Articles with unsourced statements since June 2007

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Home :: What's Wrong With Standardized Tests?

What's Wrong With Standardized Tests?

Posted December 17th, 2007 by fairtest in fact sheets k-12

Are standardized tests fair and helpful evaluation tools?

Not really. Standardized tests are tests on which all students answer the same questions, usually in multiple-choice format, and each question has only one correct answer. They reward the ability to quickly answer superficial questions that do not require real thought. They do not measure the ability to think or create in any field. Their use encourages a narrowed curriculum, outdated methods of instruction, and harmful practices such as retention in grade and tracking. They also assume all test-takers have been exposed to a white, middle-class background. (See "How Standardized Testing Damages Education," a FairTest fact sheet.)

Are standardized tests objective?

The only objective part of most standardized tests is the scoring, when it is done by machine. What items to include on the test, the wording and content of the items, the determination of the "correct" answer, choice of test, how the test is administered, and the uses of the results are all decisions made by subjective human beings.

Are test scores "reliable"?

A test is completely reliable if you would get exactly the same results the second time you administered it. All existing tests have "measurement error." This means an individual's score may vary from day to day due to testing conditions or the test-taker's mental or emotional state. As a result, many individual's scores are frequently wrong. Test scores of young children and scores on sub-sections of tests are much less reliable than test scores on adults or whole tests.

Do test scores reflect real differences among people?

Not necessarily. To construct a norm-referenced test (a test on which half the test-takers score above average, the other half below), test makers must make small differences among people appear large. Because item content differs from one test to another, even tests that claim to measure the same thing often produce very different results. Because of measurement error, two people with very different scores on one test administration might get the same scores on a second administration. On the SAT, for example, the test-makers admit that two students' scores must differ by at least 144 points (out of 1600) before they are willing to say the students' measured abilities really differ.

Don't test-makers remove bias from tests?

Most test-makers review items for obvious biases, such as offensive words. But this is inadequate, since many forms of bias are not superficial. Some test-makers also use statistical bias-reduction techniques. However, these techniques cannot detect underlying bias in the test's form or content. As a result, biased cultural assumptions built into the test as a whole are not exposed or removed by test-makers.

Do IQ tests measure intelligence?

IQ tests assume that intelligence is one thing that can be easily measured and put on a scale, rather than a variety of abilities. They also assume intelligence is fixed and permanent. However, psychologists cannot agree whether there is one thing

FairTest finds that over 755 four-year colleges do not use the SAT I or ACT to admit substantial numbers of bachelor degree applicants: See the searchable listing of schools.

News From FairTest

More than 140 national education and civil rights groups to issue a joint statement sent to Congress calling for major changes in No Child Left Behind Law; See more on the National Testing Page.

Members of the Media:

Contact Robert Schaeffer at (239) 395-6773 or FairTest at (617) 864-4810

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that can be called intelligence, or whether it is fixed, let alone meaningfully measure "it." Studies have shown that IQ scores can be changed by training, nutrition, or simply by having more friendly people administer the test. In reality, IQ tests are nothing more than a type of achievement test which primarily measures knowledge of standard English and exposure to the cultural experiences of middle class whites.

Do tests reflect what we know about how students learn?

No. Standardized tests are based in behaviorist psychological theories from the nineteenth century. While our understanding of the brain and how people learn and think has progressed enormously, tests have remained the same. Behaviorism assumed that knowledge could be broken into separate bits and that people learned by passively absorbing these bits. Today, cognitive and developmental psychologists understand that knowledge is not separable bits and that people (including children) learn by connecting what they already know with what they are trying to learn. If they cannot actively make meaning out of what they are doing, they do not learn or remember. But most standardized tests do not incorporate the modern theories and are still based on recall of isolated facts and narrow skills.

Do multiple-choice tests measure important student achievement?

Multiple-choice tests are a very poor yardstick of student performance. They do not measure the ability to write, to use math, to make meaning from text when reading, to understand scientific methods or reasoning, or to grasp social science concepts. Nor do these tests adequately measure thinking skills or assess what people can do on real-world tasks.

Are test scores helpful to teachers?

Standardized, multiple choice tests were not originally designed to provide help to teachers. Classroom surveys show teachers do not find scores from standardized tests very helpful, so they rarely use them. The tests do not provide information that can help a teacher understand what to do next in working with a student because they do not indicate how the student learns or thinks. Good evaluation would provide helpful information to teachers.

Are readiness or screening tests helpful?

Readiness tests, used to determine if a child is ready for school, are very inaccurate and unsound. They encourage overly academic, developmentally inappropriate primary schooling. Screening tests for disabilities are often not adequately validated; they also promote a view of children as having deficits to be corrected, rather than having individual differences and strengths on which to build.

Are there better ways to evaluate student achievement or ability?

Yes. Good teacher observation, documentation of student work, and performance-based assessment, all of which involve the direct evaluation of student effort on real learning tasks, provide useful material for teachers, parents, the community and the government.

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What Parents Should Know About Test Accuracy and Use

The accuracy and fairness of standardized testing is taken very seriously in the education world. These issues are a major focus of both the testing experts who develop standardized tests and the researchers who endeavor to ensure a test's fairness, reliability, validity, and accuracy. But many issues remain both controversial and complex. Here's a start in looking at these questions.

I've always thought that standardized test scores were accurate. But my son's teacher said they are just one indicator of how my son is doing in school. How accurate are test scores?

Good question! In general, tests are designed to provide dependable and valuable information about student achievement or aptitude. At best, they provide a source of objective information for decisions and judgments that otherwise might be subjective, arbitrary, or inconsistent. At the same time, many issues in testing about perceived economic, cultural, and gender bias continue to be raised. Expert educational test designers work hard to try to ensure that standardized tests accurately measure what they are designed to measure and are as objective and unbiased as possible. However, these are very complex tasks.

Your question about test accuracy raises at least three related issues. One concerns how well (how fully and accurately) a *single test* score can evaluate a person's knowledge and abilities. Another concerns the accuracy of test scores, including their scoring and reliability. And another focuses on the uses that are made of tests and test results, because a test that works well for one purpose may not provide accurate or reliable information when used for a different purpose.

No Single Test

The National Research Council (NRC) of the National Academy of Sciences issued a report in 1999 from its Board on Testing and Assessment. The report found that educational tests generally do provide dependable and valuable information about student achievement, but that they are definitely not perfect. The researchers pointed out "... a test score is not an exact measure of a student's knowledge or skills...no single test score can be considered a definitive measure of a student's knowledge." The report added that large-scale tests often use different versions of the test *form* to prevent cheating and that an

Helpful Web Sites

CAESI

<http://www.caesi.org/>

GRESST

<http://www.cse.ucla.edu/>

WestEd

<http://www.wested.org/>

Parent Portal at LHS

<http://lhsparent.org>

Greatschools.net

<http://www.greatschools.net/>

National PTA

<http://www.pta.org/>

National Parent Information Network

<http://www.NPIN.org/>

Family Education Network

<http://www.familyeducation.com>

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individual's score can be expected to vary somewhat across different forms of a test—even though test developers try to keep the forms at about the same level of difficulty. Scores can also vary due to "transitory factors," such as the student's health on the day of the test, test anxiety, and other testing conditions. Some research shows that a student taking the same test twice, even just a month apart, rarely scores the same each time, and sometimes considerably different. Student knowledge, skills, and performance vary from month-to-month and even from day-to-day, contributing to questions about which is the more accurate result.

Test Design and Scoring

Accuracy is an important consideration in many aspects of testing, including test design, measurement error, and scoring accuracy. Good test design is necessary in the development of a test that will serve its intended purpose well. There are many factors that go into determining reliability. This involves careful research with samples of the population to be tested to determine whether the testing instruments actually measure what they are designed to, as well as statistical analysis. Most large-scale testing is conducted by educational testing companies that have careful protocols and procedures. Mistakes in test scoring do not happen very often, but they can occur. If the consequences are high, scoring errors can have a severe impact, as has happened a few times in recent years. Another factor that can affect test quality has to do with the increased numbers and types of tests now being demanded. This intensified demand can lead to a shortening of the time that test producers have to develop a test. Stephen Dunbar, a co-publisher of the Iowa Test of Basic Skills, warns that this acceleration can compromise test quality.

Test Purpose and Use

Another important consideration with major impact on accuracy relates to whether or not test results are being used in appropriate ways. Assessment experts agree that tests should be designed to serve specific purposes, and should *only* be used for those purposes. If a test is going to be used for another purpose, they emphasize that it first must be demonstrated that there is evidence that the test is also valid for that new particular purpose.

For example, achievement tests are generally designed for the purpose of measuring a student's knowledge or skills at a single point in time. However, these tests are sometimes used for other purposes. This can pose problems, especially when these include "high-stakes" purposes, such as whether or not to hold students back (retention), or whether to allow or deny entrance into special programs or schools. One large urban school district used the Iowa Test of Basic Skills (ITBS) to decide whether or not to hold students back. Subsequent studies pointed to several problems. For one thing, the test did not relate to either state or district standards—and these standards represented the content that teachers were expected to teach and students to learn. There were also issues relating to different scores on different forms of the test, so it was possible that some students who were held back would not have been if they had taken one of the other forms and vice versa. This problem would be less important if the test had

been used only for its intended purpose: to measure student achievement at a single point in time. When used to determine whether or not students should advance a grade, its impact became much more serious.

Standards-Based Instruction and Assessment

In a larger social context, the development and refinement of state standards that detail what students should know and be able to do at each grade level has led to a major shift in test design. It seems essential in today's climate of standards-based instruction that statewide tests (and other forms of assessment) should be aligned with state standards.

Test researcher Robert Linn, past president of the American Educational Research Association, advises: "Develop standards, then assessments." The reason—if the test measures different content than the state standards, then the test cannot accurately show if students are achieving the state standards. Many states are making progress toward the goal of aligning their testing programs with state standards. However, this will require continuing attention, particularly in light of the *No Child Left Behind Act*, which calls for more testing than many states now conduct. When state tests are well aligned with state standards, and when research shows that the test provides reliable information on student understanding, then such tests will present a much more accurate picture of how well students are achieving the standards.

What You Can Do

- Approach test scores with the general awareness that when tests are used for their designed purposes, they can be very helpful and reliable. At the same time, remember that they are not perfect, and that parents and citizens have every right to ask questions and investigate further.
- When reviewing a test score or school ranking based on test scores, ask the Testing Director or other administrator in charge of testing if the tests were designed for the intended purpose, especially if there are major consequences for students or schools.
- Refer to results of a number of different tests and grades whenever possible. Looking at performance from the viewpoint of these "multiple measures" will increase the probability that more accurate and appropriate decisions are made about students and schools.
- Read other articles about testing. Some are suggested below.

Useful Resources

How Accurate are the STAR National Percentile Rank Scores for Individual Students? An Interpretive Guide. www.cse.ucla.edu/CRESST/Reports/drrguide.pdf

AERA Position Statement Concerning High-Stakes Testing in PreK-12 Education
www.aera.net/about/policy/stakes.htm

Standards for Educational Accountability Systems
<http://www.cse.ucla.edu/cresst2/products/newsletters/polbrf54.pdf>

High Stakes: Testing for Tracking, Promotion and Graduation
<http://bob.nap.edu/html/highstakes/#summary>

Beyond Test Scores: Taking the Big-Picture View of Student Success
<http://www.asbj.com/evs/97/beyondtestscores.html>

Ron Dietel, the original author of this article, is a member of the Public Understanding strand of CAESL, and the Assistant Director for Research Use and Communications at the National Center for Research on Evaluation, Standards, and Student Testing (CRESST). CAESL Reviewers included: Jacquye Barber, Lincoln Bergman, Grace Coates, Kathy DiRanna, Joan Herman, Julia Koppich, Karen Milligan, Mike Timms, and a group of parents and teachers who provided their comments before we finalized this series of briefs.

Note: This article was developed by the Public Understanding strand of CAESL to summarize basic information for parents and the general public. It is not a CAESL position statement nor does it necessarily represent the precise views of diverse reviewers. We welcome comments!

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**BUILDING
FUTURES**

Every student ... Every school ... Every day

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Mission Statement

The Cincinnati Public School District educates all students to meet or exceed the district's academic standards and provides opportunities for students to grow socially, emotionally and physically to become lifelong learners and productive citizens.

Vision Statement

The Cincinnati Public School District is among the best districts in the country, ensuring that all students achieve at high academic levels and graduate. The district provides high-quality learning opportunities for every student in every school every day in partnership with families and the community. Students are educated in standards-based classrooms by highly qualified teachers and staff who organize themselves as team-based Professional Learning Communities to share expertise, maximize resources and provide instruction that meets the learning needs of each student. Students are taught in safe, well-maintained facilities that serve as Community Learning Centers allowing for extended learning opportunities and support for students, families and the community. All employees at all levels of the district are accountable for results and continue to develop professionally to support student and district progress.

Core Values

We value...

- student learning as our core business
- the capacity of all students to learn and meet high academic standards
- student-centered, standards-based and results-driven classrooms and schools
- high standards of conduct and performance for all employees
- the diversity of people, perspectives and practices
- the involvement of families and communities in student learning and school/district decision making
- safe, clean, well-maintained, state-of-the-art facilities
- practices and procedures that support student learning in classrooms, schools and the district
- accountability for student learning at all levels of the organization
- equitable allocation of resources for all students

Why We Must Act Strategically

Building brighter futures for our students is deliberate, collaborative work requiring shared and measurable goals and a clear plan for achieving them. To be successful, we must — as a school system and a community — focus on every student... in every school... every day.

★ Every Student

Students will be at the center of our work. We believe all students can and will learn. We will know each student and build learning opportunities and support so that every student will reach or exceed the academic standards and graduate. We will hold high expectations for all students and create ways for students to meet them — both during the school day and beyond the bells. We will enlist families and the communities in this important work. We will not rest until every student in this city is successful.

★ Every School

We believe that students deserve to attend good schools. We will work to ensure that every school in our district is of high quality and a viable choice for our families. Principals and teachers, families and the community will have opportunities to create Community Learning Centers to support not only academic learning, but also the arts, recreation, health and social services, and whatever is deemed important by each community. The choices of what these centers can become are endless, and our children, families and neighborhoods will be the beneficiaries.

★ Every Day

We, as a district, have the responsibility to ensure consistency of programs, constancy of purpose and equity among all schools and students. We also have a responsibility to maintain the focus and momentum of this strategic plan. Community and business partners, along with families, will be engaged in supporting this work. A Superintendent's Strategic Plan Monitoring Committee will be created to ensure the implementation of the plan. We will develop annual action plans to support the goals and strategies in this plan. We will hold each other and ourselves accountable to all that the plan promises.

Strategic Goals

High-Performing Students

1. All preK-12 students meet or exceed high academic standards.
2. All students graduate and are prepared for postsecondary education, successful careers and productive citizenship.

High-Performing Schools

3. Schools have autonomy and effective governance, and are held accountable for results.
4. Schools are safe, supportive and family friendly.

Supportive District and Community

5. The district supports schools and is accountable for results.
6. The district employs a highly qualified, diverse workforce that engages in continuous improvement through ongoing, high-quality professional development.
7. The district implements a systemic leadership development program.
8. State-of-the-art school facilities are designed to support student learning in a standards-based environment and are constructed meeting diversity-participation goals.
9. The district and schools are fiscally responsible and allocate resources equitably to support student learning.
10. Community partnerships strengthen the connection between schools and neighborhoods while supporting student learning and family engagement.

Strategic Goals & Implementation Strategies

High-Performing Students

GOAL 1: All preK-12 students meet or exceed high academic standards.

Strategies:

- ★ Content and performance standards are clearly stated for each grade and each subject.
 - Students know and understand standards and what constitutes mastery.
 - The district provides teachers with standards-based curriculum, including model lesson plans, designed to meet content standards.
 - Curriculum is evaluated for effectiveness in improving students' achievement on benchmark assessments.
 - District preschools provide high-quality experiences aligned to state standards.*
- ★ Instruction is standards-based and data-driven.
 - Instruction is based on rigorous, relevant curriculum.
 - Students are provided the instructional support and flexibility in time to meet or exceed standards.
 - Students with disabilities receive specialized, needs-based instruction in the least-restrictive environment to accelerate progress toward all children meeting state standards.
 - Gifted students receive specialized, needs-based instruction.
 - Limited English Proficient (LEP) learners receive specialized, needs-based instruction.
 - Strategies such as Standards in Practice (SIP), Standards/Examine Data/Assessments/Learning Experiences (SEAL) and Classroom Walk-Throughs (CWTs) are used to improve teaching and learning.
- ★ Students are assessed frequently on their progress toward meeting performance standards.
 - The district provides teachers with common benchmark assessments at each grade for each subject.
 - Teachers use multiple classroom-based assessments to monitor students' progress toward standards.
 - Student portfolios are maintained throughout their school years.
- ★ Teachers differentiate instruction based on assessment results identifying individual student needs, and professional development is provided to enhance teachers' skills to more effectively work with all students.
 - Students are grouped and regrouped flexibly based on assessment results.
 - Teachers implement a Pyramid of Interventions to promote student success through three tiers of support: universal, targeted and intensive individualized interventions.

*Current preschool is tuition-based dependent on income, except for students with special needs.

- Students are retaught immediately if their performances on the lesson assessments are not satisfactory.
 - Alternatives to retaining students in a grade (non-promotion) such as credit recovery, summer school and beyond-the-bells tutoring are employed.
 - Students experiencing difficulty meeting standards are given additional time and opportunities.
 - High-quality professional development is coordinated through the Mayerson Academy to enhance teachers' effectiveness in meeting diverse learning needs.
- ★ Teachers, school administrators and support personnel work in Professional Learning Communities that take collective responsibility for a group of students over multiple years.
 - Teams of teachers take responsibility for the academic success of students for an entire learning level encompassing multiple grades – primary, intermediate, middle and high school.
 - Teacher teams implement effective standards-based curriculum and instructional practices.
 - Teachers use rich performance-based assessments to adjust instruction and student support to meet individual student needs.
 - Professional Learning Communities use flexibility in school scheduling to help all students meet standards.
 - Each Professional Learning Community is able to access the support services its students need to meet standards.
 - Professional Learning Communities engage in job-embedded professional development consistent with the school's OnePlan.
- ★ Students are provided culturally relevant learning activities.
 - ★ Student learning is enhanced by access to the fine arts.
 - ★ School and district wellness programs promote good nutrition and physical activity.
 - ★ Students are strongly encouraged to participate in cocurricular and extracurricular activities.

GOAL 2: All students graduate and are prepared for postsecondary education, successful careers and productive citizenship.

Strategies:

- ★ All high school students take a rigorous, relevant college-preparatory curriculum that includes four years of English and at least three years of mathematics, science and social studies, and two years of foreign language.**
 - Grades 7 and 8 focus on a college-preparatory curriculum to prepare students for success in high school.
 - Summer transition experiences are available to all students to support academic success as they advance to successive high school grades beginning with grade 8.
 - Grades 9 and 10 focus on the college-preparatory curriculum in preparation for the Ohio Graduation Test and coursework in grades 11 and 12.
 - Grades 11 and 12, through a rigorous, college-preparatory curriculum, focus on preparation for college and careers.
 - Extended-learning opportunities are provided for students to master course content.
 - Credit-recovery opportunities exist so that students stay on track and graduate in a timely manner.
 - The district and schools identify and work to recapture students who have dropped out.
 - Small high schools enhancing student success with a more personal learning environment are the district's predominant secondary school model.

- ★ All high schools are schools of choice offering rigorous curriculum, cocurricular and extracurricular activities, and pathways to postsecondary education.
 - High school teachers involve students in relevant, real-life learning experiences.
 - The district provides high school common exams that are required for each semester of standards-based core courses.
 - All students take college entrance and college- and work-readiness assessments to assist in preparation for college and careers.
 - Students have access to hands-on technical training, supported by partnerships with outside agencies and organizations, and career-interest inventories, such as the Kuder assessment.
 - High schools provide access to Advanced Placement (AP) courses, National Career Technical Certifications, International Baccalaureate (IB) diploma and college-level course credit through dual enrollment programs and postsecondary options.

**Students with disabilities may take a modified curriculum as indicated by their Individual Education Plans (IEPs).

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- ★ All students with disabilities, ages 14 to 22, participate in futures planning and receive appropriate supports and services to meet identified goals and objectives.
- ★ Community partnerships are aligned with CPS' strategies to support students' college access and success.

High-Performing Schools

GOAL 3: Schools have autonomy and effective governance, and are held accountable for results.

Strategies:

- ★ Each school organizes a Local School Decision Making Committee (LSDMC) and Instructional Leadership Team (ILT).
 - LSDMCs and ILTs make program and budget decisions that support the school's OnePlan for schoolwide academic improvement.
 - Differentiated professional development is provided to LSDMCs and ILTs to increase the effectiveness of their work.
- ★ Each school annually develops its OnePlan as the blueprint for academic progress in the school.
 - The OnePlan is used by the learning community to determine how each child meets standards.
 - The OnePlan is based on the school's data.
 - The OnePlan includes the school's yearly improvement initiatives.
 - School staff review the OnePlan at the end of each semester.
- ★ Each school annually develops a student-based budget aligned to its OnePlan.
 - The ILT develops the school budget for approval by the LSDMC.
- ★ District and school roles and responsibilities are clearly defined in writing.
 - There is clear delineation of roles and responsibilities.
 - District staff work in support of the work of schools.
- ★ Instructional Support Teams (ISTs), staffed by the district with experienced principals and teachers, audit schools and assist with academic improvement.
 - Instructional Support Teams work with all schools to ensure best practices and provide support to enhance school improvement.
 - Instructional Support Teams assist all schools in using data to drive decisions to improve student performance.
 - Instructional Support Teams provide on-site coaching and professional development to school staffs.
 - Instructional Support Teams use school standards and data to audit and review schools' effectiveness.

GOAL 4: Schools are safe, supportive and family friendly.

Strategies:

- ★ Schools engage families as partners in student learning.
 - Teachers and other school personnel provide multiple and varied opportunities for families to be engaged in students' learning.
- ★ Schools work with parents, parent organizations and community groups to increase parent and community involvement.
 - Training opportunities are provided for parents and parent organizations.
 - Neighborhoods and community councils are actively engaged in the work of the schools.
- ★ Schools are welcoming to students, families and the community.
 - Family-friendly standards are developed and met by schools.
 - An atmosphere of respect for families and visitors is evident in schools.
- ★ The Positive Behavior Support model is used effectively in all schools.
 - Data on the effectiveness of the model are collected and distributed to each school's ILT and LSDMC.
- ★ Effective Positive School Culture plans are developed and implemented in all schools as part of each school's OnePlan.

Supportive District and Community

GOAL 5: The district supports schools and is accountable for results.

Strategies:

- ★ Accountability plans for the schools and the district are aligned with federal No Child Left Behind (NCLB) goals and state performance targets.
 - Requirements for school and district success are aligned with state and federal goals and are clearly understood by school and district staffs, families and the community.
 - Rewards and sanctions for meeting state and federal goals are understood by school and district staffs, families and the community.
 - Accurate data are collected and used effectively to drive decisions and school improvement.
- ★ District offices are welcoming to students, families and the community.
 - Family-friendly standards are developed and met by the district.
 - An atmosphere of respect for families and visitors is evident in district offices.

- ★ The district and schools increase enrollment by actively recruiting and retaining students.
 - The district promotes student and family choice.
 - The district is committed to providing students and families with opportunities to choose their best educational options by offering high-quality neighborhood and magnet schools, and high schools of choice.
 - Transportation supports academic achievement and student stability.
- ★ District administrators, principals and teachers are evaluated based on clearly articulated performance standards, with principals using the Principal Evaluation System (PES) and teachers using the Teacher Evaluation System (TES).
 - A joint Cincinnati Board of Education-Cincinnati Federation of Teachers (CFT) committee explores approaches to teacher incentives that have the potential support of both the Board and CFT.
- ★ Annual action plans are prepared to guide implementation of the Strategic Plan.
- ★ The Superintendent's Strategic Plan Monitoring Committee ensures accountability for implementation and progress toward targets in the five-year Strategic Plan.

GOAL 6: The district employs a highly qualified, diverse workforce that engages in continuous improvement through ongoing, high-quality professional development.

Strategies:

- ★ New personnel meet high-level hiring standards and are screened using effective tools.
 - High standards in screening and interviewing are employed to ensure a highly qualified workforce.
 - Diversity is valued, and the teachers, administrators and support staffs hired reflect the diversity in the district's schools.
- ★ District staff engage in ongoing professional development focused on student achievement.
 - Professional development is systematic and long term, and staff enter at point of need and leave at point of mastery.
 - District staff engage in ongoing skill and knowledge development.
- ★ The Mayerson Academy coordinates and brokers professional development for the district, engaging staff in ongoing training and development focused on student achievement. The CPS contract with Mayerson Academy will be amended by the 2006-07 school year to clearly articulate expectations for the district's professional development needs.
 - Mayerson Academy implements an effective model for identifying needs, organizing high-quality professional development and evaluating impact.
 - Mayerson Academy uses the most effective research-based professional development models to organize and deliver learning opportunities based on the needs of the district, schools, teachers and leaders.

- Mayerson Academy develops leadership capacity in Cincinnati Public Schools.
- Partnerships are forged by the Mayerson Academy with area institutions of higher education and other professional development providers to ensure high-quality services.

GOAL 7: The district implements a systemic leadership development program.

Strategies:

- ★ Teachers take on leadership roles that strengthen the quality of teaching and support in every school building.
 - Teachers take advantage of training and opportunities to become lead teachers, teacher leaders, and teacher mentors and coaches.
 - Teachers collaborate in small groups to analyze, plan and develop strong teaching strategies.
- ★ Principals are instructional leaders and capacity-builders.
 - Principals create a school climate that promotes trust, collaboration and diversity.
 - Principals understand effective implementation of instruction, Standards in Practice (SIP) and Standards/Examine Data/Assessments/Learning Experiences (SEAL).
 - Principals systematically monitor classroom instruction and provide feedback by conferencing and coaching teachers.
- ★ All leaders have access to high-quality, intensive, data-driven and timely professional development and support.
 - Principals and assistant principals have access to high-quality professional development and support throughout their careers.
 - Additional professional development and support are provided for principals in their first three years of service and principals in underperforming schools. Teachers have access to professional development that strengthens leadership knowledge and skills.
 - Clear pathways are established for aspiring leaders to attain the skills, knowledge and ability to influence others necessary to be successful in district leadership roles.

GOAL 8: State-of-the-art school facilities are designed to support student learning in a standards-based environment and are constructed meeting diversity-participation goals.

Strategies:

- ★ State-of-the-art new or renovated facilities support student learning by providing extended-learning areas that facilitate differentiated instruction.
 - Facilities support grouping and multiple instructional strategies to meet student learning needs.
 - Teachers and administrators are provided professional development on differentiated instruction.

- ★ Facilities support teachers working in Professional Learning Communities (PLCs).
 - Facilities support team-based, collaborative work and learning.
 - School staffs are provided professional development in strategies that allow collaborative work.
- ★ Facilities are constructed to support preK-8 and 9-12 schools as the district's predominant grade configurations for school buildings, with other grade configurations supported as warranted.
- ★ Facilities provide students and teachers access to technology.
 - Facilities support the use of technology by students and teachers.
 - Teachers and school staffs are provided professional development on best practices in using technology to enhance student learning.
- ★ The district's Facilities Master Plan (FMP) reflects a commitment to fiscal responsibility, equity, diversity and economic development.
 - New and renovated school buildings are constructed to equally high standards for all students.
 - Construction contracts and workforce composition meet or exceed the Board of Education's diversity goals.
 - New and renovated school facilities serve as catalysts for neighborhood economic development.
- ★ Facilities are clean, welcoming and well-maintained.
 - Clean, welcoming and well-maintained facilities support learning.
 - Facilities are ecologically sound and promote the health of the school community.
 - Data are collected on the condition of facilities.

GOAL 9: The district and schools are fiscally responsible and allocate resources equitably to support student learning.

Strategies:

- ★ A system of student-based budgeting provides equity across schools.
 - The system for student-based budgeting is clear, equitable and implemented consistently.
 - Funding that is weighted according to a student's needs follows the student to his or her school.
 - School and district staffs review the student-based budgeting system and resource allocation periodically to ensure maximum effectiveness and equitable distribution of resources.
- ★ Central Office operational audits are used to evaluate effectiveness of all central operations and services to increase efficiency and move additional funds to schools.
- ★ Central Office resources and services support schools and classrooms.
 - School achievement drives all central resource-allocation decisions.
 - Data are collected to determine return on investment.

- ★ The district uses best practices in its financial management.
 - Budgets are balanced annually.
 - Financial-industry and governmental accounting standards guide resource allocation, monitoring and reporting.
 - An annual Comprehensive Annual Financial Report (CAFR) is issued and made available to the public.
 - The district maintains and continually works to improve its credit ratings.
 - The district supports development opportunities.

GOAL 10: Community partnerships strengthen connections between schools and neighborhoods while supporting student learning and family engagement.

Strategies:

- ★ The district works with community and business leaders to develop cohesive strategies to secure, leverage and coordinate the resources necessary to support the strategic plan.
- ★ All schools are Community Learning Centers, as determined by each campus in collaboration with its partners, and are designed to support student achievement and family and community engagement.
 - Schools are supported in planning and becoming Community Learning Centers.
 - Data are collected about the effectiveness of programs at Community Learning Centers.
 - Schools and the district actively seek outside resources in support of programs.
- ★ The district provides regular, ongoing communications to the community that are clear, factual and designed to encourage support for and participation in the education of Cincinnati's children.
- ★ Community partnerships are aligned with the district's mission, vision and core values, and help provide high-quality learning opportunities for all students.
 - All agency services, organizational activities and business partnerships support school and district learning goals.
 - The district welcomes and facilitates partnerships with community agencies, organizations and businesses.
 - The district and city work collaboratively to provide equitable and high-quality learning opportunities for all youth in Cincinnati.
 - The Cincinnati community holds a shared vision of high-quality education for Cincinnati's children and youth.



PRINCIPAL NEWSLETTER



2006-2007 School Year

Friday, October 27th, 2006

In This Issue:

End of Semester Exams to be Implemented for 9th Grade Courses
Cover Story

Dates to Remember:

OnePlan Due
October 27th

Professional Development
Release Day
November 3rd

Veteran's Day- No School
November 10th

Leadership Meeting
November 14th



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End of Semester Exams to be Implemented for 9th Grade Courses

From:

Elizabeth Holtzapple, Director of Research, Evaluation and Testing

Objective of the Message:

1. The "Building Futures" strategic plan specifies that End-of-Semester Exams will be administered. The plan allows for a phase-in.
2. Beginning THIS school year, students (regardless of their grade level) who are enrolled in core 9th grade courses (Modern World History, Integrated Mathematics 1 or Algebra 1, Physical Science, and Ninth Grade English) will take a district developed end-of-semester exam.

Core Message:

- District developed end-of-semester exams for Ninth grade core courses will be administered to all students enrolled in the course and will count as 25 percent of the student grade in accordance with Board of Education policy.
- The first semester exam period for 2006-2007 is January 22nd through January 25th. Scan sheets are due in the testing office on January 30th 2007. The second semester exam period is May 21 through May 25 with scan sheets due in the testing office on May 25th, 2007.
- The exams will include multiple choice and constructed response items. Teachers will need to score the constructed response items using a district rubric and record the score on student scan sheets. The district testing office will score the exams and post results on the teacher and principal dashboard. The tests are secure documents so results will be reported by standard and indicator only. We are exploring the possibility of loading the scores directly into the system for grade reporting.
- Exams will be expanded to include 10th grade core courses in 2007-2008, 11th grade core courses in 2008-2009 and 12th grade core courses in 2009-2010.
- The exams will be secure documents. Staff are not permitted to copy exams and all exams must be returned to the testing office. Secure testing procedures are to be implemented.

Quality & Bias Issues?

Procedure:

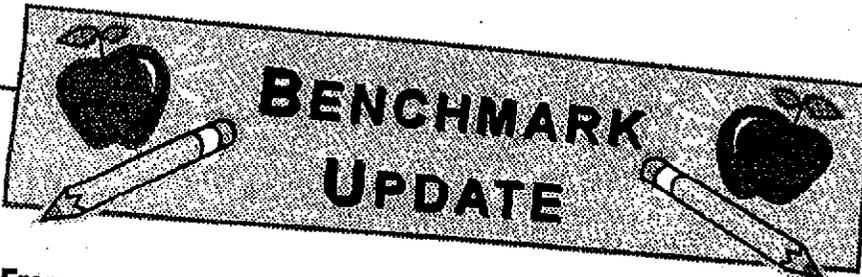
1. Inform all of your secondary teachers of the phase-in.
2. Design an exam schedule for January 22-25 and May 21-25 to facilitate the administration (and scoring of constructed response items by teachers) of the exams. Exams will be designed to take longer than a typical class bell. You should allow up to 2 hours for each exam.
3. The exams are aligned to the district pacing that is posted on StaffNet. The most recent posting should be used (e.g. mathematics shows 2003-2004 and 2004-2005 and 2004-2005 should be used). Make sure that all of your teachers are familiar with the pacing and how to access. See the following StaffNet Links:

<http://staffnet.cps-12.org/Staffnet/EnglishLA/pacingguides.html>

(continued on page two)

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2006-2007 School Year

Friday, December 1st, 2006

From:

Elizabeth Holtzapfle, Director of Research, Testing and Evaluation

Objective of the Message:

Instructional and administrative staff will understand the district approach to assuring that all elements of the science curricula are aligned.

Core Message:

- Cincinnati Public Schools is committed to assuring that all elements of the science curricula are aligned. Beginning with the 2007-2008 school year we should have in place instructional materials and books, benchmark assessments and instructional pacing that are all aligned to one another and to the state science standards. This alignment should support all students in meeting high academic standards as measured by obtaining a score of proficient or above on Science Ohio Achievement and Graduation Tests.
 - During the 2006-2007 school year the district, with the assistance of external consultants, created instructional pacing in science that is fully aligned to the Ohio standards. This pacing should be in place in all schools in 2007-2008.
 - Beginning with the second benchmark period, students in grades three through eight will be assessed using newly developed benchmark assessments aligned to the new pacing. The assessments have been developed in collaboration with external consultants. All of the assessments go through a review by teams of district teachers before they are administered to students.
 - In addition, a team of district teachers will review science textbooks and instructional materials that best meet the Ohio standards and the Cincinnati Public Schools' pacing. The new materials should be in place for the 2007-2008 school year.
 - The new pacing is posted on the testing page of StaffNet. Pacing aligned to the Science Kits in use for the 2006-2007 school year will remain on the science page of StaffNet.
- These assessments will provide critical baseline or pre-test information/data on how well our students are performing in relation to the Ohio science standards.
- It is critical that students understand that they are taking assessments on content that they may not have covered in class. Students need to understand that these are "pre-tests." Teachers and administrators need to communicate to students that they may not have been directly taught the material on which they are being assessed; students need to be told they should do their best but know that they will not be penalized in any way, and should not feel badly, if they do not do well.
- Hopefully, many of our students will be successful on our benchmark assessments and upcoming state tests. If our students do not do well on these assessments we have data to guide our decision-making around science and assure that in 2007-2008 and beyond that we are in a better position as a district to have our students meet the state science standards.

Barb Cassidy - Testing Update 4/24/07 Semester Examinations

From: Jerry -Testing Moore
To: Test Coordinators - High School
Date: 4/24/2007 11:08 AM
Subject: Testing Update 4/24/07 Semester Examinations
CC: Principals/Secretaries 9-12; RET- Research; RET-Test Admin

Testing Update 4/24/07 Semester Examinations

Semester Examinations Delivered	Week of May 14
Semester Examination Schedule	Week of May 21
Scan Sheets Returned	May 25 and May 30
Examination Booklets	Pick-Up May 31

Delivery of Semester Examination Materials – Week of May 14

Materials are to arrive in your building during the week of May 14. Scan sheets are separate from examination booklets. Scan sheets will be sorted by course section. Examination booklets are printed according to your course enrollment counts. You may distribute materials the week prior to the examination only if teachers are able to keep them secure prior to testing. Otherwise, distribute examinations the day of the scheduled test.

Semester Examination Schedule – Week of May 21

Ninth grade course semester examinations are to be completed during the week of May 21. Schools should create their own exam schedule that allows sufficient time for students enrolled in English 9, Integrated Mathematics I/Algebra I, Physical Science and Modern World History to complete examinations. Blocks of 2 ½ hours should be scheduled. While there is no requirement that the examinations be given in a particular order, it is recommended that English 9 be administered first because of the need for teachers to score the writing prompt.

Sample Plan

Wednesday, May 23	English 9 Examination
Thursday, May 24	Algebra Examination
Friday, May 25	Physical Science Examination
Tuesday, May 29	World History Examination

Examinations will have about 45 multiple choice questions with 3 short answer and 1 extended response question. Short-answer and extended-response questions will be placed throughout the examination and not at the end.

Make-ups can take place anytime after the first examination administration.

Student Accommodations for Examinations

Students with approved testing accommodations should be provided them during the examinations –

approved testing accommodations are applied to any classroom or district testing.

Semester Examination Security

Testing Coordinators should plan to maintain test security. This means creating an accountability system as tests are distributed and collected. However, unlike state tests, teachers will need to keep examinations until all short answer and extended response questions are scored and recorded on student scan sheets. **Teachers or other staff may not keep copies nor make copies of the examinations.** Examination booklets will be bar coded allowing Test Administration to monitor return counts by school. Testing Coordinators must collect all scan sheets and all examination booklets.

Teachers should be reminded that while examinations are in their possession they must keep them secure -locked or under their supervision at all times.

Scoring Short Answer and Extended Response Questions

Teachers should be reminded of their responsibility to score short answer and extended response questions using scoring guidelines. Scoring guidelines will be posted on StaffNet at the semester examination web page.

To assist teachers in easily locating pages that must be scored, a black bar is printed on the lower right of these pages in student booklets.

Special Code Use – Setting of Performance Levels

On the bottom right of each scan sheet is a Special Code section. The first row in this section is labeled PG for Predicted Grade. In an effort to assist in the setting of examination performance levels, we still would like teachers to predict the performance of each student on each examination. Teachers should not score or grade the examination. However, based on what teachers already know about a student's performance/skill level, teachers should predict what they would expect the student to earn on the semester examination.

If the teacher predicts the student would earn a grade of -

- A - the teacher should bubble A.
- B - the teacher should bubble B.
- C - the teacher should bubble C.
- D - the teacher should bubble D.
- F - the teacher should bubble E.

Collection of Scan Sheets and Semester Examination Booklets

Scan Sheets – May 25 and May 30

Scan sheets need to be hand delivered to Test Administration to insure quick grading. Testing Coordinators should deliver all completed scan sheets on or before 4pm Friday, May 25 and deliver all remaining scan sheets no later than 4pm Wednesday, May 30.

Examination Booklets – May 31

All examination booklets must be boxed and labeled for pickup on May 31. Building Operation drivers will pick them up in your school office. Labels are attached.

Posting of Examination Grades

Test Administration will make every effort to have grades posted at each teacher's Dashboard within a few hours of receipt of scan sheets. To make sure this proceeds smoothly, teachers must insure that all coding: school number, assessment number, student id number are correct. Teachers should insure that all scan sheets are kept neat and clean with no folds, tears and especially no staples. Teachers should insure that constructed response questions are scored. If teachers return scan sheets to Testing Coordinators in this condition, Test Administration should be able to post grades very quickly.

Thanks!

Jerry Moore

Test Manager
Research, Evaluation and Testing
Cincinnati Public Schools
mooreje@cps-k12.org
513.363.0181
513.363.0185 fax

000032

>>> Paul Perrea 2/8/2007 9:10:18 AM >>>

When will the semester exams be made available to parents? And, follow-on questions, how shall we tell them the semester exams are available--hardcopy or downloadable .pdf from a website--what website address?

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

G

000033

>>> Elizabeth A Holtzapple 02/08/07 11:00 AM >>>

The Semester Exams, like the OAT and OGT are secure test documents. Teachers can view indicators and standards mastery for each student and identify strengths and weaknesses, but neither teachers or parents can view the documents.

"There is more security in the adventurous and exciting, for in movement there is life, and in change there is power." Alan Cohen

Elizabeth A. Holtzapple, Ph.D.
Director of Research, Evaluation and Test Administration
Cincinnati Public Schools
PO Box 5381
Cincinnati, Ohio 45201-5381

holtzae@cps-k12.org

District IRN 043752

513-363-0171 office phone
513-363-0205 office fax

000034

>>> Paul Perrea 02/08/07 11:17 AM >>>

The OGT is indeed a secure document. But it is false, inaccurate, and misleading to state that parents, students and other stakeholders are not allowed to view them. The OGT's are, and have been every year, placed on the ODE website. It is incorrect to state that OGTs are not available to be viewed.

You may verify for yourself that the OGT examinations are made available at the ODE Website after their administration. This is partly due to the number of errors and problems parents are keen to know about. Transparency is crucial in this process for accountability and reliability.

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000035

>>> Paul Perrea 2/9/2007 12:12:22 PM >>>

You are going to get back to me on this, correct? On the subject of the "secure document" you are aware that there are teachers who worked on the creation of the exam who also administered the exam? You are aware that teachers were required to grade the exams and would have unavoidable been "allowed to view the documents." Even if they did not themselves administer their subject exam they had to grade the exam. Furthermore, many of your memos on the subject encourage teachers to discount the exam if they felt it an inaccurate or inappropriate measure for a child; that implies, to a reasonable person, that a teacher should look at the exam to make such a decision.

I really don't want to go into discrepancies on these areas right now. Let's just get the exams posted on the website as soon as possible so we can discuss them with concerned parents and protect our children.

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000036

>>> Elizabeth A Holtzapple 02/12/07 1:48 PM >>>
Mr. Perrea

Semester exams contain copyrighted materials. We are not posting them. If you are concerned about the structure of the exam, you may contact the science curriculum council. Teachers who review the tests are approved for participation in this activity through the curriculum council. Secure test procedures are used; teachers are not permitted to keep copies of the review documents. The tests are secure documents. Yes, teachers see them to score them. They are not to make copies. If you know of a teacher who made a copy of the test, you should report the situation to your school's test coordinator who should report to the district test coordinator. We believe the scores are valid; however, many teachers were unaware that the tests would be given this year and a group of teachers and administrators agreed to a phase of the scores allowing teachers to over-ride the score during the pilot year of each test.

"There is more security in the adventurous and exciting, for in movement there is life, and in change there is power." Alan Cohen

Elizabeth A. Holtzapple, Ph.D.
Director of Research, Evaluation and Test Administration
Cincinnati Public Schools
PO Box 5381
Cincinnati, Ohio 45201-5381

holtzae@cps-k12.org

District IRN 043752

513-363-0171 office phone
513-363-0205 office fax

000037

>>> Paul Perrea 02/15/07 1:50 PM >>>

Thank you for your response. Who is your supervisor?

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000038

As a parent of two CPS students and an advocate for students I must explain a situation to you regarding the recent semester exams.

You have semester exams recently administered to students which were critically flawed, inappropriate and invalid. There is no independent expert (psychometrician) would condone these exams or claim them to be "valid". Yet these scores are now part of the record of 9th grade students of CPS.

I have requested that Ms. Holtzapple make these tests available to the teachers who now must counsel both parents and students.

I understand that Ms Holtzapple must be very frustrated to have worked so hard what turned out to be an error-prone and invalid set of examinations. She seems to be confused as to the meaning of copywriting. She also seems to be misinformed with regard to OGT/OAT tests which are released every spring. She seems to be so frustrated that she wishes to deflect from the real issue--releasing the exams--and attacking teachers with regards to security issues. The issue is not one of security That is a red herring.

I have two sons in the Cincinnati Public Schools and feel an obligation to be an advocate for my students. I am calling on you to do the ethical thing and release the exams so that students and parents may be properly counseled on them.

You may read my previous correspondence requesting release of the semester exams with Ms. Holzapple below:

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000039

25 February 2007

412 Wood Ave
Cincinnati, OH 45220

Rosa Blackwell
Superintendent
Cincinnati Public Schools

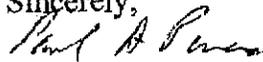
Dear Ms. Blackwell,

Sloppy, faulty, flawed, erroneous, inaccurate and invalid examinations, slapped together in a haphazard fashion, administered and graded in dodgy circumstances are destructive to the well-being, self-image, self-assurance and confidence, and future of our children in CPS. The damage of basing grades on these exams, or copies of these exams, of putting this invalid examination data on a student's permanent record is unconscionable.

We call on you to affirm that the need to protect our students and we call upon CPS to release the "Semester Exams" and for the evaluation of their creation, administration, and grading--by an independent, qualified psychometrician--as to the fairness, accuracy, and validity of the exams. Believers in the validity of the exams should welcome this evaluation.

Teachers of all subjects have signed the attached petition. All of these 67 teachers have the moral integrity to say that using erroneous, invalid, and inaccurate exams is an unethical practice. Just as the OGTs are released after their use every spring, the ACTs and SATs are released by their respective companies every year, and the US Department of Education has instructed States using graduation exams to release their tests, these exams should be available for teachers to properly scrutinize, counsel, and assist students in understanding their performance. Quality issues with the exams should not take second place to other concerns on these critical examinations. If you care about kids you will do the right, the ethical, thing.

Sincerely,



Paul A. Perrea

Parent of two students in Cincinnati Public Schools

000040



Education Center * Office of the Superintendent

P.O. Box 5381 * Cincinnati, OH 45201-5381 * Phone: 1-513-363-0050 * Fax: 1-513-363-0060 * TDD: 1-513-363-0124

February 28, 2007

Paul A. Perrea
415 Wood Avenue
Cincinnati, OH 45220

Dear Mr. Perrea:

I have forwarded to Laura Mitchell, Deputy Superintendent, your letter regarding semester exams. The subject of semester exams has been included in conversations Mrs. Mitchell has had with Dr. Elizabeth Holtzapple, Director of Research and Evaluation. Mrs. Mitchell will be contacting you.

Sincerely,

A handwritten signature in black ink that reads "Rosa E. Blackwell".

Rosa E. Blackwell
Superintendent

REB/pb

c: Laura Mitchell, Deputy Superintendent

>>> Paul Perrea 03/05/07 6:15 PM >>>

It would be disingenuous for you to say that you have tried to call me. You have had over two weeks of opportunity to study this issue and to e-mail us. The "semester exams" have already become a joke and are emblematic of a dysfunctional and mendacious administration that has no regard for the students of the district or for any standards of quality in testing. Common exams, to anyone with a modicum of memory have gone in-and-out of usage over the past years in CPS. That there would be another attempt to implement such poor quality exams this time--without even an attempt to explain the grading system--is beyond the pale. You should do what is ethical and get these exams certified "valid" by an independent psychometrician.

Just write me a short reply here.

issue is simple. If there is a belief in the validity of the "semester exams" then there should be no problem with having them evaluated by an independent psychometrician. I can put you in touch with several. It is unethical to do the harm to the students which has already been done. I hope that you will show the moral courage to do the right thing and get this fixed. The dozens of teachers who do have the integrity to speak up in defense of their charges are calling on you to do the right thing. Anything else is moral equivocation.

You may call me at home 297-3210, or better yet, here is e-mail.

Attached is a single page of signatures of teachers who believe the semester exams should be released and a proper evaluation by an independent expert (not on the payroll of the test company) evaluate the exams for fairness, accuracy and validity. More signatures have been gathered, but this is a representative sample of teachers of all subject matters especially the core (Math, Science, English and Social Studies.) These are teachers who have the moral courage to speak up in defense of our students. The damage to many of our students sense of self-esteem and self-image is already done. The tests should be released immediately so that teachers can counsel the students and fully know the errors, inappropriate questions, incorrect areas of assessment, flaws, misgradings, duplicate questions, misunderstood gradings and other inaccuracies of the tests.

- CONT -

000042

>>> Catherine Mitchell 03/06/07 7:01 PM >>>

Mr. Perrea,

I have called you at work and home several times and left messages in an effort to discuss your concerns. I would like to talk with you about the Semester Exams.

Thanks,
Laura Mitchell

Catherine Laura Mitchell, Deputy Superintendent
Cincinnati Public Schools
P.O. Box 5381
Cincinnati, Ohio 45201-5381
513.363.0075

000043

>>> Paul Perrea 03/07/07 12:19 PM >>>

Exactly what questions do you still have? It might be a good idea to organize these questions anyway. What could be so confusing that it would take three weeks now?

As I have pointed out several times, e-mail is the optimum medium for busy people.

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

>>> Catherine Mitchell 03/07/07 1:35 PM >>>
Mr. Perrea,

It was my hope that we would be able to discuss the Semester Exams. In the absence of a conversation I will not be able to resolve this issue.

Thanks,
Laura Mitchell

Catherine Laura Mitchell, Deputy Superintendent
Cincinnati Public Schools
P.O. Box 5381
Cincinnati, Ohio 45201-5381
513.363.0075

000045

Perrea

From: Paul Perrea
To: Mitchec@cpsboe.k12.oh.us
Date: 3/7/2007 2:26:54 PM
Subject: Re: Exactly what questions do you still have?

That is quite a cop-out. If you do not have capacity to formulate the questions you have it would not be a conversation anyway.

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000046

From: Paul Perrea
To: Mitchec@cpsboe.k12.oh.us
CC: Blackwr@cpsboe.k12.oh.us
Date: Thursday - March 15, 2007 6:45 AM
Subject: It is time to "come clean" regarding the semester exams

Have you had enough "conversations with experts" on testing to understand the issues on using these invalid "Semester Exams"? You have surely had enough time to study the issue and have plenty of conversations with experts. Meanwhile we have dozens of students, good students, who have been victimized by the scoring of these "Semester Exams" who need their teachers' counseling. Their parents need to know the flaws, discrepancies, errors and how the exams were an improper measurement of their children.

It would be best to release these flawed exams so that teachers can point out the inappropriate questions and do their best to help these students repair their sense of self-worth, self-esteem, and self-assurance. Remember the mental anguish and humiliation will be most damaging to CPS's best students. Please address these issues as soon as possible.

CPS should not allow the practice of placing erroneous, flawed and incorrect information on students' records. The "Semester Exams" the scores of which were recently recorded on students' records via "Dashboard" are a violation of the students and parents rights.

Should you need help in acquiring a knowledgeable expert for the independent evaluation of the "Semester Exams" I would suggest you speak with Monty Neil or Bob Schaefer at the nationally recognized non-profit Fairtest.org They could help you find an independent psychometrician to evaluate the validity of the exams. You should welcome such an opportunity if you believe the exams to be valid.

I would recommend you move quickly on this before legal questions by a parent or group of concerned parents. Besides the obvious unethical nature of using such error-prone and invalid tests there may be other costs which you should seek to avoid.

As a parent of students in the district I am very concerned about your disingenuous and phony claims that you cannot resolve this issue. You have had three weeks to look into this matter and it looks like you have not made any progress.

Paul Perrea
Hughes High School
Science Department
COMM Team B
363-7579

000047



TO: Mary Hahn, Principal Hughes Center

FROM: Mary Ronan, Director of Schools 

DATE: March 13, 2007

RE: Paul Perrea

**INTER-OFFICE
CORRESPONDENCE**

Director of Schools

Phone: 363-0079 FAX: 363-0055

It has come to my attention that Paul Perrea, a member of the Hughes staff, continues to have protracted, and unprofessional communications with administrators at Cincinnati Public Schools.

On February 2, 2007, in response to Mr. Perrea's e-mail regarding semester exams, he was advised by the Director of Research & Evaluation Elizabeth Holtzapple, that the exams were secure documents containing copyrighted materials and will not be released. Dr. Holtzapple provided him with constructive strategies to address his interest in the test development.

Mr. Perrea's continuing communications to Deputy Superintendent Laura Mitchell, regarding this matter are unprofessional and not constructive. A statement such as "The 'semester exams' have become a joke and are emblematic of a dysfunctional and mendacious administration" on March 7, 2007, do not suggest that he has an interest in a productive and beneficial consideration of testing matters. His accusatory and taunting tone is not conducive to establishing a dialogue with the Deputy Superintendent or any other employee of the District. If Mr. Perrea does have an interest, again, Dr. Holtzapple presented options.

This is not the first time that Mr. Perrea's communications have been unprofessional and incessant. Again, we appreciate ideas and suggestions. Please advise him, since you are his direct supervisor, to communicate professionally and address the matters of concern.

Thank you for following up on this matter.

cc: Catherine L. Mitchell
Elizabeth A. Holtzapple
Paul Perrea

000018

March 16, 2007

Mr. Perrea:

Attached to this letter please find two items: a copy of the Cincinnati Public Schools *Employee Acceptable Use Policy for Electronic Communication* and a copy of a memo sent to me by Mary Ronan, Director of Schools.

Note that in Ms. Ronan's memo I am being asked to advise you to "communicate professionally and address the matters of concern". The purpose of today's meeting and this letter is to do just that. Your communication with administrators of Cincinnati Public Schools should be professional and address the matters of concern.

Ms. Ronan's memo describes your communications as "protracted, and unprofessional". This would seem to fall under the *Unacceptable Behavior* bullet of "Harassing, insulting or attacking others" in the district's *Employee Acceptable Use Policy for Electronic Communication*.

Sincerely,

Mary Hahn
Principal

C: Catherine L. Mitchell
Mary Ronan
Elizabeth A. Holtzapple

000049

March 6 2007

Notes from "disciplinary meeting" regarding Parents for Public Schools request for the Semester Exams to be evaluated. Principal Hahn addressed me, Asst Principal Loughton present—silent throughout. Rick Santoro, union rep present.

Before the meeting I recommended to Ms Hahn that she either 1) send me to the Central Office to be discipline thereby relieving her of the duty, or (as Sues had done in the past) 2) allowed Central Office to use his office for the discipline meeting [Central Office did not show up for such meetings in the past] I also showed her the letter from Rosa Blackwell regarding my concerns and that she had asked Laura Mitchell to address the matter, but she did not want to see the letter. She stated it was better that she not know.

At this discipline meeting Ms Hahn read the letter to Mr. Perrea

She stated that the letter would only go into Hughes files. She stated clearly and plainly that the letter would not be sent to HR. (The letter was later sent to HR and Mr. Perrea was copied on it.) She said "I was only asked to meet with you" indicating that she was reluctant about being put to the task. [Later characterizations of the meeting by Deb Heater were incorrect—see Heater letters.]

Mr. Perrea asked if the documents of e-mails provided is actually complete or redacted? Ms. Hahn replied she did not know. She said "There are different names for Laura Mitchell and we do not know if the printouts of copies of the exchange from Mitchell match the actual exchange."

Mr. Hahn stated that the event was protracted, but did not define "protracted". Hahn's statement that they were complaining that it was harassing, insulting and attacking. She claimed that it violated the internet usage document by being unprofessional. [There is no "unprofessional" bullet in said document.]

000050

to Mr. Perrea

From: Perrea's personal box

> Date: Wed, 28 Mar 2007 17:33:28 -0400
> From: <perrea@fuse.net>
> To: mitchec@cpsboe.k12.oh.us
> Subject: As a parent of two students in CPS
> Cc: blackwr@cpsboe.k12.oh.us
>

> As a parent of two students in CPS, living in a neighborhood of students of CPS, I remain deeply concerned with the damage done by tests that have not been independently validated and that are not available for parents to inspect. In fact dozens, well over fifty, teachers have indicated that they are concerned about the validity of the semester exams.

>
> Has an evaluation of the validity and reliability of the semester exams ever been conducted by the Cincinnati Public Schools, as required by the Joint Standards for Educational and Psychological Measurement?

>
> Why does CPS refuse to make previously administered copies of the semester exams available for public review, as is regularly done with the Ohio Graduation Test?

>
> You have known of this issue for five weeks as you were included in e-mails as far back as early February, Ms Blackwell confirmed in a letter to me passing on the issue to you three weeks ago. Because students were damaged with the inclusion of the scores on their "Dashboard" and permanent records this address needs immediate attention.

>
> Paul Perrea
> 412 Wood Avenue
> Cincinnati, OH 45220
>
> perrea@fuse.net

29 March 2007

412 Wood Ave
Cincinnati, OH 45220

Janet Walsh
Public Relations
Cincinnati Public Schools
2651 Burnet Ave
Cincinnati, OH 45219

Ms. Walsh:

Please provide the documents of the Semester Exams administered in January 2007 to 9th graders pursuant to the Ohio Public Records Act. There were five documents: Mathematics, Science, Reading, Writing and Social Studies. We will properly reimburse reasonable and customary charges for the photocopying of these documents.

Sincerely,

Paul A. Perrea

000052



Education Center ★ P.O. Box 5381 ★ Cincinnati, OH 45201 ★ Ph: 513-363-0000 ★ TDD: 513-363-0124

April 4, 2007

Paul A. Perrea
412 Wood Avenue
Cincinnati, OH 45220

Mr. Perrea,

We cannot fulfill your request dated March 29, 2007, for documents of the five subjects in the semester exams given January 2007 to ninth-graders. These documents contain secure testing material and therefore are not subject to release as a public record. These documents contain copyrighted material.

Sincerely,

Janet L. Walsh
Chief Officer
Public Affairs Department

000053

July 14, 2007

RECEIVED

412 Wood Avenue
Cincinnati, Ohio 452290

JUL 18 2007

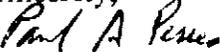
PUBLIC AFFAIRS DEPARTMENT

Janet Walsh
Public Relations
Cincinnati Public Schools
2651 Burnet Avenue
Cincinnati, Ohio 45219

Dear Ms. Walsh:

I am writing to follow up on my letter of March 29, 2007, and your letter of April 4, 2007. In my letter I asked you to provide copies of the Semester Exams administered in January 2007, to 9th graders. I asked for Mathematics, Science, Reading, Writing and Social Studies. I mentioned that I would pay the cost of photocopying. When I mentioned copying, I did not intend to use the copies for any commercial purpose. I would only use the copies for criticism, research, comment, and/or education.

Please make these documents available.

Sincerely,

Paul A. Perrea.

000054



Education Center * P.O. Box 5381 * Cincinnati, OH 45201 * Ph: 513-363-0000 * TDD: 513-363-0124

July 23, 2007

Paul A. Perrea
412 Wood Avenue
Cincinnati, OH 45220

Mr. Perrea,

We have received your letter dated July 14, 2007, asking again for copies of the Semester Exams administered in January 2007. As I stated in my April 4, 2007, letter to you, we cannot fulfill this request because, per our legal counsel, these documents contain secure testing material and copyrighted material and, therefore, are not subject to release as a public record.

Sincerely,

Janet L. Walsh
Director, Public Affairs

000055