



**SUPREME COURT OF OHIO**

<b>STATE EX REL., PAUL PERREA</b>	:	
	:	
<b>Relator,</b>	:	<b>MANDAMUS PROCEEDING</b>
	:	
<b>-vs.-</b>	:	
	:	
<b>CINCINNATI PUBLIC SCHOOLS</b>	:	<b>CASE NO. 2008-0748</b>
	:	
<b>Respondent.</b>	:	
	:	

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**AFFIDAVIT OF DR. ELIZABETH HOLTZAPPLE**

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State of Ohio            )  
                                  ) SS:  
County of Hamilton    )

Dr. Elizabeth Holtzapple, being first duly cautioned and sworn, states of her personal knowledge as follows:

1. My name is Elizabeth Holtzapple. I am currently employed by Cincinnati Public Schools ("CPS") as Director of Research, Evaluation and Test Administration. As part of my duties, I oversee the development and administration of the Semester Exams at issue in this matter.

2. The Semester Exams are tests given to CPS students twice per year (at the end of each semester) in four general subject areas: Math, Science, English, and History.

3. From the inception of the Semester Exams, CPS has worked with West Ed, a well-respected nonprofit testing agency that professionally develops assessment tools for clients across the country.

4. Currently, the Semester Exams are administered to 9th, 10th and 11th grade students. Therefore, CPS administers 24 separate exams each school year.

5. There are four general goals of the Semester Exams: (1) to bring consistency to grading within CPS; (2) to align curriculum throughout the District; (3) to aid CPS students to perform well on the Ohio Graduation Test and to improve the District as a whole; and (4) to prepare all students for post-secondary education.

6. Each Semester Exam is split into two sections -- multiple choice questions and constructed response items, which are short-answer or essay questions. Each exam, except for the English exams, have 45 multiple choice questions and four constructed response items. English exams have 40 multiple choice questions and four longer constructed response items. The Semester Exams account for 25% of a student's grade in the subjects tested.

7. There is no bank of multiple choice questions for any Semester Exam. Each question is currently reused the following year. If a question is ever replaced in a subsequent administration of an exam, it is because CPS and West Ed have determined that the question is flawed. The question would therefore be removed and replaced with a newly developed question.

8. Because there is no bank of multiple choice questions, the security procedures used to safeguard the Semester Exams would be breached if the exams were made public. CPS would be unable to reuse any previous exams.

9. On June 27, 2008, I received a quote from West Ed regarding the cost of developing the 11th grade Semester Exams from scratch and replacing half of the exam questions currently used in the 9th and 10th grade Semester Exams. The cost for West Ed to provide these services would be \$547,034.

10. The cost of revising the 9th and 10th grade exams alone would be \$270,000. If CPS were forced to revise its Semester Exams each year (grades 9-11) because the exams are made public, CPS would have to spend approximately \$405,000 per year. Because of this cost, CPS would have to discontinue the Semester Exams altogether if the exams were made public.

11. CPS committees work with West Ed representatives to develop and design the Semester Exams. The committees approve the use of each multiple choice and constructed response question developed by West Ed in their respective fields. These committees are composed entirely of faculty members. There is a committee for each subject area covered by the exams. Teachers are nominated for the committee by the CPS Curriculum Council chairs, which is wholly composed to members of the Cincinnati Teachers Association. CPS administrators play no role in the selection process. Three to 12 teachers serve on each committee depending on the availability of nominated teachers.

12. In an effort to phase in the use of Semester Exams, teacher are permitted to override a student's exam score during the pilot year of each exam.

13. CPS implements various security measures to ensure that the Semester Exams are not disclosed. All Semester Exams are kept in a secure area at a central location before they are administered. When the exams are administered, students may not make copies of the exams or possess cell phones, cameras or similar devices. Staff members are not permitted to copy exams and all exams must be immediately collected and returned to the central offices of CPS after administration for secure storage.

14. The Semester Exams contain data and materials copyrighted by third parties. CPS, through West Ed, secured permissions and/or reproduction rights to these copyrighted

materials for the Semester Exams. All copyrights, however, have been retained by the original holders.

15. Exhibit A (Document Nos. CPS 001-CPS 015) are true and accurate copies of information contained on the CPS website. These documents contain background information about the District, employment statistics, and CPS's 2006-2011 Strategic Plan.

16. Exhibit B (Document Nos. CPS 016-CPS 025) are true and accurate copies of documents maintained by CPS regarding the Semester Exams. These documents contain background information regarding the Semester Exams, security measures related to the Semester Exams, and teacher directions contained within the Semester Exams.

17. Exhibit C (Document Nos. CPS 026-CPS 034) are true and accurate copies of communications between Plaintiff Paul Perrea and various CPS administrators regarding his public records requests.

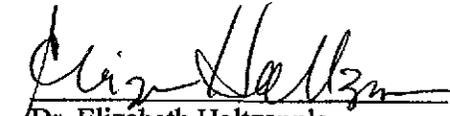
18. Exhibit D (Document Nos. CPS 035-CPS 036) are true and accurate copies of materials related to the creation of the 9th grade Semester Exams.

19. Exhibit E (Document Nos. CPS 037-CPS 0047) are true and accurate copies of materials related to the creation of the 10th grade Semester Exams.

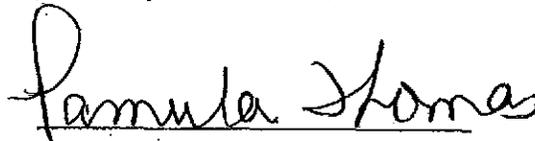
20. Exhibit F (Document Nos. CPS 048-CPS 056) are true and accurate copies of materials related to the creation of the 11th grade Semester Exams.

21. Exhibit G (Document Nos. CPS 057-CPS 058) is a true and accurate copy of a quote submitted to CPS by West Ed disclosing the cost of developing the 11th grade Semester Exams and revising the 9th and 10th grade Semester Exams by developing new questions for half of each exam.

Further affiant sayeth naught.

  
Dr. Elizabeth Holtzapple

Sworn to and subscribed before me this 3rd day of November, 2008.

  
11-3-08



PAMULA R. THOMAS  
Notary Public, State of Ohio  
My Commission Expires  
June 19, 2012



**Cincinnati**

## 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.



Cincinnati

## 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.

## IN THIS SECTION

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**BUILDING  
FUTURES**

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

### **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

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**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**

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### **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

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### 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).

- ★ 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.

Search  GO



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### Testing and Assessment

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#### Test Coordinator Info

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[Dashboard](#)  
[Dashboard Manuals](#)  
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#### Report Test Item Problem

#### CPS Parent Page

#### Contacts



### Semester Examinations for High School Courses

Teachers are expected to report semester examination grades for students enrolled in their high school courses.

#### Semester Examinations for Core Courses - Grades 9, 10 & 11

For the 2008-09 school year, the district will provide teachers of 9th, 10th and 11th grade core courses their required semester examination. These semester examinations must be completed during December and May.

Examinations have about 45 multiple choice questions with 3 short answer and 1 extended response question. Short answer and extended response questions are placed throughout the examination and not at the end. Schools should prepare examination schedules that allow for up to 2 1/2 hours for students to complete examinations.

Make-ups can occur anytime after the first examination administration, but all examination booklets must be packaged and ready for pick-up by the Thursday after the examination week. Additionally, students may complete a make-up through the end of the subsequent quarter. Testing coordinators must contact Testing for these additional materials.

#### Core Courses

##### Grade 9

- o English 9
- o Algebra I
- o Physical Science
- o Modern World History

##### Grade 10

- o English 10
- o Geometry
- o Biology
- o US History

##### Grade 11

- o English 11
- o Algebra II
- o Chemistry
- o Government (1 semester only)
- o Economics (1 semester only)

#### Student with Disabilities and Students with Testing Accommodations

Students with disabilities participate fully in district examinations when being instructed in regular courses. Such students must be enrolled in the regular class course and must be provided approved testing accommodations during the examinations. Examination booklets and scan sheets will be printed for them.

#### Check out ...

[State Assessment and Testing Home Page](#)  
Follow this link to state testing information. Click here to see the state web site.

[State IMS](#)  
Click here

[State OAT/OGT Document Archive](#)  
Click here

[OAT/OGT Success](#)  
Click here

[K-3 State Diagnostics](#)  
Click here

[State OGT Workbooks](#)  
Click here

[State NAEP News](#)  
Click here

[Peterson's StudentEdge Online Courses for PSAT, SAT, ACT](#)  
Click here

[AP Central](#)  
Click here

[OAT - Released Test Materials](#)  
Click here

[OGT - Released Test Materials](#)  
Click here

[Always Keep Your Acrobat Reader Updated!](#)  
Click here

Students with disabilities who are being instructed in intervention classrooms are not required to participate in the district examinations. Such students must be enrolled in the appropriate course code identifying the intervention class. Examination booklets and scan sheets will not be printed for them. Teachers of students not participating in the district examinations must prepare their own semester examinations for students. Should teachers *choose* to use the district examinations they must use copies from the school's overage or the school testing coordinator may contact Testing for extra copies. These students must be provided approved testing accommodations during the examinations.

Because these students are identified by course code, schools must use course codes correctly.

In addition, students participating in the state's alternate assessment are not required to participate in district examinations. Examination materials are not printed for them.

#### **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 are 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.

#### **Delivery of Semester Examination Materials**

Materials should arrive in school buildings the week prior to testing. Scan sheets are separate from examination booklets. Scan sheets will be sorted by course section number and test booklets are printed according to your course enrollment counts. Counts will be printed on your shipping label. 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 on the day of the scheduled test.

Test Administration will have an examination booklet accounting form for your use.

#### **Scoring Short Answer and Extended Response Questions**

Teachers must score student constructed responses: short answer, extended response and writing prompt questions using scoring guidelines. Scoring guidelines are posted on StaffNet (see below).

Typically there are no more than 3 short answer and 1 extended response question on each examination.

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

#### **Scoring Guidelines**

*Not Yet Ready to Post*

#### **Collection of Semester Examinations**

Scan sheets must be hand delivered to Test Administration to insure quick grading. Testing Coordinators should deliver all completed scan sheets on or before 4pm on the Friday of the examination week and deliver all remaining scan sheets no later than 4 pm the following Wednesday. However, all booklets must be

packaged and ready for pick-up in the school office by 10am on Thursday of the second week. Please label boxes with your school name and contents. Boxes will be picked up by Building Operations drivers and brought to Test Administration.

**Reporting of Semester Examination Grades**

Examination grades will be reported on the Dashboard. Directions for transferring these grades into IGPro can be found [here](#).

 [Contact Us](#)

Test ID 3410

Student Name: \_\_\_\_\_  
Subject: \_\_\_\_\_ Bell: \_\_\_\_\_  
Teacher Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

Subject: \_\_\_\_\_ Bell: \_\_\_\_\_

Teacher Name: \_\_\_\_\_ Date: \_\_\_\_\_



# Semester 2 Examination

**Biology**

## TEACHER DIRECTIONS

Teachers must provide students sufficient time to complete this semester examination. However, the examination period should last no more than two and a half hours. Testing accommodations should be provided as approved for students.

Teachers must use examination scoring guidelines to assess short-answer and extended-response questions. **Scoring guidelines and rubrics are posted on the Testing and Assessment page of StaffNet.** Teachers must record these scores in the appropriate area of each student's answer sheet.

All student examination booklets and scan sheets must be returned to Test Administration. Teachers must return examination booklets and scan sheets in separate neat stacks to their testing coordinator.

Before turning in scan sheets teachers must insure that school code, assessment number and all 9 digits of the student ID are pre-coded or bubbled. Scan sheets unreadable by the CPS image scanner will be returned to the school for correction. This will result in a delay in reporting examination grades. Consequently, teachers must be diligent in correctly coding identification information for each scan sheet that is not pre-coded.

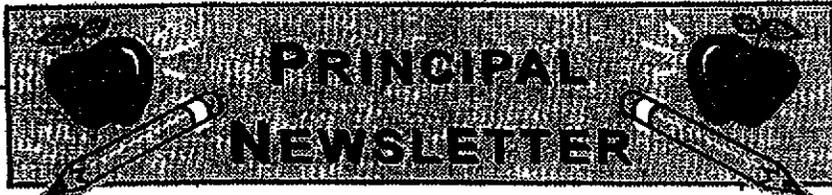
No paper clips, paper notes, staples or markings should be on the scan sheets. Do not use pens, markers or correction fluid on the scan sheets. Thank you!

**Special Directions for Testing Coordinators** — The testing coordinator must have the examination booklets boxed and ready for pickup at 9 am on the scheduled pickup day. Testing coordinators must hand deliver scan sheets to Test Administration early to allow scanning and scoring to occur prior to the grade reporting deadline.

**English** — Teachers should make sure students understand that the English examination has two parts and that students should reserve sufficient time to complete the writing test at the end. The writing test includes multiple-choice questions and a written-response question. The written-response question is worth 18 points (writing applications = 12 points and writing conventions = 6 points). When there is 1 hour remaining in the examination time, teachers should tell students that they should begin the writing test soon if they have not started it already.

**Mathematics** — Prior to beginning the examination, teachers should instruct students to tear out the Mathematics Reference Sheet and scratch paper that are at the back of their examination booklet. Students may refer to the Mathematics Reference Sheet and use the scratch paper as they need it. At the end of the examination, teachers must collect all scratch paper along with scan sheets and booklets. Teachers turn in scan sheets, examination booklets and scratch paper to the testing coordinator in three separate stacks. Students may keep the reference sheets if they did not write on them. Otherwise, teachers collect them along with the scratch paper.

**Calculator Usage** — Teachers should allow students to use the OGT or similar calculator on both the mathematics and science semester examinations.



# PRINCIPAL NEWSLETTER

**2006-2007 School Year**

Friday, October 27<sup>th</sup>, 2006

### In This Issue:

End of Semester Exams to be Implemented for 9<sup>th</sup> Grade Courses  
Cover Story

### Dates to Remember:

OnePlan Due  
October 27<sup>th</sup>

Professional Development  
Release Day  
November 3<sup>rd</sup>

Veteran's Day- No School  
November 10<sup>th</sup>

Leadership Meeting  
November 14<sup>th</sup>



Cincinnati Public Schools  
Office of the Deputy  
Superintendent  
PO Box 5381  
Cincinnati, OH 45201  
(513) 363-0075 PH  
(513) 363-0055 FAX

## End of Semester Exams to be Implemented for 9<sup>th</sup> Grade Courses

### From:

Elizabeth Holtzapfle, 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 9<sup>th</sup> 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:

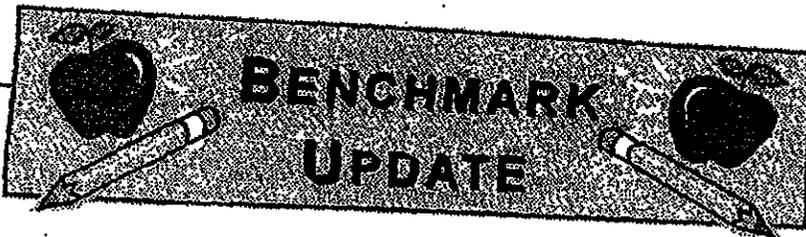
- District developed end-of-semester exams for Ninth grade core courses will be administered to all students enrolled in the course and will count as 25 percent of the student grade in accordance with Board of Education policy.
- The first semester exam period for 2006-2007 is January 22<sup>nd</sup> through January 25<sup>th</sup>. Scan sheets are due in the testing office on January 30<sup>th</sup> 2007. The second semester exam period is May 21 through May 25 with scan sheets due in the testing office on May 25<sup>th</sup>, 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 10<sup>th</sup> grade core courses in 2007-2008, 11<sup>th</sup> grade core courses in 2008-2009 and 12<sup>th</sup> 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.

### 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)



2006-2007 School Year

Friday, December 1<sup>st</sup>, 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**

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**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

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**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

>>> 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

>>> 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](mailto:holtzae@cps-k12.org)

District IRN 043752

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

>>> 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](mailto:holtzae@cps-k12.org)

District IRN 043752

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

>>> 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

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



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 cursive script that reads "Rosa E. Blackwell".

Rosa E. Blackwell  
Superintendent

REB/pb

c: Laura Mitchell, Deputy Superintendent

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 9<sup>th</sup> 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

July 14, 2007

**RECEIVED**

412 Wood Avenue  
Cincinnati, Ohio 452290

**JUL 18 2007**

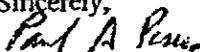
**PUBLIC AFFAIRS DEPARTMENT**

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 9<sup>th</sup> 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.



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

---

Location: 2651 Burnet Avenue \* Cincinnati, Ohio 45219



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

October 4, 2006

Stanley Rabinowitz  
WestEd  
730 Harrison Street  
San Francisco, CA 94107-1242

Dear Dr. Rabinowitz;

It is the intent of the Administration of the Cincinnati Public Schools to recommend to the Board of Education at the meeting of October 23, 2006 to contract with WestEd to establish an end-of-semester assessment system for grade 9 in the subjects of English, Modern World History, Integrated Mathematics I, Physics and Biology. WestEd will develop one form for each of two semesters in the subjects that are aligned to the Ohio Academic Standards. The cost for the deliverables for this school year will be \$257,800.

Due to the urgency to meet the completion date of this project, the 2006-2007 school year, we request that this letter is notice to proceed with the scope of work stated in the contract between WestEd and Cincinnati Public Schools.

A Purchase Order or Contract cannot be issued until the Board has approved the recommendation.

The Cincinnati Board of Education is not legally bound to any project until issuance of a Purchase Order or Contract.

Please acknowledge below your acceptance of this Notice of Intent to Award and return fax to 513-363-0465. If you have any questions, please contact me at 513-363-0456.

Sincerely,

David A. Durkin  
Purchasing Director

Receipt and Acceptance noted: \_\_\_\_\_  
Signature Date

WestEd Cost Estimates  
Revised: 9/26/2006

**ITEM AND FORM DEVELOPMENT: GRADE 9 END-OF-COURSE ASSESSMENTS**

**ITEM DEVELOPMENT:**

**Assessments: English9, Modern World History, Int Math1, Physics, Biology**

**Assumptions: 2 tests per year (semester 1 and 2)**

**Form 1: January 2007, Form 2: April 2007**

**1 form per administration**

**Each form consists of 50 stand-alone m/c and 2 modules (m/c and c/r)**

		m/c	short o/r	extended o/r		
	# items	56	2	2		
Per Form Costs	per item cost	\$ 180	\$ 400	\$ 550		
	<b>TOTAL</b>	<b>\$ 10,080</b>	<b>\$ 800</b>	<b>\$ 1,100</b>	<b>\$</b>	<b>11,980</b>
<b>TOTAL (2 administrations x 1 form x 5 subjects = 10 forms)</b>					<b>\$</b>	<b>119,800</b>

**BLUEPRINT DEVELOPMENT AND ITEM REVIEW: WestEd content expert support**

	# staff	# reviews	days per review	travel/review		
	1	3	2	\$ 2,600	\$	15,600
<b>TOTAL ( 5 subjects)</b>					<b>\$</b>	<b>78,000</b>

**FORM DEVELOPMENT: design, layout, proofing, PDF**

Per Form Cost				\$		2,500
<b>TOTAL (2 administrations x 1 form x 5 subjects = 10 forms)</b>				<b>\$</b>		<b>60,000</b>
<b>GRAND TOTAL</b>				<b>\$</b>		<b>257,800</b>

## REVISED BUDGET FIGURES FOR 2007-2008

### ITEM DEVELOPMENT FOR CINCINNATI PUBLIC SCHOOLS

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Previously agreed upon budget: \$276,000

- Provides for Grade 10 assessments in English/Language Arts, Mathematics, Science and Social Studies for Semester 1 and Semester 2
- Provides for Grade 9 assessments in English/Language Arts, Mathematics, Science and Social Studies for Semester 1 with replacement of 4 – 5 items from 2006 – 2007 assessments. Forms would be reformatted to change item orders.
- Provides for Grade 9 assessments in English/Language Arts, Mathematics, Science and Social Studies for Semester 2 with forms to be reformatted to change item orders; no item replacement.
- Grade 9 development assumptions were that the existing test forms would still align to the Pacing Guides.

Due to the extent of the changes in the content addressed by the Grade 9 Pacing Guides, the test forms developed for the 2006-2007 school year do not align to the current Pacing Guide.

**Additional work required by changes in Pacing Guides:**

#### **SEMESTER 1 WORK ACTUALLY PERFORMED**

##### **English/Language Arts:**

Evaluate revised Pacing Guide

Develop new blueprint

Reconstitute forms between semesters to reflect change in instruction

Re-code all items on original form to match new Pacing Guide

Produce new scoring document to reflect new benchmarks

##### **History:**

Evaluate revised Pacing Guide

Develop new blueprint

Re-code all items on original form to match new Pacing Guide

Produce new scoring document to reflect new benchmarks

**Mathematics:**

Evaluate revised Pacing Guide

Develop new blueprint

Re-code all items on original form to match new Pacing Guide

Develop 35 new MC and 3 SA and 2 ER to reflect new Pacing Guide

Reconstitute forms between semesters to reflect change in instruction

Produce new scoring document to reflect new benchmarks

**Science:**

Evaluate revised Pacing Guide

Develop new blueprint

Re-code all items on original form to match new Pacing Guide

Develop one new module

Develop five new multiple-choice items

Reconstitute forms between semesters to reflect change in instruction

Produce new scoring document to reflect new benchmarks

**Management Time:**

To cover additional time for Joanne Jensen and Amy Washburn (Project Director and Project Coordinator)

**PROJECTED WORK FOR SEMESTER 2****English/Language Arts:**

Develop new blueprint for semester 2

Re-code all items on original form to match new Pacing Guide

Reconstitute forms between semesters to reflect change in instruction

Replace items that no longer align

Produce new scoring document to reflect new benchmarks

**History:**

Develop new blueprint for semester 2

Re-code all items on original form to match new Pacing Guide

Replace items that no longer align

Produce new scoring document to reflect new benchmarks

**Mathematics:**

Develop new blueprint for semester 2

Re-code all items on original form to match new Pacing Guide

Reconstitute forms between semesters to reflect change in instruction

Develop 43 new MC and 5 SA and 3 ER to reflect new Pacing Guide

Produce new scoring document to reflect new benchmarks

**Science:**

Develop new blueprint for semester 2

Re-code all items on original form to match new Pacing Guide

Develop three new multiple-choice items

Reconstitute forms between semesters to reflect change in instruction

Produce new scoring document to reflect new benchmarks

**Management Time:**

To cover additional time for Joanne Jensen and Amy Washburn (Project Director and Project Coordinator)

**Costs for additional work for Grade 9**

Increase in scope for Grade 9 Semester 1: \$17,500.00

Projected increase in scope for Grade 9 Semester 2: \$10,430.00

**Total costs for additional work for Grade 9 \$27,930.00**



WestEd#: YTP 2023

WestEd is a 501(c)(3) non-profit organization.

3005 P...  
8/21/07

**CONTRACT  
BETWEEN  
CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI  
AND  
WESTED**

This Contract is made and entered as of August 8, 2007 by and between WestEd, a Joint Powers Agency organized in California, located at 730 Harrison Street, San Francisco, California 94107, hereinafter referred to as "WestEd", and City School District of the City of Cincinnati, an Ohio corporation located at 2651 Burnet Avenue, Cincinnati, Ohio 45219 hereinafter referred to as "Cincinnati".

**1.0 Purpose:**

The purpose of this Contract is for WestEd to provide services to Cincinnati for the implementation of specific activities as described in the attached Exhibit I, Scope of Work, hereinafter referred to as "Exhibit I".

**2.0 Scope of Work:**

WestEd to carry out the work described in the attached Exhibit I.

**3.0 Time of Performance:**

WestEd shall provide the services under this Contract from August 15, 2007 through June 30, 2008, unless this Contract is amended as provided in §15.0 below.

**4.0 Key Personnel:**

At all times during the term of this Contract, WestEd's performance shall be under the personal supervision and direction of Joanne Jensen from WestEd.

**5.0 Funding:**

In consideration for the services satisfactorily performed by WestEd under this Contract, Cincinnati agrees to pay WestEd the full amount of \$276,000.00. This figure covers the services outlined in Exhibit I, including copyright permissions for the use of reading passages and for reproduction rights for images as required. For these fees, WestEd shall serve as an agent for Cincinnati in securing permissions and/or reproduction rights of copyrighted passages and images.

**6.0 Method of Payment:**

WestEd shall be paid for the services specified in Exhibit I in accordance with the following schedule:

- 50% due upon signing
- 50% due upon completion

Cincinnati shall pay WestEd the amount stated in the invoice within thirty (30) days of receipt.

**7.0 Records Maintenance, Retention, and Access:**

WestEd shall maintain proper accounting records and supporting documents that reflects all expenditures related to WestEd's performance of services under this Contract. Cincinnati shall have

right of access to these records and service documents for the purposes of monitoring and evaluating WestEd's performance of services. WestEd shall retain all of such records and documents for at least three years after the final payment under this Contract.

**8.0 Independent WestEd Status and Responsibilities:**

In performing its services, WestEd shall be an independent contractor with authority and responsibility to control and direct the performance of the services required under this Contract, subject to Cincinnati's general right to inspect work in progress to determine whether the services are being performed in accordance with this Contract.

All persons hired and/or contracted by WestEd shall be WestEd's employees and/or subcontractors. WestEd shall be responsible for the accuracy, completeness, and adequacy of all services performed by WestEd's employees and/or subcontractors and shall ensure that all applicable Federal, State and County licensing and operating requirements and all applicable accreditation and other standards of quality generally accepted in the field of WestEd's activities are complied with and satisfactorily met. WestEd voluntarily and knowingly assumes the entire liability (if any such liability is determined to exist) to its employees and/or subcontractors or to other persons for all loss, damage, or injury caused by WestEd's employees and/or subcontractors in the course of their employment and/or contract. WestEd shall be responsible for payment of applicable income, social security, and other Federal, State or County taxes and fees, and all statutory benefits including, without limitation, Workers' Compensation, Unemployment Insurance and Temporary Disability Insurance.

**9.0 Non-Discrimination in Employment:**

No person shall on the ground of race, religion, color, handicap, national origin, sex, age, political affiliation, or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded or otherwise financially assisted, in whole or in part with funds made available hereunder.

**10.0 30-Day Cancellation Notice:**

It is mutually agreed that either party may cancel this Contract by giving thirty (30) calendar days advance, written notice. See §17.0 below for specifics regarding communication. WestEd agrees to submit all final invoices within ninety (90) days of termination of Contract.

**11.0 Contracts and Assignments:**

Except as specifically stated herein above, WestEd shall not contract or assign any part of the services to be performed under this Contract without the prior written consent and approval of Cincinnati.

**12.0 Intellectual Property Ownership:**

All pre-existing WestEd data and materials provided to Cincinnati by WestEd to assist in the performance of this Contract shall remain WestEd's property. Upon expiration or termination of the Contract for any reason, Cincinnati shall request instructions from WestEd regarding whether Cincinnati should: (1) erase or destroy the data/materials files maintained by Cincinnati, or (2) return the data/materials to WestEd.

Copyright for all passages and images shall be retained by the copyright holder. WestEd shall serve as an agent for Cincinnati in securing permissions and/or reproduction rights of copyrighted passages and images.

This provision shall survive termination of this Contract.

**13.0 Warranties**

WestEd warrants that all services performed under this Contract shall be performed consistent with generally prevailing professional or industry standards. If Cincinnati determines that WestEd has failed in the performance of this Contract, WestEd will be given thirty (30) days to correct the problem.

**14.0 Indemnification:**

Cincinnati is subject to the provisions of Chapter 2744 of the Ohio Revised Code.

**15.0 No Alteration of Contract:**

No alteration or variation of the terms of this Contract shall be valid unless made in writing and signed by both parties, and no oral understanding or agreement not incorporated herein shall be binding on either of the parties.

**16.0 Governing Law**

This Contract shall be governed by, and subject to, and construed in accordance with the laws of the State of Ohio, excluding the conflict of law rules.

**17.0 Authority to Sign**

Both parties executing this Contract acknowledge and warrant that they possess the authority to enter into this Contract on behalf of their respective companies.

**18.0 Communication:**

The names and address of the direct contact person for each of the parties is as follows:

WestEd

Contracts Issues

Teresa Johnson, Director of Contracts  
730 Harrison Street  
San Francisco, California 94107-1242  
Tel.: 510.302.4239  
E-mail: [tjohnso@westEd.org](mailto:tjohnso@westEd.org)

Payment Issues

Tulinh Wu, A/R Supervisor  
4665 Lampson Avenue  
Los Alamitos, California 90720  
Tel.: 562.799.5188  
Email: [twu@wested.org](mailto:twu@wested.org)

Technical Issues

Joanne Jensen, Ph.D., Project Director  
730 Harrison Street  
San Francisco, California 94107-1242  
Tel.: 415.615.3145  
E-mail: [jjensen@wested.org](mailto:jjensen@wested.org)

**City School District of the City of Cincinnati**  
**Contracts and Administrative Issues**  
David A. Durkin, Purchasing Director  
2651 Burnet Avenue  
Cincinnati, Ohio 45219  
Tel.: 513.363.0000  
Email: [Durkind@cpsboe.k12.oh.us](mailto:Durkind@cpsboe.k12.oh.us)

**Technical Issues**  
Elizabeth A. Holtzapple, Ph.D.  
Director of Research, Evaluation, and Test Administration  
2651 Burnet Avenue  
Cincinnati, Ohio 45219  
Tel.: 513.363.0171  
Email: [holtzae@cps-k12.org](mailto:holtzae@cps-k12.org)

#### **19.0 Conflict of Interest**

Cincinnati warrants that, to the best of Cincinnati's knowledge and belief, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined as, activities or relationships with other persons, organizations or any other third party which would cause Cincinnati to be unable or potentially unable to render impartial assistance or advice to WestEd, or Cincinnati's objectivity in performing the work might be otherwise impaired, or resulting in an unfair competitive advantage, or that Cincinnati has disclosed all such relevant information to WestEd.

Cincinnati agrees that if an actual or potential organizational conflict of interest is discovered after this Contract is executed, Cincinnati will make a full disclosure in writing to WestEd. This disclosure shall include a description of actions which Cincinnati has taken or proposes to take, after consultation with WestEd, to avoid, mitigate, or neutralize the actual or potential conflict.

WestEd may terminate this Contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If Cincinnati was aware of a potential organizational conflict of interest prior to the execution of this Contract or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to WestEd, WestEd may terminate the Contract for default, or pursue such other remedies as may be permitted by law or this Contract.

#### **20.0 Force Majeure**

WestEd will not be liable for any failure to perform as required by this Contract, if the failure to perform is caused by circumstances reasonably beyond WestEd's control, such as labor disturbances or labor disputes of any kind, accidents, failure of governmental approval required for full performance, civil disorders or commotions, acts of aggression, acts of God, energy or other conservation measures, explosions, failure of utilities, mechanical breakdowns, material shortages, disease, theft, or other such occurrences.

IN WITNESS WHEREOF, the parties hereto have executed this Contract effective the day and year first written above.

**WESTED**

  
\_\_\_\_\_  
Teresa Johnson, Director of Contracts

**CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI**

  
\_\_\_\_\_  
Authorized Signatory

Documents Attached:  
Exhibit I: Scope of Work



excellence in research, development, and service

Invoice Number: 07-2426

Invoice Date: 10/29/2007

Description: Payment for 50% due upon completion per contract agreement

Bill To:

Cincinnati Public Schools  
Attn: Office of Treasurer A/P  
PO Box 5384  
Cincinnati, OH 45201-5384

Remit To:

WestEd  
Accounting  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Customer Number: 5459  
Prime Contract Number: contract 9/8/07  
Subcontractor Number:  
Customer PO Number: 626313  
Project Number: 5459  
Project Name: Cincinnati EOC 2007-2008  
Terms: NET 30  
Due Date: 11/28/2007

Billing Period From:  
To: 10/31/2007

Current Amount
138,000.00
138,000.00

Scheduled Payment

Invoice Total

138,000.00

Authorized Certifying Official

Remittance should be made payable to:

WestEd, at the address below.

Billing Questions?  
Call Accounts Receivable (562) 799-5132



excellence in research, development, and service

Invoice Number: 07-2263

Invoice Date: 09/28/2007

Description: Payment for 50% due upon signing per contract agreement

Bill To:  
Cincinnati Public Schools  
Attn: Office of Treasurer A/P  
PO Box 5384  
Cincinnati, OH 45201-5384

Remit To:  
WestEd  
Accounting  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Customer Number: 5459  
Prime Contract Number: contract 8/8/07  
Subcontractor Number:  
Customer PO Number: 526313  
Project Number: 5459  
Project Name: Cincinnati EOC 2007-2008  
Terms: NET 30  
Due Date: 10/28/2007

Billing Period From:  
To: 09/30/2007

Scheduled Payment

Current Amount
138,000.00
138,000.00

Invoice Total

138,000.00
------------

Authorized Certifying Official

Remittance should be made payable to:

WestEd, at the address below.

Billing Questions?  
Call Accounts Receivable (562) 799-5132

# PURCHASE ORDER



**THE BOARD OF EDUCATION  
CINCINNATI CITY  
SCHOOL DISTRICT**

PURCHASING AND MATERIAL CONTROL  
P.O. BOX 6384  
CINCINNATI, OH 45201-6384

WestEd

SEP 25 2007

VENDOR: Wested  
730 Harrison Street  
San Francisco, CA 94107  
United States

DEPT. ACCTG.

PURCHASE OF NO.	526313	REVISION	0	PAGE	1
SHIP TO: Cincinnati Public Schools Department of QI - Research, 2651 BURNET AVENUE Cincinnati, OH 45219					
BILL TO: BILLING ADDRESS-NO SHIPMENTS Office of Treasurer A/P P O Box 6384 Cincinnati, OH 45201-6384 Phone: See Ship To:					
ITEMS ON THIS ORDER ARE EXEMPTED FROM OHIO SALES AND FEDERAL EXCISE TAXES AS A NON-PROFIT ORGANIZATION (O.R.C. 5739.02) TAX EXEMPT CERTIFICATE F.E.I.N. 31-6000768W					

**COMMENTS:**

GENERAL FUND & GE GRANTS

All prices and amounts on this order are expressed in : US Dollar  
ALL MATERIALS NOT DELIVERED IN SIXTY (60) DAYS, UNLESS OTHERWISE SPECIFIED BY THE BUYER WILL BE CONSIDERED CANCELLED

CUSTOMER ACCOUNT NO. 39367	VENDOR NUMBER 4	DATE OF ORDER/BUYER 06-SEP-07	C Holtz		REVISED DATE/BUYER	
PAYMENT TERMS Net 30		SHIP VIA:	F.O.B. Prepay Add Back			
FREIGHT TERMS		REQUESTOR/DELIVER TO Holtzapfle, Elizabeth T J	CONFIRM TO/TELEPHONE ohnson (415) 615-3136			
ITEM	PART NUMBER/DESCRIPTION	DELIVERY DATE	QUANTITY	UNIT	UNIT PRICE	EXTENSION
1	610-0000000000 CONTRACT TO DEVELOP HIGH SCHOOL SEMESTER EXAMS. CONTRACT WILL BE EFFECTIVE FROM AUGUST 15, 2007 THRU JUNE 30, 2008 AT A COST NOT TO EXCEED \$276,000.00. o SHIP TO: Address at top of page	06-SEP-07	1.000	Each	150000	150,000.00
2	610-0000000000 CONTRACT TO DEVELOP HIGH SCHOOL SEMESTER EXAMS. CONTRACT WILL BE EFFECTIVE FROM AUGUST 15, 2007 THRU JUNE 30, 2008 AT A COST NOT TO EXCEED \$276,000.00. o SHIP TO: Address at top of page	06-SEP-07	1.000	Each	126000	126,000.00
It is hereby certified that the amount required to meet this purchase order or contract in the present fiscal year has been lawfully appropriated for such purpose and is in the Treasury or in process of collection to the credit of the appropriate fund free from any previous encumbrance.					Total	276,000.00
 Jonathan L. Boyd Treasurer					ALL INVOICES PRESENTED FOR PAYMENT MUST CONTAIN THE VENDORS F.E.I.N. OR TAXPAYERS NUMBER. THIS PURCHASE ORDER IS SUBJECT TO THE BUYERS TERMS AND CONDITIONS OF CONTRACT FOR SALE ON THE REVERSE SIDE HEREOF.	

**From:** Joanne Jensen <jjensen@wested.org>  
**To:** Elizabeth A Holtzapple <Holtzae@cpsboe.k12.oh.us>  
**Date:** 6/27/2008 2:45 PM  
**Subject:** Re: Quote  
**Attachments:** Budget Submitted to Cincinnati Public Schools for 2008\_2009.doc

Elizabeth,

The quote for Grade 11 and the revised Grades 9 and 10 assessments is attached. The quote reflects our current staff rates and indirect rates. Our finance department requires an adjustment based on WestEd's new fiscal year which begins December 1. That explains the difference in rates for the two semesters for Grade 11. Also note, that we budgeted for permissions for four years. The reading passages and a select number of the social studies images are rights managed and require that permission for use be paid annually or for multiple years from its initial use. I have budgeted for the additional years for Grade 11.

The Grades 9 and 10 budget are based on a 50% refreshment of the test. Given that we will be changing that much of the test, we will need to layout out the tests from scratch. That is why you are not seeing a significant different between the costs for Grade 11 and the Grades 9 and 10 combined. Further, we also have proposed to pay the permissions for four years at these grades as well. We also have included additional staff travel for the review of the Grades 9 and 10. With this, we would have one table reviewing the Grade 11 items and one table reviewing the Grades 9 and 10 items. Staff would prefer to break the meetings into two separate sessions rather than review the entire year's worth of items at one meeting. They have found the opportunities to review the items with the Cincinnati teachers invaluable, and we have been able to make adjustments to the items developed for the semester two exams based on their feedback.

Please let me know if this budget is in line with your expectations. I am in the office the rest of today (but in meetings most of the afternoon), and I will be in the office next week Monday through Thursday. I will be traveling the week of July 7th.

~Joanne

Joanne L. Jensen, Ph.D.  
Director of Assessment Client Relations  
Assessment and Standards Development Services  
WestEd

(415) 615-3145 phone  
(415) 615-3200 fax

Elizabeth A Holtzapple wrote:

> Hi there. We really need the quote for 11th grade.  
> -----Original Message-----  
> From: Joanne Jensen <jjensen@wested.org>  
> To: Holtzapple, Elizabeth A <Holtzae@cpsboe.k12.oh.us>  
> Cc: Moore, Jerry -Testing <Mooreje@cpsboe.k12.oh.us>





excellence in research, development, and service

Invoice Number: 08-2557

Invoice Date: 09/30/2008

Description: Payment for the first 50% due upon signing per contract agreement

Bill To:

Cincinnati Public Schools  
Attn: Dr. Elizabeth Holtzapfle  
Director of Research, Eval, Test Admin.  
2651 Burnet Avenue  
Cincinnati, OH 45219

Remit To:

WestEd  
Accounting  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Customer Number: 5708

Prime Contract Number: contract 8/6/08

Subcontractor Number:

Project Number: 5708

Project Name: Cincinnati End of Course

Terms: NET 30

Due Date: 10/30/2008

Billing Period From:

To: 09/30/2008

Current  
Amount

138,221.50

138,221.50

Scheduled Payment

Invoice Total

138,221.50

Authorized Certifying Official

Remittance should be made payable to:

WestEd, at the address below.

Billing Questions?

Call Accounts Receivable (562) 799-5132



excellence in research, development, and service

# REMITTANCE COPY

Invoice Number: 08-2557

Invoice Date: 09/30/2008

Description: Payment for the first 50% due upon signing per contract agreement

Bill To:  
Cincinnati Public Schools  
Attn: Dr. Elizabeth Holtzapfle  
Director of Research, Eval, Test Admin.  
2651 Burnet Avenue  
Cincinnati, OH 45219

Remit To:  
WestEd  
Accounting  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Customer Number: 5708  
Prime Contract Number: contract 8/6/08  
Subcontractor Number:  
Project Number: 5708  
Project Name: Cincinnati End of Course  
Terms: NET 90  
Due Date: 10/30/2008

Billing Period From:  
To: 09/30/2008

Current Amount
<u>138,221.50</u>
138,221.50

Scheduled Payment

Invoice Total

138,221.50

Authorized Certifying Official

Remittance should be made payable to:

WestEd, at the address below.

Billing Questions?  
Call Accounts Receivable (562) 799-5132



excellence in research, development, and service

Invoice Number: 08-2557

Invoice Date: 09/30/2008

Description: Payment for the first 50% due upon signing per contract agreement

Bill To:  
Cincinnati Public Schools  
Attn: Dr. Elizabeth Holtzapfle  
Director of Research, Eval, Test Admin.  
2651 Burket Avenue  
Cincinnati, OH 45219

Remit To:  
WestEd  
Accounting  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Customer Number: 5708  
Prime Contract Number: contract 8/8/08  
Subcontractor Number:  
Project Number: 5708  
Project Name: Cincinnati End of Course  
Terms: NET 30  
Due Date: 10/30/2008

Billing Period From:  
To: 09/30/2008

Current  
Amount  
138,221.50  
138,221.50

Scheduled Payment

Invoice Total

138,221.50

Authorized Certifying Official

Remittance should be made payable to:

WestEd, at the address below.

Billing Questions?  
Call Accounts Receivable (562) 799-6132



excellence in research, development, and service

WestEd# ITP 2282

CONTRACT NUMBER  
BOARD APPROVAL DATE 12-15-08  
AMOUNT

**CONTRACT  
BETWEEN  
CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI  
AND  
WESTED**

This Contract is made and entered as of August 6, 2008, by and between WestEd, hereinafter referred to as "WestEd", and the City School District of the City of Cincinnati ("CPS").

**1.0 Purpose:**

The purpose of this Contract is for WestEd to assist the CPS with the development of two (2) end-of-semester examinations of four (4) content areas for Grade 11; and to refresh half of the already developed tests for Grade 11 as described in the attached Exhibit I, Scope of Work, hereinafter referred to as "Exhibit I".

**2.0 Scope of Work:**

WestEd to carry out the work described in the attached Exhibit I.

**3.0 Time of Performance:**

WestEd shall provide the services under this Contract from August 1, 2008 through June 30, 2009 unless this Contract is amended as provided in §14.0 below.

**4.0 Key Personnel:**

At all times during the term of this Contract, WestEd's performance shall be under the personal supervision and direction of Dr. Joanne Jensen from WestEd.

**5.0 Funding:**

In consideration for the services satisfactorily performed by WestEd under this Contract, CPS agrees to pay WestEd the full amount of \$276,443, per the attached Exhibit II, Budget. This figure also includes copyright permissions for the use of reading passages and for reproduction rights for images as required. For these fees, WestEd shall serve as an agent for CPS in securing permissions and/or reproduction rights of copyrighted passages and images. This is a fixed price contract.

**6.0 Method of Payment:**

WestEd shall be paid for the services specified in Exhibit II in accordance with the following schedule:

- 50% due upon signing
- 50% due upon completion

CPS shall pay WestEd the amount stated in the invoice within thirty (30) days of receipt.

**7.0 Independent WestEd Status and Responsibilities:**

In performing its services, WestEd shall be an independent contractor with authority and responsibility to control and direct the performance of the services required under this Contract,

subject to CPS's general right to inspect work in progress to determine whether the services are being performed in accordance with this Contract.

All persons hired and/or contracted by WestEd shall be WestEd's employees and/or subcontractors. WestEd shall be responsible for the accuracy, completeness, and adequacy of all services performed by WestEd's employees and/or subcontractors and shall ensure that all applicable Federal, State and County licensing and operating requirements and all applicable accreditation and other standards of quality generally accepted in the field of WestEd's activities are complied with and satisfactorily met. WestEd voluntarily and knowingly assumes the entire liability (if any such liability is determined to exist) to its employees and/or subcontractors or to other persons for all loss, damage, or injury caused by WestEd's employees and/or subcontractors in the course of their employment and/or contract. WestEd shall be responsible for payment of applicable income, social security, and other Federal, State or County taxes and fees, and all statutory benefits including, without limitation, Workers' Compensation, Unemployment Insurance and Temporary Disability Insurance.

**8.0 Non-Discrimination in Employment:**

No person shall on the ground of race, religion, color, handicap, national origin, sex, age, political affiliation, or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded or otherwise financially assisted, in whole or in part with funds made available hereunder.

**9.0 30-Day Termination Notice:**

It is mutually agreed that either party may terminate this Contract by giving thirty (30) calendar days advance, written notice. Should CPS choose to exercise this termination clause, WestEd shall be paid for all work completed up to and including the date of termination and any non-cancelable obligations. WestEd agrees to submit all final invoices with respect to §9.0 within ninety (90) days of termination of Contract. See §16.0 below for specifics regarding communication.

**10.0 Contracts and Assignments:**

Except as specifically stated herein above, WestEd shall not contract or assign any part of the services to be performed under this Contract without the prior written consent and approval of CPS.

**11.0 Intellectual Property Ownership:**

All pre-existing WestEd data and materials provided to CPS by WestEd to assist in the performance of this Contract shall remain WestEd's property. Upon expiration or termination of the Contract for any reason, CPS shall request instructions from WestEd regarding whether CPS should: (1) erase or destroy the data/materials files maintained by CPS, or (2) return the data/materials to WestEd.

Copyright for all passages and images shall be retained by the copyright holder. WestEd shall serve as an agent for CPS in securing permissions and/or reproduction rights of copyrighted passages and images.

This provision shall survive termination of this Contract.

**12.0 Warranties:**

WestEd warrants that all services performed under this Contract shall be performed consistent with generally prevailing professional or industry standards. If CPS determines that

WestEd has failed in the performance of this Contract, WestEd will be given thirty (30) days to correct the problem.

**13.0 No Indemnification:**

CPS is subject to the provisions of Chapter 2744 of the Ohio Revised Code.

**14.0 No Alteration of Contract:**

No alteration or variation of the terms of this Contract shall be valid unless made in writing and signed by both parties, and no oral understanding or agreement not incorporated herein shall be binding on either of the parties.

**15.0 Authority to Sign:**

Both parties executing this Contract acknowledge and warrant that they possess the authority to enter into this Contract on behalf of their respective companies.

**16.0 Communication:**

The name and address of the direct contact person for each of the parties is as follows:

**WESTED**

Contracts Issues

Paul Martinez, Contracts Administrator

730 Harrison Street

San Francisco, California 94107-1242

Tel.: 415.615.3105

E-mail: [pmartin@wested.org](mailto:pmartin@wested.org)

Payment Issues

Tulinh Wu, A/R Manager

4665 Lampson Avenue

Los Alamitos, California 90720

Tel.: 562.799.5188

E-mail: [twu@wested.org](mailto:twu@wested.org)

Technical Issues

Dr. Joanne L. Jensen, Project Director

730 Harrison Street

San Francisco, California 94107-1242

Tel.: 415.615.3145

E-mail: [jjensen@wested.org](mailto:jjensen@wested.org)

**CINCINNATI PUBLIC SCHOOLS**

Contracts, Technical and Administrative Issues

Dr. Elizabeth A. Holtzaple, Director of Research, Evaluation and Test Administration

2651 Burnet Avenue

Cincinnati, Ohio 45219

Tel.: 513.363.0171

E-mail: [holtzae@cps-k12.org](mailto:holtzae@cps-k12.org)

**17.0 Conflict of Interest:**

The CPS warrants that, to the best of the CPS's knowledge and belief, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined as, activities or relationships with other persons, organizations or any other third party which would cause the CPS to be unable or potentially unable to render impartial assistance or advice to WestEd, or the CPS's objectivity in performing the work might be otherwise impaired, or resulting in an unfair competitive advantage, or that the CPS has disclosed all such relevant information to WestEd.

The CPS agrees that if an actual or potential organizational conflict of interest is discovered after this Contract is executed, the CPS will make a full disclosure in writing to WestEd. This disclosure shall include a description of actions which the CPS has taken or proposes to take, after consultation with WestEd, to avoid, mitigate, or neutralize the actual or potential conflict.

WestEd may terminate this Contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the CPS was aware of a potential organizational conflict of interest prior to the execution of this Contract or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to WestEd, WestEd may terminate the Contract for default, or pursue such other remedies as may be permitted by law or this Contract.

**18.0 Force Majeure:**

WestEd will not be liable for any failure to perform as required by this Contract, if the failure to perform is caused by circumstances reasonably beyond WestEd's control, such as labor disturbances or labor disputes of any kind, accidents, failure of governmental approval required for full performance, civil disorders or commotions, acts of aggression, acts of God, energy or other conservation measures, explosions, failure of utilities, mechanical breakdowns, material shortages, disease, theft, or other such

**19.0 Governing Law**

This agreement shall be governed by Ohio law.

IN WITNESS WHEREOF, the parties hereto have executed this Contract effective the day and year first written above.

WESTED



Teresa Johnson, Director of Contracts

CINCINNATI PUBLIC SCHOOLS

  
Authorized Signatory

Documents Attached:

- Exhibit I: Scope of Work
- Exhibit II: Budget

**Budget Submitted to Cincinnati Public Schools  
for Development of Assessments for Grade 11  
and Revision of Grades 9 and 10**

**Costs for Semester One for Grade 11**

Review of Pacing Guide  
 Development of Item Specifications for Semester One  
 Development of Test Blueprint for Semester One  
 Item writing  
 Edit round 1  
 Edit round 2  
 Facilitation of Item Review with CPS Teachers  
 Selection of items for the test forms  
 Layout of test forms  
 Final content review of test forms  
 Delivery of final, print-ready PDF of test forms  
 Development of scoring guides for constructed response items  
 Creation of answer document  
 Layout of answer document  
 Payment of copyright permissions for four years

<b>Total Direct Costs:</b>	\$115,034
<b>Indirect Costs (12.4%):</b>	14,264
<b>Management Fee:</b>	<u>6,465</u>
<b>Total Costs</b>	<b>\$135,763</b>

**Content Areas**

English 11  
 Algebra II  
 Chemistry  
 American Government  
 Economics

**Costs for Semester Two for Grade 11**

Development of Item Specifications for Semester Two  
 Development of Test Blueprint for Semester Two  
 Item writing  
 Edit round 1  
 Edit round 2  
 Facilitation of Item Review with CPS Teachers  
 Selection of items for the test forms  
 Layout of test forms  
 Final content review of test forms  
 Delivery of final, print-ready PDF of test forms  
 Development of scoring guides for constructed response items  
 Creation of answer document  
 Layout of answer document  
 Payment of copyright permissions for four years

<b>Total Direct Costs:</b>	\$119,200
<b>Indirect Costs (12.4%):</b>	14,781
<b>Management Fee:</b>	<u>6,669</u>
<b>Total Costs</b>	<b>\$140,680</b>

**(Reflects 5% adjustment across WestEd fiscal years)**

**Costs for Revision of Grades 9 and 10 Assessments Semester One**

Review of item statistics from 2007 and/or 2008 semester one test administrations  
Review of Pacing Guides  
Selection of content to be newly developed  
Development of items to refresh test by 50%  
Item writing  
Edit round 1  
Edit round 2  
Facilitation of Item Review with CPS Teachers (requires four additional staff)  
Selection of items for the test forms  
Layout of test forms  
Final content review of test forms  
Delivery of final, print-ready PDF of test forms  
Development of scoring guides for constructed response items  
Creation of answer document  
Layout of answer document  
Payment of copyright permissions for four years

<b>Total Direct Costs:</b>	<b>\$112,601</b>
<b>Indirect Costs (12.4%):</b>	<b>13,963</b>
<b>Management Fee:</b>	<b>6,328</b>
<b>Total Costs</b>	<b>\$132,892</b>

**Costs for Revision of Grades 9 and 10 Assessments Semester Two**

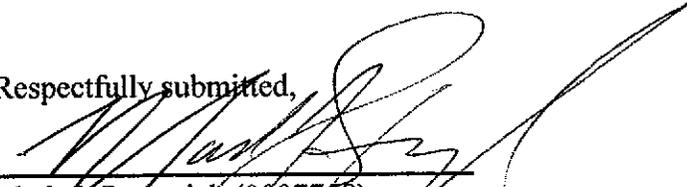
Review of item statistics from 2007 and/or 2008 semester two test administrations  
Review of Pacing Guides  
Selection of content to be newly developed  
Development of items to refresh test by 50%  
Item writing  
Edit round 1  
Edit round 2  
Facilitation of Item Review with CPS Teachers (requires four additional staff)  
Selection of items for the test forms  
Layout of test forms  
Final content review of test forms  
Delivery of final, print-ready PDF of test forms  
Development of scoring guides for constructed response items  
Creation of answer document  
Layout of answer document  
Payment of copyright permissions for four years

<b>Total Direct Costs:</b>	<b>\$116,674</b>
<b>Indirect Costs (12.4%):</b>	<b>14,468</b>
<b>Management Fee:</b>	<b>6,557</b>
<b>Total Costs</b>	<b>\$137,699</b>

**(Reflects 5% adjustment across WestEd fiscal years)**

Note: The refreshment of 50% of the test requires full new layout of the test forms.

Respectfully submitted,



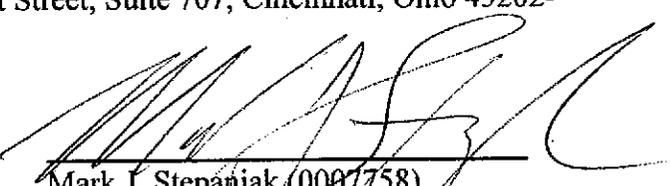
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served by regular U.S. Mail on November 4, 2008, on Ted. L. Wills, 414 Walnut Street, Suite 707, Cincinnati, Ohio 45202-3913.



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