John R. Kasich, Governor
Dr. Richard A. Ross, Superintendent of Public Instruction

October 6, 2014

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, NW
Washington, DC 20202

Dear Assistant Secretary Delisle:

I am writing on behalf of the Ohio Department of Education (ODE) to request a waiver from the following provisions of the Elementary and Secondary Education Act of 1965 (ESEA): Sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), as well as the corresponding regulatory guidance that accompanies these provisions. This waiver will allow ODE and Ohio’s local education agencies (LEAs) to implement our approved ESEA flexibility request by ensuring that students are assessed on the curriculum that is fully aligned to their instruction. Specifically, this addresses situations where accelerated students are taking high school end-of-course exams before entering ninth grade.

Ohio makes this request beginning with the 2014-2015 school year to ensure that accelerated students taking advanced courses will be assessed on the appropriately aligned curriculum. Ohio is implementing its new learning standards and aligned assessments, and continuing its focus on raising expectations, improving student achievement, and closing achievement gaps. Ohio has recently implemented a new system of graduation requirements that includes end-of-course exams at the high school level. These exams are critical components of Ohio’s accountability system. Ohio’s approved 2014-15 ESEA Waiver extension outlines Ohio’s transition to new grade level and end-of-course exams starting in 2014-2015.

Many LEAs have been offering advanced coursework to students and will increase these efforts in the coming years. The most common example is eighth-grade students taking Algebra I. With Ohio’s implementation of an Algebra I end-of-course exam, this creates a “double-testing” scenario for those accelerated students who may be receiving advanced math content, but are still required to take the eighth grade test.

This scenario is common in many states, and other states (such as Maryland and New York) have addressed the situation through their respective ESEA flexibility waivers. It is Ohio’s policy intent that all students have access to a rigorous and relevant
curriculum with aligned assessments, and that students taking advanced classwork be required to participate in aligned assessments. We are proposing that beginning in the 2014-2015 school year, students enrolled in high school level courses (math, reading and science) prior to attending high school take the relevant aligned assessment associated with the course. If this waiver is approved, students and LEAs will be relieved of the burden to prepare for multiple assessments.

Data from 2012-2013 and 2013-2014 course data indicate that Algebra I is the high school course most frequently taken by students below the ninth grade. Approximately 39,000 middle school students took this course in each of the last two years and almost 90 percent of those students took the course one year early while in the eighth grade. Other high school courses are much less likely to be taken by students prior to entering the ninth grade. The simulations show that in each of the last two years, just over 3,000 students took a high school English language arts course while in middle school with three-quarters of them taking Integrated English Language Arts I as eighth-graders.

Fewer than 2,500 middle school students took a high school integrated math course in each of the last two years and about 4,500 students took geometry each of the last two years while in middle school. The data are equally small when looking at science courses with between 3,000 and 4,000 students taking a high school level physical science or chemical science course while in middle school. Only about 1,000 students take a biological science course in a grade below nine. In summary, most middle school students who take advanced coursework do so one year early as eighth graders and they will complete their graduation requirements and testing requirements while in high school.

This waiver request is for students statewide. Any district may offer high school courses to advanced middle school students as long as the course content is aligned and is taught by an appropriately licensed teacher. As Ohio implements its new learning standards and aligned assessments, students are encouraged to participate in advanced coursework. ODE anticipates that more students will pursue more advanced coursework. Ohio will continue to calculate participation rates for these students.

This waiver request will be posted on the ODE webpage for public viewing and comment. Additionally, two groups of stakeholders were presented with the waiver proposal and provided feedback: the Committee of Practitioners and Student Growth Advisory Committee.

In summary, Ohio is seeking a waiver to address the “double testing” issue.

- Starting with the 2014-2015 school year, any student taking advanced, high school level coursework (math, reading or science) prior to attending high
school will be assessed on the relevant aligned assessment. An eighth-grader taking Algebra I will take the Algebra I assessment, not the eighth grade math assessments.

- This data will be reported for relevant federal accountability purposes, and will be integrated into Ohio’s state A-F Report Card according to the provisions approved in Ohio’s ESEA Flexibility Request.
- Ohio will continue to calculate participation rates for these students. In the eighth grade/Algebra I scenario, that student will be expected to participate in the Algebra I assessment, and will be reported as part of the eighth grade participation data.
- Ohio will comply with all other ESEA reporting requirements using the appropriate assessment based on the course taken by each student.

Please feel free to contact John Richard at 614.466.5795 or John.Richard@education.ohio.gov if you have any questions regarding this waiver request. Thank you for your consideration.

Sincerely,

Richard A. Ross
Superintendent of Public Instruction