



OPI Seeking Public Comment on the 2020-21 Strategic Waivers for Testing, Accountability, Reporting Flexibility

January 18, 2021

Dear Partners in Education,

The Montana Office of Public Instruction (OPI) recognizes that the coronavirus (COVID-19) pandemic poses many challenges to Montana's public schools and is seeking maximum flexibility and options under the Elementary and Secondary Education Act (ESEA) reauthorized as the Every Student Succeeds Act (ESSA) to pause the testing, accountability, and reporting provisions of ESEA-ESSA.

What is the purpose of state assessments under ESSA?

ESSA requires all children have fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic content standards. With this vision, emphasis on educational services, assessment, and accountability have been heightened to serve the most vulnerable student populations (e.g., English learners, special education students, etc.) and to close achievement gaps. A key purpose of Title I under ESSA is to promote educational excellence and equity so that all students master the knowledge and skills by the time they graduate high school. In order to fulfill these obligations, ESSA further requires that assessments are accessible to all students, fair across student groups, and that they provide technically sound, coherent, and timely information about student attainment of standards. One thing that COVID has taught us is it isn't equal, fair, or just in those it targets.

What is the purpose of these waivers?

The purpose of these waivers is to remove the following ESSA objectives from this academic year (2020-2021) given the variability of instruction and student experience in schooling as result of the pandemic. The OPI recognizes that testing is an important component of ESSA to ensure that our public schools provide all children significant opportunity to receive a fair, equitable, high-quality education, and to close educational achievement gaps. However, during these COVID times, testing is not the most important element of student success.

- **State testing** is intended to measure attainment of student proficiency and progress on state content standards over time and help the State monitor and address these educational needs.
- **Accountability** is intended to help the public understand school performance and quality on these achievement indicators and to measure inequities across schools so all students have equitable access to high-quality education services.
- **Reporting** is intended to provide timely and transparent information to the public and families on these achievement indicators and to support education information processes at local and state levels.

In order to meet these ESSA objectives, the system itself must be valid, reliable, consistent, and contain relevant measures of student achievement. With these highly variable instructional models, health and safety concerns, and school access restrictions, the OPI is concerned about the overall validity and reliability of any student achievement data. A pillar of the state tests hinges on the technical quality, fairness, and accuracy in order to objectively determine educational inequities and direct student services. The OPI cannot reasonably provide the standardized conditions under which all public schools and students are expected to test and subsequently ensure meaningful differentiation or reporting to families. Our State and local efforts need to focus on ensuring that our most vulnerable students are accounted for and to prioritize our resources towards the mission of serving these students during extraordinary times—it should not be spent on high-stakes instruments that given the educational environment cannot yield trustworthy data that schools and families can count on. We believe the OPI's strategic waiver process demonstrates the careful consideration and thoughtfulness of our education partners to take reasoned and prudent steps to place Montana students first and pursue the maximum flexibility under law.

What are these waivers intended to do?

Pause, cancel, suspend, remove the following set of 15 provisions under these three ESSA sections.

State Testing	Accountability	Reporting
1. Section 1111(b)(2)(B) and Sections 1111(b)(2)(B)(vii)(I) which require the participation of all students in all public elementary and secondary schools in the State.	6. Section 1111(c)(4)(A) which require reporting on long-term goals including interim measures of progress toward meeting the State goals.	13. Section 1111(h)(1)(C)(i) (accountability system description);
2. Section 1111(b)(2)(B)(v)(I) which require the annual administration of assessments in mathematics and reading/language arts in defined grade levels. In the case of our State, we have selected the following assessments to fulfill this requirement—	7. Section 1111(c)(4)(B) which require an academic achievement indicator measured by the proficiency on the annual assessment under (b)(2)(B)(v)(I).	14. Section 1111(h)(1)(C)(ii) (assessment results);
3. Section 1111(b)(2)(B)(v)(II) which require the annual administration of assessments in science in defined grade-bands. In the case of our State, we have selected the following assessments to fulfill this requirement—	8. Section 1111(c)(4)(B) which require student growth or other academic indicator measured by annual assessments under (b)(2)(B)(v)(I) as defined by the State.	15. Section 1111(h)(1)(C)(iii)(I) (other academic indicator results);
	9. Section 1111(c)(4)(B) which require a school quality or student success indicator(s) which allows for meaningful differentiation in school performance.	16. Section 1111(h)(1)(C)(iv) (English language proficiency assessment results);
		17. Section 1111(h)(1)(C)(v) (school quality or student success indicator results);
		18. Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress);
		19. Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed);
		20. Section 1111(h)(1)(C)(xi) (number and percentage of students with the most

<p>4. Section 1111(b)(2)(B)(x) and (xii) and 1111(h)(1)(C)(ii) and (2)(C) which require the State and local educational agencies to provide individual student reports to parents, teachers, and principals and to include the results of assessments on State and local report cards.</p> <p>5. Section 1111(c)(4)(E) which require annually measuring the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools.</p>	<p>10. Section 1111(c)(4)(C) which require annual meaningful differentiation of all public schools using valid and reliable indicators.</p> <p>11. Section 1111(c)(4)(D) which require the annual differentiation of schools and identification of schools for support at least once every three school years.</p> <p>12. Section 1111(d)(3)(A) which require continued support for schools and local education agencies to improve student academic achievement and school success in the State through (i) established statewide exit criteria for (I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within three years, shall result in more rigorous State-determined action; and (II) schools described in paragraph (2)(C), which, if not satisfied within three years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III).</p>	<p>21. significant cognitive disabilities taking an alternate assessment); and Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well section 1111(h)(2)(C)(i)-(ii) (information showing how students in a local educational agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).</p>
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These waivers will benefit Montana’s students and educators in many ways:

- They will give all Montana students, teachers, and schools an opportunity to rebound from the pandemic and increase the quality of instruction for students by focusing on instruction not high-stakes accountability.
- They will give all Montana students, teachers, and schools an opportunity to leverage Montana’s robust, standards-aligned interim assessment system in opportune settings without the pressure for testing for the sake of fulfilling state and federal compliance obligations.
- They will allow the OPI to prioritize state resources and time to development of *Opportunity to Learn (OTL)* research.
- They will allow the OPI to provide quality technical assistance and training to schools on the interim assessment system.

Why is this effort imperative to Montana schools?

- **Health and safety:** It is our priority to protect the health and safety of all staff and students — we believe these waivers offer protection to schools and the ability for them to focus on the basic educational services. The waivers could also grant relief in an already taxed and fatigued school system from the instructional challenges of the pandemic.
- **Prioritization of resources:** these waivers would allow school systems to focus on the basic educational services for all students and free up resources to allow the OPI to innovate with interims and other tools closer to the classroom (teaching and learning)
- **Focus on equity and universal system needs:** these waivers would all the State and local districts to attend to the equity and access needs of all students.

How is the strategic waiver process being managed?

This process is specific to the 2020–2021 school year and the state activities that led to Superintendent Arntzen’s decision to submit a request for testing, accountability, and reporting federal waivers under [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#). Any comments on this waiver should be directed to essainput@mt.gov.

Below is the [Timeline](#) of public notice on this strategic waiver process with the public comment period from December 23, 2020 – January 28, 2021 [Period of 36 days].

Date	Activity
December 23	The OPI released the public comment survey [36 Days] seeking comment on the OPI’s request to waive the testing, accountability, and reporting requirements under ESSA.
January 28	Public comment closes [Period of 36 days].
February 5	The OPI submits the package to U.S. Department of Education (Department).
March 8	The first content area assessment will open as published on the OPI’s 2020-2021 Test Calendar .
June 5	USED has until June 5, 2021 to respond. [The Department’s Secretary of Education shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted.]

We thank you for your continued support and partnership to help identify flexibilities for students, families, and educators during these trying times.

Please send feedback, input, and questions to ESSAinput@mt.gov.

Putting Montana Students First 