



MONTANA FIELD TEST FLEXIBILITY WAIVER FOR THE MONTANA ASSESSMENT SYSTEM

ESEA Section 8410(b)(4) Waiver

Key Takeaways

To ensure students, teachers, and district leaders are not overburdened with double testing, the Montana Office of Public Instruction (OPI) submits this field test flexibility waiver to the USED.

The precedent for approving these waivers was established under the No Child Left Behind Act by States transitioning to Smarter Balanced and PARCC assessments.

OPI assures that an operation test will be administered during the 2024-2025 school year, followed by standards setting, that will result in data that can be publicly reported, disaggregated by student groups, shared with parents and educators, and fed into the Federal accountability, providing an opportunity for OPI, in partnership with New Meridian, to lead the nation in implementing a statewide innovative assessment system.

Per Section 8401 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), the U.S. Secretary of Education is authorized to waive for state education agencies (SEAs), local education agencies (LEAs), schools, or Indian tribes specific Federal statutory or regulatory requirements of the ESEA-ESSA.

According to USED, a Field Test Flexibility waiver is a one-year waiver granted to state education agencies (SEAs) that are changing their assessment systems and want Double-Testing Flexibility and Identification Flexibility. This waiver will advance student academic achievement because it gives the OPI the ability to design and develop a more balanced assessment system that centers around student learning and additional support for educators. Field Test Flexibility is an efficient and time-sensitive path forward in using through-year assessments already codified under ESSA.

This flexibility is necessary because it is not reasonable to administer assessments required under ESEA section 1111(b)(2) or comply with the attendant accountability, school identification, and reporting requirements, as this burden would unfairly punish students and teachers willing to participate in an innovative assessment field test for the betterment of all Montana students.

Double-Testing flexibility allows schools that participate in the field tests to administer only one reading/language arts (ELA) and one mathematics assessment to an individual student.

Identification Flexibility allows schools that participate in the field test to retain, for 2023-2024, the same Federal school identification as they have for 2022-2023 and implements the same interventions and supports in 2023-2024 (i.e., schools participating in the field test will not be

identified for support, or exited from support status, on the bases of data collected during the year of the field test). Title I, Section 1003(a) is impacted by this waiver request.

In moving forward with the Competitive Grants for State Assessments (CSGA) timeline acceleration, the OPI assures its districts, families, students, teachers, policymakers, and the USED the following:

- An operational assessment will be administered statewide in grades 3 through 8 to all students who take the overall evaluation during the 2024-2025 school year.
- Following the final Spring administration window in 2025 and standards-setting, the results will be publicly reported, disaggregated by student groups, shared with parents and educators, and fed into the Federal accountability system.
- These flexibilities apply only to districts and schools participating in the Montana Assessment System field test during the 2023-2024 school year, and parents will be notified of their child's participation in the field test.
- Non-participating districts and schools will continue administering the SBAC in the Spring of 2024.
- Accountability provisions and reporting for non-participating districts and schools will not be changed.
- Any school identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2022-2023 school year will maintain that identification status in the 2023-2024 school year. Supports and interventions consistent with the school's support and improvement plan will be in effect during the 2023-2024 school year.
- The public and all LEAs in the State were provided public notice and the opportunity to comment on this waiver request. The information is posted on the OPI website, and a unique email was provided for the written public comment.

For field testing schools, the Double-Testing Flexibility waives the following ESEA sections:

- 1111(b)(1)(B): Requirement that the academic achievement standards must be the same for all students and all public schools.
- 1111(b)(2)(B)(i): Requirement that a SEA uses the same academic assessments for all public school children in the State.
- 1111(b)(2)(B)(x): Requirement that the assessment produces individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to a language that parents can understand.

- 1111(b)(2)(B)(xii): Requirement that state assessments must enable itemized score analyses to be produced and reported to the district administration and schools.
- 200.2(b)(1)(i): Requirement that the same assessment must be used to measure the achievement of all students except as provided in 200.3, 200.5(b), and 200.6(c), and section 1204 of ESEA.
- 200.2(b)(3)(i)(A): Requirement of academic achievement standards for all students and all public schools.
- 200.2(b)(12)-(13): Requirement to produce individual student reports consistent with 200.8(a) and enable itemized score analyses to be produced and reported to LEAs and schools consistent with 200.8(b).
- 200.8(a)(1)-(2): Requirement to produce individual student interpretive, descriptive, and diagnostic reports that provide information on achievement and provide information to parents, teachers, and principals.
- 200.8(b)(1): Requirement that a state's academic assessment system must produce and report to LEAs and schools itemized score analysis.

For field testing schools, the Identification Flexibility waives the following ESEA sections:

- 1111(c)(4)(B)(i): Requirement that all schools in the State be held accountable using an academic achievement indicator based on proficiency on state assessments.
- 1111(c)(4)(B)(ii): Requirement that all schools have the same student growth academic indicator. 1111(c)(4)(C)(i): Requirement for annual meaningful differentiation of all public schools based on all indicators.
- 1111(c)(4)(C)(iii): Requirement that schools with consistently underperforming subgroups based on all indicators must be annually identified for targeted support.
- 1111(d)(2)(C)-(D) Report card provisions related to specific assessments and accountability in section 1111(h) based on data from the 2023-2024 school year, namely:
- Section 1111(h)(1)(C)(ii): Requirement for information on student achievement on the academic assessments for reading and math.
- Section 1111(h)(1)(C)(iii)(I): Requirement for information on the other academic indicator (student growth).
- Section 1111(h)(1)(C)(vi): Requirement for information on the progress of all students toward meeting the State-designed long-term goals.
- 1111(h)(2)(C)(i)-(ii): Requirement that the SEA ensures that each LEA collects appropriate data and reports disaggregated data that shows how students have achieved on the academic assessments compared to students in the State as a whole.

Under Field Test Flexibility, SEA and LEA reporting for schools not participating in the field test is unchanged. However, a SEA or LEA need not report results from a field test. For field tests participating schools and SEA or LEA will:

- Administer and report results on all other State assessments, including science summative assessments, alternate assessments aligned with alternate academic achievement standards for students with significant cognitive disabilities, and English language proficiency assessments for English Learners.
- Report Federal accountability designation (even if same as the prior year).
- Report all other required information for all participating LEAs and schools, including:
 - Percentage of students assessed and not assessed.
 - Number and percentage of students with the most significant cognitive disabilities taking an alternate assessment.

Waiving federal testing for schools participating in the through-year assessment field test during the 2023-2024 school year will advance student academic achievement in several ways.

A through-year assessment model that directly aligns assessment with both classroom instruction and state standards provides educators feedback in real-time throughout the year and provides reliable, comparable summative scores is a system that provides data at all levels. Granting field test flexibility will allow participating districts, schools, educators, and students an authentic opportunity to implement the field test and gauge the impact of the new innovative assessment model without the undue burden and consequences of administering assessments required under ESEA section 1111(b)(2) or complying with the concomitant accountability, school identification, and reporting requirements.

OPI's decision to pursue an innovative through-year assessment model demonstrates OPI's commitment to listening to key stakeholders, including teachers, parents, and students. OPI will use this opportunity to complete the design and development of an assessment solution that will truly serve as a tool to pursue high-quality education for all students in the State of Montana. Continuing to collect data and feedback on the effectiveness of the new assessment system without noise from the current SBAC system is a necessary component of designing a system that meets the needs of all stakeholders.

The OPI will use the following methods to monitor and regularly evaluate the effectiveness of the implementation of the plan:

Ongoing data analysis and feedback from teachers, students, and parents after every testing window. This information will identify strengths and opportunities regarding the innovative through-year assessment model, enabling data-driven decisions to lead to meaningful adjustments.

- Stakeholder surveys will be administered three times during the 2023-2024 school year to gather perceptions about the through-year assessment.

- Classroom observations by trained observers will occur in a random sampling of classrooms twice during the 2023-2024 school year to assess the effective implementation of the field test.
- OPI and partnering organizations will continue to conduct empathy interviews with teachers.
- Additionally, cognition labs will be conducted with students to better understand their experience with the innovative assessment system.
- Two focus groups (one with teachers and school leaders and another with parents and students) will be facilitated during the 2023-2024 school year to gain in-depth insight regarding their experiences with the field test.

These methods will provide OPI with multiple opportunities to demonstrate responsiveness to continuously improve upon the innovative assessment model during the 2023-2024 field test, including culturally responsive ways of gathering information and feedback from key stakeholders.

The OPI will provide assistance to the student populations served by programs impacted by this waiver request by providing extended professional learning opportunities to schools participating in the 2023-2024 field test. These professional learning opportunities will strengthen instruction through assessment literacy and data-driven decision-making.

The OPI will maintain transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students, in the following ways:

- Provide clear and easily accessible information: Ensure that information about student achievement and school performance is clear, concise, and easily accessible to parents and the public. This could include providing information on the school or district website, newsletters, social media channels, or other communications, ensuring accessibility to all stakeholders.
- Use multiple measures: Use multiple measures of student achievement, including the science summative, and school performance, beyond just the through-year assessment results to provide a more comprehensive picture of student learning and school effectiveness. This could include measures such as attendance, graduation rates, college and career readiness, and other important indicators to parents and the community.
- Report on subgroups of students: Ensure that data is disaggregated by subgroups of students, such as race/ethnicity, socioeconomic status, English language proficiency, and special education status, to identify learning gaps and ensure that all students are being served equitably.
- Explain the data: Provide context and explanations for the data presented, including information about the assessment itself, the purpose of the assessment, and how it aligns with the State's learning standards. This can help parents and the public understand the meaning and implications of the data presented.

- Seek input and feedback: Seek input and feedback from parents, community members, and other stakeholders on how data is presented and how the school or district is performing. This can help to ensure that the information provided is relevant and useful to the community and can help to build trust and support for the school or district.

Section 8401(b)(3)(A) of ESEA-ESSA requires the SEA requesting the waiver to provide notice and reasonable opportunity for the public to comment on any waiver request. The notice and opportunity for comment was provided in the way the OPI customarily provides similar notice and opportunity to comment to the public.

This waiver was posted on the OPI website and included in the OPI newsletter, with over 19,000 user subscribers. The posting was sent to education partners to share with their email lists of board members, superintendents, teachers, business officials, and parents. Assessment directors were notified through the Assessment Unit's email. Public comments were submitted to a specific OPI email box. The comment period was held for 30 days starting on March 30, 2023.

The OPI used the following best practices with public comment collection and response to ensure fair, transparent, and effective use of resources.

- Provided multiple avenues for public comment: Provided multiple ways for the public to submit comments, including an email box for public comment, the use of a survey to collect written responses, webinars, and outreach to various stakeholder groups, including minority student representative groups, parents, school leaders, teachers, education advocates.
- Communicated the process and timeline: Communicated the process and timeline for submitting and responding to public comments. Provided information about how comments would be reviewed and considered and when and how responses will be provided.
- Used a standardized process for reviewing and responding to comments: Used a standardized process for reviewing and responding to comments. The OPI used a survey tool to collect written responses to expedite the ability to categorize comments by theme or topic and provide a response to each comment.
- Provided a summary of comments and responses: Provided an overview of all comments received and answers provided, through a public report available on the OPI website. This ensured transparency and accountability in the process.
- Considered feedback in decision-making: Considered input from public comments in the decision-making process. While the final decision may not always align with public comments, it was crucial to demonstrate that feedback has been considered.