

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 10.56.101 pertaining to student ) PROPOSED AMENDMENT  
assessment )

TO: All Concerned Persons

1. On June 24, 2016, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Board of Public Education Conference room at 46 North Last Chance Gulch, 2nd Floor, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on June 17, 2016, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, Board of Public Education, 46 North Last Chance Gulch, P.O. Box 200601, Helena, MT 59620; telephone (406) 444-6576; fax (406) 444- 0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.56.101 STUDENT ASSESSMENT (1) and (2) remain the same.

(3) In order to obtain state-level achievement information, all accredited schools shall annually administer a single system of state-level assessments approved by the board. The following state-level assessments shall be administered according to standardized procedures. Districts and schools shall ensure that all test administrators are trained in and follow those procedures.

~~(a) State-level assessments aligned to Montana content standards (phase 1) and the Montana common core standards (phase 2) shall be administered to all students as specified below: for each phase.~~

~~(i) Phase 1 – school years 2012-2013 and 2013-2014, the assessments shall be:~~

- ~~(A) aligned to Montana content standards;~~
- ~~(B) administered to grades 3-8 and 10 in math and reading;~~
- ~~(C) administered to grades 4, 8, and 10 in science; and~~
- ~~(D) administered in the spring of the year.~~

~~(ii) Phase 2 – beginning in school year 2014-2015, the assessments shall be:~~

- ~~(A) aligned to Montana common core standards;~~
- ~~(B) administered to grades 3-8 and 11 in math and English language arts;~~

(i) The English language arts and mathematics assessments shall be aligned to Montana content standards in English language arts and mathematics and administered in grades 3-8 and 11;

~~(C)~~ (ii) The science assessments shall be aligned to Montana content standards for science and administered in grades 4, 8, and 10; and

~~(D)~~ (iii) The assessments shall be administered in the spring of the year.

(b) State-level assessments aligned to Montana English language proficiency standards shall be administered to all students identified as Limited English Proficient (LEP) in grades K-12. These assessments shall be administered mid-school year.

~~(c) Beginning in the 2012-13 school year, the ACT Plus Writing college readiness test shall be offered to all eleventh grade public school students in their high schools on a school day without charge to the students or schools. Students may participate without accommodations, with ACT approved accommodations, or with state allowed accommodations. The testing window for the ACT Plus Writing will be in April and May of each year. All eleventh grade students will take the test unless:~~

~~(i) a parent or guardian requests in writing that the student not participate; or~~

~~(ii) a student, 18 or older, requests in writing to not participate.~~

~~(d) The obligation for funding the assessments identified in (3)(a); and (b); and (e) is an obligation of the state. This section may not be construed to require a school district to provide these assessments if the state does not have a current contract with test vendors for provision of these assessments to Montana school districts.~~

(4) State-level assessment results are a part of each student's permanent record as described in ARM 10.55.909.

(5) The Superintendent of Public Instruction shall provide a report of the results to ~~the board and the Legislature and annually to the board.~~

(6) remains the same.

(7) All students shall participate in the state-level assessments, ~~except as provided in (3)(d).~~

(a) through (8)(c) remain the same.

(9) The Superintendent of Public Instruction shall recommend in writing to the board any modifications to the single system of state level assessment as set forth in (3)(a)(i) through (iii). The board may consider recommended modifications as an information item on an agenda at a board meeting. At that meeting, the board may vote to list the recommendations as an action item on the agenda of a subsequent board meeting. Unless approved by the board, no recommended modifications are effective and no accredited schools may implement the recommended modifications.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-7-402, MCA

REASON: The board proposes to amend the rule to remove obsolete language regarding the phasing in of the Montana content standards.

The board also proposes to remove the requirement specifying that the ACT Plus Writing college readiness test must be offered. This amendment is proposed because no other approved assessments are listed in rule.

The board also proposes to require reporting by the Office of Public Instruction to the Board of Public Education regarding assessment reporting as soon as practical. This amendment is proposed to ensure timely reporting to the board of the assessment results no later than the results are reported to any other entity.

The board also proposes to provide a process for the Superintendent of Public Instruction to recommend modifications of the state level assessments and for the board to consider and approve those modifications. This amendment is proposed to prevent confusion at the school district level about actual, as opposed to recommended, modifications to the single system of state level assessment.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, Board of Public Education, 46 North Last Chance Gulch, P.O. Box 200601, Helena, MT 59620; telephone (406) 444-6576; fax (406) 444- 0847; or e-mail [pdonovan@mt.gov](mailto:pdonovan@mt.gov), and must be received no later than 5:00 p.m., July 1, 2016.

5. Peter Donovan, Executive Director of the Board of Public Education, has been designated to preside over and conduct this hearing.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the board.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Peter Donovan \_\_\_\_\_  
Peter Donovan  
Rule Reviewer

/s/ Sharon Carroll \_\_\_\_\_  
Sharon Carroll, Chair  
Board of Public Education

Certified to the Secretary of State May 23, 2016.