



November 7, 2022

Dear Partners in Education,

The Montana OPI is preparing to submit the Initial 1% waiver request per the OSEP memo sent to states on September 20, 2022. The Montana Office of Public Instruction (OPI) has adopted alternate academic achievement standards for students with the most significant cognitive disabilities. Montana OPI does measure the achievement of those standards with an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). Federal regulation 34 C.F.R. 200.6(c)(2) requires that, for each subject for which assessments are administered, the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards may not exceed 1% of the total number of students in the State who are assessed in that subject.

The federal Every Student Succeeds Act (ESSA) caps the percentage of students who can take the alternate assessment at 1% of the total students tested. The ESSA also allows states that may exceed the 1% cap to apply for a one-year waiver. Montana has not requested the waiver previously. However, Montana Office of Public Instruction (MT OPI) believes the waiver may be necessary for the 2022-2023 school year.

Therefore, the Montana OPI is seeking public comment on the 1% OPI waiver. Please note that responses will be considered formal public comment. The Montana OPI has scheduled a virtual webinar that will be open for public comment at two different times to seek public input. Public comment may also be submitted to the following email at OPI: OPIMSAAWaiver@mt.gov

See below for additional details.

Below is a **Timeline** outlining the process with stakeholder involvement with public comment opportunities as underlined:

- **November 7, 2022:** Initiate public comment, by sending email to stakeholders and posting information on the OPI webpage with links to the Montana Office of Public Instruction 1% Waiver Request.
- **November 9, 2022:** Discussion with Statewide SPED Director's 2:00pm – 3:00pm via Zoom
- **November 15, 2022:** Education Advocates Meeting – 9:30am – 10:30am via Zoom
- **November 17, 2022:** Webinar 1 for public input, 4:00pm-5:00pm via Zoom
- **November 21, 2022:** Discussion with Special Education Advisory Panel via Zoom
- **November 22, 2022:** Webinar 2 for public input, 4:00pm to 5:00pm via Zoom
- **December 7, 2022:** Public comment deadline 4:00pm
- **December 13, 2022:** Final Draft prepared and submitted to the DOE

OPI's 1% Waiver Request Public Comment Webinars

Webinar 1; Thursday November 17, 2022, 4:00 PM – 5:00 PM

Webinar 2; Tuesday November 22, 2022, 4:00 PM – 5:00 PM

Join Zoom Meeting

<https://mt-gov.zoom.us/j/81634526859?pwd=dnJyK2pCaUJuWVdzYktpMzRwK1NSQT09>

Meeting ID: 816 3452 6859

Password: 178051

Dial by Telephone

+1 646 558 8656

Meeting ID: 816 3452 6859

Password: 178051

Find your local number: <https://mt-gov.zoom.us/j/81634526859?pwd=dnJyK2pCaUJuWVdzYktpMzRwK1NSQT09>

Please send feedback, input and comments to OPIMSAAWaiver@mt.gov

Putting Montana Students First 