



Summary of Reasonable Opportunity for Public Comment Addendum

Prepared by the Office of Public Instruction on January 19, 2023

This document is submitted as an Addendum to the Montana Office of Public Instruction (OPI) 1% Waiver Request and completes the Summary of Reasonable Opportunity for Public Comment that was submitted to the department on December 13, 2022. Updates are found under the heading, “[What public comments were received and considered for the 1% Waiver Request?](#)” on page 2.

The OPI believes that the specific context of the 1% Waiver Request honors all concerns expressed by individuals both for and against the waiver. The 1% Waiver Request provides an opportunity for flexibility at the state, district, and individual level while addressing the requirement of the 1% AA-AAAS threshold.

Summary of Reasonable Opportunity for Public Comment

Prior to submitting this 1% Waiver Request to the Department, the Montana OPI afforded a reasonable opportunity for public comment and considered such comments consistent with the consolidated assurances under ESEA section 8304.

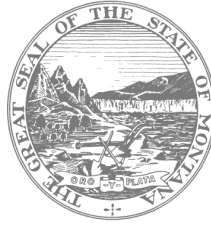
When was public comment initiated and conducted for the 1% Waiver Request?

- **November 7, 2022:** Initiated 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:** Initial public comment deadline 4:00pm
- **December 8, 2022:** Webinar 3 for public input, 4:00 pm-5:00 pm via Zoom
- **December 13, 2022:** Final Draft prepared and submitted to the DOE
- **January 7, 2023:** Extended public comment deadline 4:00pm
- **January 20, 2023:** Submit a public comment addendum to the DOE

How was public comment gathered for 1% Waiver Request?

- **Email Submission:** Comments on this waiver were directed to: OPIMSAAWaiver@mt.gov
- **Webinars:** Conducted 3 Webinars which included discussion and collection of public comments.





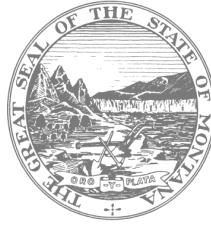
- **Education Advocate Meeting:** Conducted an Education Advocates meeting, where public comment was solicited, including representatives from the governor's office, the teacher's union, school administrators, school board association, and other key advocates (Link with full list of advocates provided below).
- **Statewide SPED Director's Meeting:** Conducted a meeting, where public comment was solicited, including 43 Special Education directors from across the state of Montana.
- **Special Education Advisory Panel Meeting:** Conducted a meeting, where public comment was solicited for the waiver. The panel includes representatives for: Private School, Regular Classroom Teacher, Parents of a Child with Disabilities, Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, Higher Education Preparation Provider, Teacher of Children with Disabilities, Special Education Program Administrator, State/Local Administrative, State Child Welfare Agency Responsible for Foster Care, Vocational, Community or Business Concerned with the Provision of Transition Services to Children with Disabilities, Juvenile and Adult Corrections, Disability Rights of Montana, Other State Agencies involved in the Financing or Delivery of Related Services to Children with Disabilities, Montana Deaf-Blind Project/Transition and Employment Project, Student, and Part C/IDEA.

What public comments were received and considered for the 1% Waiver Request?

Through the public comment opportunities, the Montana OPI has received the following public comments:

- Support of the OPI 1% Waiver Request through 10 emails and/ 1 verbal comment during webinars and meetings.
- No comments were received during the webinars, meetings, or emails in opposition of seeking the 1% waiver or concern about the content of the waiver.
- Comments and concerns were expressed about the process and timeline that the OPI utilized during the public comment period.
 - November 22, 2022: Received an email to request a copy of the draft waiver.
 - November 23, 2022: Received an email that expressed concern that OPI had not published a draft waiver prior to seeking public comment.
 - December 6, 2022: Received an email as a follow-up to the email sent on November 23 requesting OPI produce public records regarding the current 1% Waiver Request.
 - December 7, 2022: Received an email expressing concern that a waiver had not been requested previously to this initial request.
 - December 13, 2022: Received an email connected to the November 23, 2022 email noted above.
 - December 28, 2022: Received an email expressing concern if the OPI





provided the necessary information to comment on messaging presented by requesting a 1% waiver.

- o January 6, 2023: Received an email connected to the November 23, 2022 and December 13, 2022 emails noted above.

To address concerns regarding the public comment period and process, OPI reached out the Department to seek advice on November 28, 2022. Based on guidance received from the Department, the OPI extended the public comment period through January 7, 2023, to ensure additional time for stakeholders to review of the draft 1% Waiver request document ([December 1, 2022 Bulletin](#)). Public comments considered by the OPI and received after the December 13, 2022 submission date are included in this additional addendum. The three additional public comments submitted during the extended window were follow-ups to comments previously provided. All comments with redacted personal identifiable information, and related information will be made available on the OPI website after January 7, 2023.

Below is additional evidence to support the public comment process for the addendum:

- Mass email bulletin: Published through a [Press Release](#), [December OPI Compass](#), and [SPED Bulletin](#) (govdelivery.com) distributed on November 9, 2022 and November 23, 2022

What	Sent to	Opened
Press Release - 11.9.22	665	262 (40%)
December Compass 11.23.22	19,644	4,001 (21%)
SPED Compass Bulletin 11.23.22	19,644	32 (0.2%)

- [12.1.2022 The Notice of Additional Public Comment Meeting and Extended Window](#)
- The Public comment notices were also published on the state agency calendar [State Agency Calendar](#) and the [OPI Special Education Website](#).
- 11.15.22 Education Advocates





agenda: <https://drive.google.com/file/d/1Lt06NVkjRD36qq9hmFXDZWdxjq99kre/view?usp=sharing>

- 11.9.22 Statewide SPED Director's Meeting Agenda:
<https://drive.google.com/file/d/1T0ZJFtRCbmponR4zbZOc7Oefo7d3rCFe/view?usp=sharing>
- 1% Waiver Request-Webinar Agendas:
<https://drive.google.com/file/d/1fr-tyA8OWbRvaoNKprkYvbtG7d0ueYMJ/view?usp=sharing>
- 1% Waiver Request-Webinar Presentation Slides:
<https://docs.google.com/presentation/d/1mUqTq-PjMAQGeTWODingXxJyv6EkxIF1/edit?usp=sharing&oid=110281799191588867763&rtpof=true&sd=true>

