



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2021

The Honorable Elsie Arntzen  
Superintendent of Public Instruction  
Montana Office of Public Instruction  
P.O. Box 202501  
Helena, MT 59620-2501

Dear Superintendent Arntzen:

I am writing in response to the Montana Office of Public Instruction's (Montana OPI's) request on February 5, 2021, for a waiver of section 1111(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA) that the State administer the same academic assessments to all public elementary and secondary school students in the State. Montana OPI requested this waiver so that it would not administer the statewide reading/language arts (R/LA), mathematics, and science assessments in the 2020-2021 school year. Rather than administering the statewide assessments in all subjects and all grade levels, Montana OPI proposed to provide flexibility to let local educational agencies (LEAs) administer their local interim assessments in place of the State summative assessments, which could include Montana OPI's statewide formative and interim assessments. I appreciate the information that Montana OPI submitted in its waiver request and shared in conversation between our staff.

The Department remains committed to supporting all States in assessing the learning of all students. Obtaining data on student learning includes high-quality statewide assessments, which can help identify where opportunity gaps are persistent and have been exacerbated – particularly during the pandemic – and, along with other data, can help States direct resources and support to close those gaps. At the same time, we must also recognize that we are in the midst of a pandemic that requires real flexibility.

Montana OPI has not demonstrated, however, specific circumstances that would warrant granting a waiver of the annual statewide assessment requirements and, specifically, not administering statewide assessments at all. As a result, and after carefully considering the State's request, I am declining to approve the request because it does not meet the statutory requirements for a waiver outlined in section 8401(b)(1) of the ESEA. Namely, Montana OPI does not sufficiently demonstrate how the request will advance student academic achievement (section 8401(b)(1)(C)). It also does not describe how schools will continue to provide assistance to the same populations served by the Title I, Part A program, particularly low-achieving students, or describe how the State will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(h)(1)(C)(ii) of the ESEA (section 8401(b)(1)(F)).

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[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

The Department believes that, consistent with the ESEA, States should do the best they can to maximize the number of students who are assessed with comparable, reliable, and valid statewide summative assessments. Still, we recognize that some schools and school districts will face circumstances where they are not able to successfully administer statewide summative assessments to all students. Certainly, we do not believe that, if there are places where students are unable to attend school safely in person because of the pandemic, they should be brought into school buildings for the sole purpose of taking a test. The Department has provided flexibility for States to administer assessments in ways that support students and educators during this unprecedented period as part of our commitment to effectively address existing and increased gaps in opportunity exacerbated by the pandemic.

In cases where students are unable to take the statewide summative assessment, we hope that States and school districts use other assessments to measure student learning and progress and to provide information to parents and educators. These interim, diagnostic, or formative assessments do not replace statewide summative assessments, but they can serve to provide valuable information to meet our goal of maximizing the number of students for whom we have quality data this year.

Montana OPI may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements of section 8401(b)(1) and resubmit the revised waiver request. If Montana OPI decides to resubmit, it must do so no later than 60 days from the date of this letter.

If you have any questions, please contact my staff at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ian Rosenblum". The signature is fluid and cursive, with the first name "Ian" being particularly prominent.

Ian Rosenblum  
Deputy Assistant Secretary for Policy and  
Programs  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Ashley McGrath, Director of Assessment