

# Montana Board of Public Education Executive Summary

**Date:** March 18, 2024

<b>Presentation</b>	Presentation on the initial review of revisions to ARM Title 10, Chapter 56, pertaining to Student Assessment Standards.
<b>Presenter(s)</b>	Marie Judisch Julie Murgel
<b>Position Title</b>	Teaching and Learning Senior Manager, Office of Public Instruction  Chief Program Officer, Office of Public Instruction
<b>Overview</b>	<p>This agenda item is presented for the BPE to consider recommendations for revision of the rules as aligned with 10.56.</p> <p>In 2023, the Administrative Rule in Montana for School Accreditation, Title 10, Chapter 55, underwent a great deal of revisions. This, along with the implementation of an innovative through-year assessment for grades 3-8 in math and English language arts, the Montana Aligned to Standards Student Through-year (MAST), promoted the need to review the State Assessment Standards.</p> <p>Attached is summary document outlining the recommended changes from the Superintendent.</p>
<b>Requested Decision(s)</b>	Information Item
<b>Related Issue(s)</b>	
<b>Recommendation(s)</b>	



# Montana Assessment Standards Revisions

Revision Summary for Proposed Amendments

ARM [Title 10, Chapter 56, Subchapter 1 Assessment Standards](#)

February 2024



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Prepared by:

- Marie Judisch, Senior Manager of Teaching and Learning
- Cedar Rose, State Assessment Director

## Introduction

The Superintendent of Public Instruction, supported by the staff of the Montana Office of Public Instruction (OPI), launched a process to review, revise, and update the Administrative Rule of Montana (ARM), [Title 10, Chapter 56, Subchapter 1 Assessment Standards](#). The Superintendent's vision was to update this set of standards after the revision of the accreditation standards, Title 10, Chapter 55, and to open the rules up for flexibility and clarity. Her vision and direction were to ensure the assessment standards and accreditation standards worked together for a comprehensive and coordinated set of educational standards.

## Background

The Title 10, Chapter 56, Subchapter 1 rules were last reviewed in 2019. Since 2016, Montana adopted new science standards, established performance levels for the Grade 11 assessment (ACT with Writing), responded to the Title I Audit on Test Security, and submitted three assessments to Peer Review under the US Department of Education. These activities resulted in a need to review the 10.56.101 Student Assessment rules that commenced in 2019. The Student Assessment 2019 Negotiated Rulemaking Committee (NRC) considered the impact of any changes to the proposed rule and attempted to reach a consensus concerning a proposed rule and any other matter the committee determined was relevant to the proposed rule. The updates included restructuring from one standard, 10.56.10: Student Assessment, into five standards; 10.56.101: Student Assessment, 10.56.102: Participation, 10.56.103: Test Security, 10.56.104: Accessibility and Accommodations, and 10.56.105: Reporting.

In 2023, the Administrative Rule in Montana for School Accreditation, [Title 10, Chapter 55](#), underwent a great deal of revisions. This, along with the implementation of an innovative through-year assessment for grades 3-8 in math and English language arts, the [Montana Alternative Student Testing \(MAST\)](#), promoted the need to review the State Assessment Standards.

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## Summary of Superintendents Recommendations

In reviewing the rules, the OPI found opportunities for better alignment with the [Elementary and Secondary Education Act \(ESEA\)](#). This included copying the language from ESEA on the grade levels in which assessments were given, demonstrating the required grade bands versus specific grades. Revisions were also made to match the flexibility for when the assessments would take place throughout the year. In alignment with the revised accreditation standards from ARM title 10, chapter 55, connections were made throughout by listing the correlating accreditation rule.

## Negotiated Rulemaking

As required by 2-5-104, Montana Code Annotated, the Superintendent convened a Negotiated Rulemaking Committee (NRC) to undertake an expanded public engagement and fact-finding process and to inform the articulation of her recommended revisions to the Montana Student assessment standards. The NRC consisted of thirteen members fulfilling the required roles, as listed in MCA (See Appendix B for a complete list). The NRC had a virtual orientation presented by the OPI, explaining the process and responsibilities of the committee and the background on why the rules were up for revision.

Rulemaking commenced on February 12, 2024 with a virtual session scheduled for the entire day. The committee voted to approve the proposed facilitator, Diane Groves, as well as the appointed committee members. The recording and meeting minutes can be found on the [OPI's website](#) under state assessment for review. The committee made proposals for consistency in language as well as alignment with ESEA language. The NRC determined the need for an Economic Impact Survey to be sent to the public in order to create an Economic Impact Statement as required by [2-4-405,MCA](#). The survey was dispersed February 16, 2024 with a due date of March 8, 2024.

## Economic Impact Statement

*In development upon receipt of economic impact survey.*

## Montana Assessment Standards Revisions

ARM RULE PROPOSAL - 10.56.101 - STUDENT ASSESSMENT		
10.56.101 - Student Assessment	Proposed Revision	Rationale
(1) By the authority of <a href="#">20-2-121</a> (12), MCA and ARM <a href="#">10.55.603</a> , the Board of Public Education adopts rules for state-level assessment in the public schools and those private schools seeking accreditation.	(1) By the authority of 20-2-121(12), MCA and ARM 10.55.603, the Board of Public Education <del>(board)</del> adopts rules for state-level assessment in the public schools and those private schools seeking accreditation.	Updated to show Board of Public Education as (board) for consistency throughout rules.
(2) The Board of Public Education (board) recognizes that the primary purpose of assessment is to serve learning. <del>A balanced assessment system including formative, interim, and summative assessments</del> aligned to state content standards, will provide an integrated approach to meeting both <del>classroom learning needs and school and state level information needs</del> . A <del>balanced</del> assessment system is structured to continuously improve teaching and learning and to inform education policy.	(2)The <del>Board of Public Education (board)</del> <u>board</u> recognizes that the primary purpose of assessment is to serve learning. An <u>assessment system that includes multiple measures and is aligned to state content and program delivery</u> standards will provide an integrated approach to <u>inform student learning, progression, growth, and proficiency</u> . An assessment system is structured to continuously improve teaching and learning and to inform education policy.	In alignment with recent revisions to the accreditation standards, namely <a href="#">10.55.603</a> , this language allows for flexibility beyond, but not exclusive, of a summative assessment. Revision demonstrates inclusion of program delivery standards - <a href="#">Title 10, Chapter 55, Subchapters 11-18, 21 - 23</a>  <a href="#">10.55.601</a> outlines the elements of the Integrated Strategic Action Plan, including '(d) a description of strategies for assessing student progress toward meeting

		<p>all content standards, pursuant to the requirements of ARM <a href="#">10.55.603</a> and 10.56.101;</p> <p>The terminology of 'balanced assessment' is connected to the current vendor and their model. Updating this language opens up the potential for other models.</p>
<p>(3) The obligation for funding <del>the</del> assessments is the responsibility of the state. This chapter 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.</p>	<p>(3)The obligation for funding <del>the</del> <u>statewide</u> assessments is the responsibility of the state. This chapter 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.</p>	<p>Updated to add 'statewide' for consistency throughout assessment rules.</p>
<p>(4) 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 (2). 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.</p>	<p>(4) The Superintendent of Public Instruction shall recommend in writing to the board any modifications to <del>the single system of</del> <u>statewide level</u> assessments as set forth in (2). 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.</p>	<p>Updated to add 'statewide' for consistency throughout assessment rules.</p> <p>Removed 'the single system of' for clarity.</p>

(5) When developing a recommendation to the board for adopting statewide assessments the Superintendent of Public Instruction will include implications including alignment to content standards.	Keep as written	
(6) The Superintendent of Public Instruction shall:	Keep as written	
(a) ensure Montana educators participate in the process;	Keep as written	
(b) ensure that all statewide test items are field tested before being used to determine proficiency; and	Keep as written	
(c) request approval from the board to allow for census field testing before determining proficiencies.	Keep as written	

**ARM RULE PROPOSAL - 10.56.102 - PARTICIPATION**

<b>Original ARM Language</b>	<b>Proposed Revision</b>	<b>Rationale</b>
(1) By the authority of 20-2-121(11), MCA, and ARM 10.55.603, the Board of Public of Education (board) adopts rules for statewide assessment in all public and accredited nonpublic schools.	Keep as written	
(2) Statewide assessments approved by the Board shall be administered in all public and accredited nonpublic schools.	(2) Statewide assessments approved by the Board shall be administered in all public and accredited nonpublic schools.	Updated to show Board of Public Education as (board) for consistency throughout rules.



<p>(3) School districts shall annually administer statewide assessments to all students in accordance with state and federal laws and regulations that meet or exceed the following specifications:</p>	<p>Keep as written</p>	
<p>(a) 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 <del>11</del>;</p>	<p>(a) 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 <u>at least once in grades 9-12.</u></p>	<p>Alignment with <a href="#">ESEA</a> language, allows for flexibility, (<a href="#">ESSA Section 1111</a>).</p>
<p>(b) Science assessments shall be aligned to Montana content standards for science and administered in grades 5, 8, and 11; and</p>	<p><u>(b) Science assessments shall be aligned to Montana content standards for science and administered once in grades <del>band</del> 3-5, 6-9, and 10-12; and</u></p>	<p>Alignment with <a href="#">ESEA</a> language, allows for flexibility, (<a href="#">ESSA Section 1111</a>).</p>
<p><del>(c) Assessments shall be administered in the spring of each year.</del></p>	<p>(c) Statewide assessments <u>approved by the board</u> shall be administered <del>in all public and accredited nonpublic schools</del> <u>within the statewide assessment windows.</u></p>	<p>This rule constrains assessment to spring for assessments. Removing this allows for flexibility in assessment windows throughout the year.</p>
<p>(4) State-level assessments aligned to Montana-English language proficiency standards shall be administered to all students identified as English Learners (EL) in grades (K-12). <del>These assessments shall be administered mid-school year.</del></p>	<p>(4) State-level <u>wide</u> assessments aligned to Montana-English language proficiency standards shall be administered to all students identified as English Learners (EL) in grades (K-12) <u>within the statewide assessment window.</u></p>	<p>Time constraint to mid-year are unnecessary for EL assessments. Updated language for consistency to include 'statewide'.</p>
<p>(5) The Board of Public Education may approve alternative grade levels and timelines for the administration of statewide assessments due to the availability of assessments and other academic factors.</p>	<p>(5) The <del>B</del>oard <del>of Public Education</del> may approve alternative grade levels and timelines for the administration of statewide assessments due to the availability of assessments and other academic factors.</p>	<p>Consistency in using 'board' rather than Board of Public education throughout.</p>
<p>(6) School districts shall use guidance provided by the Office of Public Instruction to inform parents/guardians</p>	<p>(6) School districts shall use guidance provided by the Office of Public Instruction to inform parents/guardians</p>	<p>Federal Requirement: provide parents with transparency on testing including participation requirements, time</p>

about statewide assessments, including:	about statewide assessments, <a href="#">pursuant to 10.55.601 and 10.55.722</a> , including:	requirements, and information available from the assessments in a timely manner ( <a href="#">ESSA Section 1112</a> )  <a href="#">10.55.601</a> updated, including (d) a description of strategies for assessing student progress toward meeting all content standards, pursuant to the requirements of ARM <a href="#">10.55.603</a> and 10.56.101; this shows a connection amongst the accreditation and assessment standards.
(a) the purpose;	Keep as written	
(b) the source of the requirement;	Keep as written	
(c) when the information about student performance is provided to teachers and parents;	(c) when the information about student performance is provided to <del>teachers</del> <a href="#">relevant educators and specialists</a> and parents/ <a href="#">guardians</a>	Ensuring student privacy is explicit for who has access to student performance reports. Added 'guardians' for inclusivity for all families
(d) how teachers, principals, and district officials use the information about student performance; and	(d) how <a href="#">relevant educators and specialists</a> <del>teachers</del> , principals, and district officials use the information about student performance; and	Ensuring student privacy was explicit for who has access to student performance reports
(e) how parents can use that information to help their child.	(e) how parents/ <a href="#">guardians</a> can use that information to help their child.	Added 'guardians' for inclusivity for all families

**ARM RULE PROPOSAL - 10.56.103 - TEST SECURITY**

Original ARM Language	Proposed Revision	Rationale
(1) The Office of Public Instruction has the responsibility to audit test administration activities to monitor adherence to test security and best practices without undue disruption to	Keep as written	These rules are all federally mandated to protect assessment items for reliable, valid assessments

schools.		
(2) All statewide assessments must be administered to students only by school district employees who have been trained and are familiar with standardized testing procedures.	Keep as written	
(3) Suspected violations of test security must immediately be reported to the Office of Public Instruction.	Keep as written	
(4) Failure to comply with the test administration and security requirements may result in the Office of Public Instruction making a recommendation for consequences to the Board of Public Education for further action within the limits of its authority.	Keep as written	

**ARM RULE PROPOSAL - 10.56.104 -ACCESSIBILITY AND ACCOMMODATIONS**

<b>Original ARM Language</b>	<b>Proposed Revision</b>	<b>Rationale</b>
(1) Schools shall administer statewide assessments with or without accommodations based on individual student needs consistent with all state and federal laws and regulations.	Keep as written	These rules are all federally mandated to protect assessment items for reliable, valid assessments ( <a href="#">ESSA Section 1111</a> )
(2) The Individualized Education Program (IEP) team for a student shall determine if the student meets the eligibility criteria for the statewide alternate assessment based on the alternate achievement standards.	Keep as written	

<p>(3) Schools shall use the guidance from the Superintendent of Public Instruction to identify English Learners (EL) and annually monitor individual progress in acquiring academic English consistent with all state and federal laws and regulations.</p>	<p>Keep as written</p>	
<p style="text-align: center;"><b>ARM RULE PROPOSAL - 10.56.10 -REPORTING</b></p>		
<p style="text-align: center;"><b>Original ARM Language</b></p>	<p style="text-align: center;"><b>Proposed Revision</b></p>	<p style="text-align: center;"><b>Rationale</b></p>
<p>(1) The Superintendent of Public Instruction shall provide a report of the annual state assessment results to the Legislature and the Board of Public Education.</p>	<p>(1) The Superintendent of Public Instruction shall provide <u>an annual</u> report of the <del>annual</del>-statewide assessment results to the Legislature and the Board of Public Education.</p>	<p>Language updated for clarification and consistency</p>
<p>(2) The Superintendent of Public Instruction shall make available student assessment data in compliance with confidentiality requirements of federal and state law (<a href="#">20-7-104</a>, MCA). To facilitate transparency, the statewide assessment results released to the public shall be accompanied by a clear statement of the purpose, subject areas assessed, description of proficiency levels, and the percentage of students who participated in the assessments.</p>	<p>(2) The Superintendent of Public Instruction shall make available student assessment <u>data results</u> in compliance with confidentiality requirements of federal and state law (<a href="#">20-7-104</a>, MCA). To facilitate transparency, the statewide assessment results released to the public shall be accompanied by a clear statement of the purpose, subject areas assessed, description of proficiency levels, and the percentage of students who participated in the assessments.</p>	<p>Language updated for clarification and consistency</p>
<p>(3) Statewide <u>assessment results</u> are a part of each student's permanent record as described in compliance with <a href="#">20-1-213</a> and <a href="#">20-7-104</a>, MCA.</p>	<p>(3) <u>Annual</u> Sstatewide<del>summative-proficiency-levels</del> <u>assessment results</u> are a part of each student's permanent record as described in compliance with <a href="#">20-1-213</a> and <a href="#">20-7-104</a>, MCA.</p>	<p>Federal Requirement: provide timely individual student reports to parents, teachers, and principals and include the results on local report cards (<a href="#">ESSA Section 1111</a>).</p> <p>Clarifies what results go into students' cumulative records.</p>

**Appendix A: Negotiated Rulemaking Committee (NRC)**

<b>NRC Member Name</b>	<b>NRC Role</b>	<b>Location</b>
Michael Grizzaffi	K-12 Educator	Columbus
Dana Haring	K-12 Educator	Kalispell
Beverly Chin	Higher Education Faculty, Taxpayer	Missoula
Justine Alberts	Parent, Higher Education	Helena
Erin Hunt	K-12 Educator	Helena
Heather Marcella	School Business Manager	Clinton
Brian Kessler	K-12 School Administrator	East Helena
Corey Barron	K-12 School Administrator	Harlem
Leslie DiMaio	K-12 Educator	Columbia Falls
Jordann Lankford	K-12 Educator, MT Tribe Representative	Great Falls
Sue Corrigan	School District Trustee	Kalispell
Julie Murgel	Office of Public Instruction	Helena
Marie Judisch	Office of Public Instruction	Ledger

## **Appendix B: Montana Office of Public Instruction Project Leadership**

**Elsie Arntzen**, Superintendent of Public Instruction

**Christy Mock-Stutz**, Assistant Superintendent

**Julie Murgel**, Chief Program Officer

**Marie Judisch**, Teaching and Learning Senior Manager

**Cedar Rose**, Assessment Director

**Aimee Konzen**, Professional Learning Manager

**Sheri Harlow**, Administrative Support

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