



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 30, 2024

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

Dear Superintendent Arntzen:

I am writing in response to the Montana Office of Public Instruction's (OPI's) May 30, 2024, request to the U.S. Department of Education (Department) for a waiver of sections 1111(c)(4)(C)(iii) and 1111(d)(2)(C) of the Elementary and Secondary Education Act of 1965 (ESEA). On August 10, 2023, the Department granted OPI a one-year waiver (2023-2024 school year) to permit the State to expand the field test of its new statewide assessment for grades 3-8 in reading/language arts and mathematics; the 2024-2025 school year will be the first operational administration of this new assessments.

In this second request, OPI seeks to waive the requirement to identify schools for targeted support and improvement (TSI) and additional targeted support and improvement (ATSI) in fall 2025 using data from the 2024-2025 school year. OPI's letter also proposes an amendment to Montana's ESEA consolidated State plan, revising how OPI will calculate student growth for the Other Academic Indicator for elementary and secondary schools. We separately provided feedback on that request to your staff; once we have the additional, requested information, we will respond to the proposed amendment.

I have carefully reviewed OPI's request and, pursuant to my authority under ESEA section 8401(b), I am declining to waive the school identification requirements, as it is unclear how these waivers would advance student achievement as required under ESEA section 8401(b)(1)(C). When approving OPI's original request for a waiver of certain ESEA requirements related to assessment, accountability, and related reporting requirements, the Department noted that the flexibility was limited to the 2023-2024 school year and that Montana must have an accountability system using data from the 2024-2025 school year that includes all required ESEA components and that is the same for all public schools in the State. (See: [https://oese.ed.gov/files/2023/08/MT\\_fieldTestResponse2023\\_for-posting.pdf](https://oese.ed.gov/files/2023/08/MT_fieldTestResponse2023_for-posting.pdf).)

An operational school accountability system, and annually using the data from that system to designate schools to receive additional support and funding, is a fundamental aspect of Title I. Now that OPI has implemented its new assessment system, it is critical that Montana resume school improvement designations to ensure that schools with student groups in need of support receive it, and to promote parent and family awareness of school and student group performance in the context of critical academic recovery and acceleration efforts.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202  
<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.*

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

I appreciate the work you and your staff are doing to provide a high-quality education for all of Montana's students, including OPI's implementation of its earlier ESEA waiver and the updates your team has provided to mine throughout this process. If you have any additional questions, please contact us at [oes.titlei-a@ed.gov](mailto:oes.titlei-a@ed.gov).

Sincerely,

A handwritten signature in blue ink that reads "Adam Schott".

Adam Schott  
Principal Deputy Assistant Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Julie Murgel, OPI