



Montana Strategic Waiver Process: FAQ for Accountability

As of [Timestamp: 12/23/2020], the participation requirement to administer annual state standardized assessments is required under [federal](#) and [state law](#). The Montana Office of Public Instruction (OPI) recognizes that the novel coronavirus (COVID-19) pandemic poses many new challenges and is seeking maximum flexibility and options under the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA). With the promise of COVID-19 vaccines on the horizon, the OPI is optimistic that these flexibilities will only be necessary for the 2020–2021 school year. This [Montana Strategic Waiver Actions Timeline](#) is specific to the 2020–2021 school year and reflects the state activities that led to Superintendent Arntzen’s December 2020 decision to submit a request for testing, accountability, and reporting federal waivers under [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#). Any comments on this waiver should be directed to essainput@mt.gov.

Q: What does this strategic waiver process mean?

Answer: The OPI and school districts cannot act on any waivers until a determination has been made by the Department and the Montana Board of Public Education (Board). The Department may take up to 120 days to approve or deny the waiver requests under the Section 8401 process. While we wait for a decision from the Department we are obligated to proceed with all current requirements existing in law and policy. Because of the OPI’s experience with the COVID universal waivers from last school year and the scope of Montana’s accountability system it is likely the OPI will need to engage in waivers, the addendum process, and the amendment process to appropriately address the changes needed. Each of these three processes has a different role, as described below:

- The [addendum process](#), if allowed by the Department, would be for temporary changes designed to address the impact of missing data from the 2020–2021 school year. In other words, it is a solution the Department has granted states through the OPI’s current [ESSA State Plan Addendum Process](#) to “look backwards”.
- The [amendment process](#) is for changes in 2020–2021 and beyond. It addresses the current school year and “looks forward” by design.
- The [waiver process](#) under [ESEA-ESSA Section 8401](#) is intended to provide states with relief from statutory requirements.

Q: What do these strategic waivers in accountability do?

Answer: The strategic waivers for accountability are intended to waive the federal statutory or regulatory requirements under the requirements in ESEA-ESSA Sections 1111(c)(4) and 1111(d)(2)(C)-(D), namely:

Table 1. ESEA-ESSA Sections 1111(c)(4) and 1111(d)(2)(C)-(D)

ESEA-ESSA Section 1111(b)(2) —	Considerations and OPI Actions in Service of Schools —
<p>Section 1111(c)(4)(A) which require reporting on long-term goals including interim measures of progress toward meeting the State goals.</p>	<ul style="list-style-type: none"> ▪ How does the waiver impact the long-term goals set for ESSA? Can goals be pushed forward a year without a formal amendment to the ESSA plan? Based on public comment, the OPI will consider if a waiver or ESSA State Plan amendment related to this issue is needed. Through the OPI’s current ESSA State Plan Addendum Process this flexibility is being pursued under the circumstances for last school year and the OPI remains optimistic similar precedent would exist in the future.



ESEA-ESSA Section 1111(b)(2) —	Considerations and OPI Actions in Service of Schools —
<p>Section 1111(c)(4)(B) which require an academic achievement indicator measured by the proficiency on the annual assessment under (b)(2)(B)(v)(I).</p>	<ul style="list-style-type: none"> How will schools measure student proficiency including state uses of proficiency data (e.g., 20-9-311, MCA)? When the local conditions allow for a safe and standardized administration the OPI will grant school districts the opportunity to deliver state summative assessments to students. Otherwise, school districts have access to Montana’s robust, standards-aligned interim assessment system. The interim assessment system can be delivered remotely as well as be used as a resource to support adherence to local assessment requirements. Montana is a “local control” state, and as such, it is under the discretion of the school district trustees to adopt policies to define success criteria for student proficiency in absence of state summative assessments.
<p>Section 1111(c)(4)(B) which require student growth or other academic indicator measured by annual assessments under (b)(2)(B)(v)(I) as defined by the State.</p>	<ul style="list-style-type: none"> How does the waiver impact growth models and calculations for this year and future years? We are seeking public comment to consider how to address the gaps in data.
<p>Section 1111(c)(4)(B) which require a school quality or student success indicator(s) which allows for meaningful differentiation in school performance.</p>	<ul style="list-style-type: none"> How will the OPI measure School Quality & Student Success (SQSS)? Based on public comment, the OPI may need to investigate and consider waivers or amendment for Satisfactory Attendance and College and Career Readiness flex indicators. The OPI is under consideration for an Opportunity to Learn (OTL) Survey to assist in determining equitable opportunities for learning.
<p>Section 1111(c)(4)(C) which require annual meaningful differentiation of all public schools using valid and reliable indicators.</p>	<ul style="list-style-type: none"> Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2020–2021 school year will maintain that identification status in the 2021–2022 school year and continue to receive supports and interventions consistent with the school’s support and improvement plan in the 2021–2022 school year.
<p>Section 1111(c)(4)(D) which require the annual differentiation of schools and identification of schools for support at least once every three school years.</p>	
<p>Section 1111(d)(3)(A) which require continued support for schools and local education agencies to improve student academic achievement and school success in the State through (i) established statewide exit criteria for (I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within three years, shall result in more rigorous State-determined action; and (II) schools described in paragraph (2)(C), which, if not satisfied within three years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III).</p>	<ul style="list-style-type: none"> How will the strategic waiver impact the identification for Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) or Additional Targeted Support and Improvement (ATSI) impact monitoring performance against exit criteria? Based on public comment, the OPI will consider the need of a waiver or amendment related to this issue.

Q: How does the waiver affect schools currently identified as Comprehensive or Targeted Support and Improvement?

Answer: If the Department approves the OPI’s strategic waiver request for state testing, then any school that is currently identified for comprehensive, targeted, improvement, or additional targeted support and improvement will maintain its identification status through the 2021–2022 school year, while continuing to receive supports and interventions consistent with the plan in the 2021–2022 school year.



Q: How will this affect federal funding for schools that are identified as Comprehensive or Targeted and receive support, which is tied to accountability?

Answer: Comprehensive and Targeted Schools will continue to receive supports and interventions consistent with the school's support and improvement plan in the 2021–2022 school year.

Q: How will the assessment waiver impact the accountability determinations for the 2020–2021 school year?

Answer: Regardless of the final approval/rejection of the assessment strategic waiver, the accountability determinations for entering and exiting Comprehensive Support and Improvement (CSI) and Additional Targeted Support & Improvement (ATSI) status will not be made using data from the 2020–2021 school year. Two of the following five indicators cannot be measured: the academic growth measurement and the flexible indicator for School Quality and Student. Montana is seeking to shift timelines forward by one year for identifying CSI and ATSI schools through the addendum and waiver process. If the waiver is approved, CSI and ATSI schools will next be identified for the 2022–2023 school year based on the data from the 2021–2022 school year.

Q: How will this impact school and district accountability in the 2021–2022 school year?

Answer: Currently, no changes to accountability system for the 2021–2022 school year have been implemented. However, the [ESSA State Plan Addendum Process](#) is currently under public review until January 15, 2021. Based on public comment from said review, the OPI will investigate and consider any additional waivers or [ESSA State Plan](#) amendments that may need to be requested to address calculations, business rules, and/or indicators within the accountability model.

Q: How can I share any concerns or thoughts on these state and federal waivers?

Public Comment Needed: OPI is seeking comment to learn about the local impacts and implications of waiving the testing, accountability, and reporting requirements this school year. The OPI staff have developed the [2020–2021 Montana Strategic Waiver Website](#) and a [Public Comment Survey](#) to address topics of concern, but in the meantime, any comments on this waiver can be directed to ESSAinput@mt.gov. **Public comment will close on Thursday, January 28, 2021.** View the full [Montana Strategic Waiver Actions Timeline](#) to see other opportunities to lend your voice or an abbreviated view see **Table 2**.

Table 2. Strategic Waiver Webinar Schedule

January 7, 2021	Join Us for the Strategic Waiver Webinar #1 to Lend Your Voice [Click here to register in advance to attend the Strategic Waiver Webinar #1.]
January 14, 2021	Join Us for the Strategic Waiver Webinar #2 to Lend Your Voice [Click here to register in advance to attend the Strategic Waiver Webinar #2.]
January 21, 2021	Join Us for the Strategic Waiver Webinar #3 to Lend Your Voice [Click here to register in advance to attend the Strategic Waiver Webinar #3.]
January 28, 2021	Join Us for the Annual Data and Assessment Conference (ASSIST) Keynote Session, “Challenges and Practical Implications for State Testing” [Click here to register in advance to attend the Strategic Waiver Webinar #4.]

Q: What OPI actions are being taken to communicate changes as this situation unfolds?

Answer: The OPI is periodically holding Superintendent Meetings, Education Advocate meetings, district listening sessions, strategic waiver webinars, and other virtual public meetings to answer questions and share information. Activities related to the waivers and next steps are posted on the [2020–2021 Montana Strategic Waiver Website](#).



Q: Are there any additional impacts from the testing waiver for state accountability, state reporting, and/or funding?

Answer: The OPI is conducting the public comment process to learn more about any implications to other programs that rely on annual measures of student achievement such as the accreditation process (ARM 10.55.606), state reporting, and funding. Stakeholders are encouraged to express any concerns or ideas to us via email at ESSAinput@mt.gov. The following programs typically rely on assessment results to make determinations on schools and in some cases to allocate funding to provide equitable services to students. Here are a few programs known to rely on state testing results:

- **Title Programs** — For more information, contact Jack O'Connor (Title I and Federal Grants Unit Director) at joconnor2@mt.gov or 406-444-3083.
- **State Accountability Process: Accreditation** — For more information, contact the Accreditation & Educator Prep Unit email at opiaccred@mt.gov or phone at 406-444-5726 or 406-444-1852.
- **Special Education** — For more information, contact Jenifer Cline (Student Support Services Special Education Director) at jenifer.cline@mt.gov or 406-444-4426.
- **State Testing** — For more information, contact the Assessment Help Desk at OPIAssessmentHelpDesk@mt.gov or 1.844.867.2569.
- **Federal Reporting** — For more information, contact Anne Bauer (Data Operations Manager) at ABauer@mt.gov or 406-444-0727.
- **CTAE Grants** — summative assessment results are an integral part of supporting career, technical education, and adult education (CTAE) programs. For more information on the Perkins grant or other CTAE programs, contact Shannon Boswell (CTAE Unit Manager) at Shannon.Boswell@mt.gov or 406-444-7915.

Q: Where can I find more information about this topic?

Answer: All materials related to the waivers will be posted on the [2020–2021 Montana Strategic Waiver Website](#).

Q: Who do we contact for technical support?

Answer: For more information, contact Julie Murgel (School Innovation and Improvement Senior Manager) at Julie.Murgel@mt.gov or 406-444-3172.

If granted, these 2020–2021 state and federal strategic waivers may provide school districts with some relief and the ability to focus on the basic educational services and needs of students. The OPI is seeking public comment on these approved waivers. Any comments on this waiver should be directed to ESSAinput@mt.gov.