

# Montana

---

## Office of Public Instruction

### Montana Waiver Application



February 5, 2021

This document contains the Montana Office of Public Instruction's (OPI) request to waive the state testing, accountability, and reporting provisions under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). The OPI has prepared this waiver application to describe the OPI's efforts for public comment and stakeholder consultation. In accordance with ESEA-ESSA Section 8401, the OPI's waiver request includes three reference materials. The "Montana Waiver Application" reference document contains eight sections under the requirements of [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#), that is, the (1) Application Purpose, (2) Resource Summary, (3) Section A: Federal Programs and Law, (4) Section B: Advancing Student Achievement, (5) Section C: Monitoring and Evaluating Effectiveness, (6) Section D: Assistance to Student Populations, (7) Section E: Maintain or Improve Transparency, and (8) Section F: Public Comment Process. The two additional reference materials for the OPI's waiver application are the "[Superintendent Arntzen's Montana Strategic Waiver Request](#)" and the "[Public Comment Summary Report](#)".

## Montana Waiver Application Table of Contents

Waiver Application Section	Key Evidence	Page
(1) Application Purpose	<ul style="list-style-type: none"> <li>• <a href="#">Statutory References for the Waivers under ESEA-ESSA</a></li> <li>• <a href="#">20 U.S. Code §7861</a></li> <li>• <a href="#">ESEA-ESSA Section 8401</a></li> <li>• <a href="#">Superintendent Arntzen's Montana Strategic Waiver Request</a></li> <li>• <a href="#">Montana's Consolidated State Plan under ESSA</a></li> </ul>	Pages 3–4
(2) Resource Summary	All supporting documents for the waiver application are summarized on this page.	Page 5
(3) Section A: Federal Programs and Law	No additional supporting documents are found on this page.	Page 6
(4) Section B: Advancing Student Achievement	No additional supporting documents are found on this page.	Pages 7–8
(5) Section C: Monitoring and Evaluating Effectiveness	<ul style="list-style-type: none"> <li>• <a href="#">Montana's Consolidated State Plan under ESSA</a></li> </ul>	Page 9
(6) Section D: Assistance to Student Populations	<ul style="list-style-type: none"> <li>• <a href="#">GOV Delivery</a></li> <li>• <a href="#">June 9, 2020 USED Memo</a></li> <li>• <a href="#">Facts About Montana Education</a></li> <li>• <a href="#">November 5, 2020 Board Agenda Packet</a></li> <li>• <a href="#">MACIE December Meeting</a></li> <li>• <a href="#">COVID-19 State Standardized Testing Guidance</a></li> </ul>	Pages 10–12
(7) Section E: Maintain or Improve Transparency	<ul style="list-style-type: none"> <li>• <a href="#">Families &amp; Students Page</a></li> <li>• <a href="#">Statewide Testing Parent Corner Page</a></li> <li>• <a href="#">Starting Smarter Website</a></li> <li>• <a href="#">Assessment FAQ: COVID-19 Testing Alerts</a></li> <li>• <a href="#">Monthly Assessment Bulletin Newsletter</a></li> <li>• <a href="#">Monthly Webinars</a></li> <li>• <a href="#">Assessment 411</a></li> <li>• <a href="#">GEMS Longitudinal Data Warehouse</a></li> </ul>	Page 13
Section F: Public Comment Process	<ul style="list-style-type: none"> <li>• <a href="#">Strategic Waiver Purpose and Cover Letter</a></li> <li>• <a href="#">Assessment FAQ</a></li> <li>• <a href="#">Accountability FAQ</a></li> <li>• <a href="#">Report Card FAQ</a></li> <li>• <a href="#">December 23 2020 Public Notice and Statistics Report</a></li> <li>• <a href="#">January 13 2021 Public Notice and Statistics Report</a></li> <li>• <a href="#">Strategic Waiver Timeline</a></li> <li>• <a href="#">Public Comment Outreach - Likely Affected Stakeholders</a></li> <li>• <a href="#">Public Comment Survey - Google Form Questions</a></li> <li>• <a href="#">Public Comment Summary Report</a> <ul style="list-style-type: none"> <li>○ <a href="#">Special Education Advisory Panel Agenda</a></li> <li>○ <a href="#">Menti Survey Results</a></li> </ul> </li> <li>• <a href="#">Letters of Support</a></li> <li>• <a href="#">Public Comment Emails</a></li> <li>• <a href="#">Individual Survey Responses</a></li> </ul>	Page 14

---

## Application Purpose

---

The Montana Office of Public Instruction (OPI) recognizes that the coronavirus (COVID-19) pandemic poses many challenges to Montana's public schools and is seeking maximum flexibility and options under the Elementary and Secondary Education Act (ESEA) reauthorized as the Every Student Succeeds Act (ESSA) to pause the testing, accountability, and reporting provisions of ESEA-ESSA for the 2020-2021 school year.

The purpose of these waivers is to remove the following ESEA-ESSA sections from this academic year (2020-2021) given the variability of instruction and student experiences in schooling as a result of the pandemic. The OPI recognizes that testing is an important component of ESEA-ESSA to ensure that our public schools provide all children with fair and equitable educational opportunities. However, during these COVID times, testing is not the most important element of student success.

- **State testing** is intended to measure attainment of student proficiency and progress on state content standards over time and help Montana monitor and address these educational needs.
- **Accountability** is intended to help the public understand individual school performances on these achievement indicators and to measure inequities across schools, so all students have equitable opportunities to access high-quality education.
- **Reporting** is intended to provide timely and transparent information to the public and families on these achievement indicators and to support education information processes at the local and state levels.

If granted, these 2020-2021 state and federal strategic waivers will provide school districts the ability to focus on the basic educational services and needs of students at the local level. The [Statutory References for the Waivers under ESEA-ESSA](#) describes the specific law and regulations that the OPI is requesting waivers for. The OPI opened a 40-day public comment period adhering to the requirements under [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#).

In accordance with Section 8401 of ESEA-ESSA, this "Montana Waiver Application" describes the OPI's efforts to afford a reasonable opportunity for public comment, and consider such comments consistent with the consolidated assurances Montana submitted in June 2017 under ESEA-ESSA Section 8304, before making the request to waive the same requirements that the U.S. Department of Education (Department) waived for the 2019-2020 school year. This "Montana Waiver Application" has been prepared after exhaustive public comment conducted by the OPI from December 23, 2020, to February 1, 2021 (40 days) to fully explain the educational challenges and experiences that our Montana schools are facing due to the impact of COVID-19. As cited in [Superintendent Arntzen's Montana Strategic Waiver Request](#), the OPI requests full relief from the statutory and regulatory requirements listed in the [Statutory References for the Waivers under ESEA-ESSA](#).

### Why is this effort imperative to Montana schools?

- **Protect Health and Wellbeing:** It is the OPI's priority to protect the health and safety of all staff and students — we believe these waivers offer protection to schools and the ability for them to focus on basic educational services. The waivers could also grant relief to school systems already taxed and fatigued by the instructional challenges of the pandemic.
- **Prioritization of Resources:** These waivers would free up energy and resources to allow the OPI to innovate with its existing interim and formative assessment tools which are closer to the classroom (teaching and learning) and provide educators with actionable information to guide instruction. It would also allow the OPI to invest in research to enhance our school quality and student success flex accountability indicator with important Opportunity-to-Learn (OTL) measures.
- **Student Fairness and Equity:** These waivers would allow the OPI and local school districts to attend to the equity and access needs of all students. We remain committed and vigilant to focus on Montana's equity and universal school system needs so we can appropriately direct supports and resources where they are most needed.

**These waivers will benefit Montana’s students and educators in many ways:**

- The waivers will give all Montana students, teachers, and schools an opportunity to rebound from the pandemic and increase the quality of instruction for students by focusing on instruction rather than high-stakes accountability.
- The waivers will give all Montana students, teachers, and schools an opportunity to leverage Montana’s robust, standards-aligned interim assessment system in opportune settings without the pressure of testing for the sake of fulfilling state and federal compliance obligations.
- The waivers will allow the OPI to provide quality technical assistance and training to schools on the balanced assessment system.
- The waivers will allow the OPI the ability to prioritize state resources and time to work on the following [Montana’s Consolidated State Plan under ESSA](#) goals:
  - Invest in research to identify Opportunity to Learn (OTL) measures for student success and school quality.
  - Create cross-agency data governance to identify mutual indicators to support longitudinal reporting for student college, community, and workforce readiness.
  - Conduct thorough consultation with stakeholders to review [Montana’s Consolidated State Plan under ESSA](#) and make any necessary revisions to the calculations and indicators in order to support a more holistic approach to accountability.

To address the potential reporting concerns and program issues, the OPI has used two separate survey methods to elicit response from the public. The OPI conducted the public comment process to learn more about any implications to other programs that rely on annual measures of student achievement such as the state’s accreditation process (see Administrative Rules of Montana [10.55.606](#)), state reporting, and funding. The “Montana Waiver Application” describes the OPI’s careful consideration of the public comments and the appropriate steps to avoid any negative impact(s) or outcome(s) of approving this waiver.

## Resource Summary

---

All resources to support the Montana Office of Public Instruction's waiver request are referenced below as items 1–35. In addition, all documentation of the public comment process and activities surrounding the “Montana Waiver Application” can be found on the OPI's [Montana Strategic Waiver Website](#).

1. [Superintendent Arntzen's Montana Strategic Waiver Request](#)
2. [Public Comment Summary Report](#)
3. [Statutory References for the Waivers under ESEA-ESSA](#)
4. [20 U.S. Code §7861](#)
5. [ESEA-ESSA Section 8401](#)
6. [Montana's Consolidated State Plan under ESSA](#)
7. [GOV Delivery](#)
8. [June 9, 2020 USED Memo](#)
9. [Facts About Montana Education](#)
10. [November 5, 2020 Board Agenda Packet](#)
11. [MACIE December Meeting](#)
12. [COVID-19 State Standardized Testing Guidance](#)
13. [Families & Students Page](#)
14. [Statewide Testing Parent Corner Page](#)
15. [Starting Smarter Website](#)
16. [Assessment FAQ: COVID-19 Testing Alerts](#)
17. [Monthly Assessment Bulletin Newsletter](#)
18. [Monthly Webinars](#)
19. [Assessment 411](#)
20. [GEMS Longitudinal Data Warehouse](#)
21. [Strategic Waiver Purpose and Cover Letter](#)
22. [Assessment FAQ](#)
23. [Accountability FAQ](#)
24. [Report Card FAQ](#)
25. [December 23 2020 Public Notice and Statistics Report](#)
26. [January 13 2021 Public Notice and Statistics Report](#)
27. [Strategic Waiver Timeline](#)
28. [Public Comment Outreach - Likely Affected Stakeholders](#)
29. [Public Comment Survey - Google Form Questions](#)
30. [Special Education Advisory Panel Agenda](#)
31. [January 20 2021 Special Education Advisory Panel Agenda](#)
32. [Menti Survey Results](#)
33. [Letters of Support](#)
34. [Public Comment Emails](#)
35. [Individual Survey Responses](#)

**Section A: Federal Programs and Law**

---

**Identify the Federal program(s) affected by this waiver request.**

State assessments have various stakeholders and data users. Many grants and other programs rely on student participation in state tests or student achievement data in order to make school determinations and/or allocate funding, such as Accreditation, Special Education, or Perkins. Federal formula grants, such as Title I, Part A, require that school districts participate in the annual state assessments to receive funding. The OPI coordinated its internal divisions and programs to review potential impacts to reporting, should the waivers be granted to the OPI. All federal programs listed in Section 1111 (a)(1)(B) could be impacted by this waiver.

Further, the OPI conducted a rigorous public comment process to learn more about any implications to other programs that rely on annual measures of student achievement such as the state’s accreditation process (ARM 10.55.606), state reporting, and funding. Stakeholders were encouraged to express any concerns or ideas to the OPI via submission of one of the surveys or by emailing the OPI at [ESSAInput@mt.gov](mailto:ESSAInput@mt.gov).

<b>Identified Program</b>	<b>Contact Information for Program</b>
<b>Title I Programs</b>	For more information, contact Jack O'Connor (Title I and Federal Grants Unit Director) at joconnor2@mt.gov or 406-444-3083.
<b>Title III Programs</b>	For more information, contact Crystal Andrews (School Support/Title III Specialist) at Crystal.Andrews@mt.gov or 406-444-3482.
<b>State Accountability Process: Accreditation</b>	For more information, contact the Accreditation & Educator Prep Unit at opiaccred@mt.gov or phone at 406-444-5726 or 406-444-1852.
<b>Special Education</b>	Annual performance reporting for Special Education is conducted by the OPI’s Student Support Services Department. For more information, contact Jenifer Cline (Student Support Services Special Education Director) at jenifer.cline@mt.gov or 406-444-4426.
<b>ESSA State Plan and Federal Accountability</b>	Accountability and assistance through support and improvement plans are conducted by the OPI’s School Innovation and Improvement Department. For more information, contact Julie Murgel (School Innovation and Improvement Senior Manager) at Julie.Murgel@mt.gov or 406-444-3172.
<b>Reporting</b>	State and federal data reporting and requests are conducted through the Data Operations Department. For more information, contact Anne Bauer (Data Operations Manager) at ABauer@mt.gov or 406-444-0727.
<b>Grants</b>	Summative assessment results are an integral part of supporting grants across the OPI. The career, technical education, and adult education (CTAE) programs use achievement data for the purposes of the Perkins grant. 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.

## Section B: Advancing Student Achievement

---

### **Describe how waiving the requirement(s) indicated above will advance student academic achievement.**

These waivers will advance student academic achievement by allowing students, teachers, and schools the necessary time to respond, reopen, and rebuild after the impact of the pandemic. These waivers will advance student academic achievement with quality instruction and student outcomes in the following ways:

- They will give all Montana students, teachers, and schools an opportunity to rebound from the pandemic and increase the quality of instruction for students by focusing on instruction rather than high-stakes state testing.
- They will give all Montana students, teachers, and schools an opportunity to leverage Montana's robust, standards-aligned interim assessment system in opportune settings without the pressure for testing for the sake of fulfilling state and federal compliance obligations.
- They will allow the OPI the ability to invest in research to identify Opportunity to Learn (OTL) measures for school quality and student success.

The OPI supports teaching and learning in Montana's accredited schools through the Montana Comprehensive Assessment System (MontCAS), which includes a suite of required state assessments aligned to Montana's academic content standards. Data literacy and its direct influence in guiding instruction, alongside a balanced approach that includes the use of formative and interim strategies, ensure that all children have fair and equitable opportunities to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic content standards.

Montana uses the Smarter Balanced assessment that is aligned to Montana's academic content standards for mathematics and English language arts. These content standards were adopted in the fall of 2011 and implemented July 1, 2013. The test began its rollout during the 2012-2013 school year with a large-scale volunteer pilot. This is the general population assessment given online as a computer adaptive test for Grades 3-8. In 2013-2014, Montana participated in the U.S. Department of Education "double-testing" waiver for states to conduct a census field test. From the beginning of its membership in the Smarter Balanced Consortium, the OPI has been committed to the complete package of Smarter Balanced; that is, summative, interim, and formative services. These balanced assessment systems are deliberately designed to include a variety of assessment tools that produce information that can be used at multiple levels by multiple audiences. These various data points, together and individually, serve to inform a wide variety of stakeholders, including students, parents, teachers, school leaders, and policymakers.

Montana uses the Montana Science Assessment (MSA) to fulfill the general science state assessment needs for academic state achievement reporting in Grades 5 and 8. The MSA is aligned to the Montana Content Standards in Science (2016). Starting in the 2020-2021 school year, the OPI implemented science interims for educators and students.

Below is an example of the OPI's work since 2017-2018 to promote balanced assessment processes with the embedded use of the interim assessments.

**Table 1. Montana Interim Completion Reports Since 2018**

Interim Type	Completions by School Year			
	2017-2018	2018-2019	2019-2020	2020-2021
School Year				
Smarter Balanced Math and ELA Interim Assessment Blocks (IABs/FIABs)	19,361	22,781	71,566	6,373
Smarter Balanced Math and ELA Interim Comprehensive Assessments (ICA)	51	1,350	3,141	8,182
Science Interim Assessments	—	—	—	1,943
Total Interim Completions	19,412	24,131	74,707	14,555

**Note:** The symbol (—) is used to signify there is no information available from this time. As of this school year, we have 772 new users enrolled in the *Tools for Teachers System* with the launch to Single-Sign-On this fall. The 2020-2021 numbers are a snapshot taken on February 4, 2021 and are considered as “in progress” completions.

Our office is dedicated to making the formative and interim tools within our balanced assessment system fully available to educators while investing in research to enhance our school quality and student success flex accountability indicator with important Opportunity-to-Learn (OTL) measures. We believe the opportunity to focus on the suite of balanced resources and the OTL research would provide greater support for teaching and learning so that we can direct support and resources where they are most needed.

## Section C: Monitoring and Evaluating Effectiveness

---

### **Describe how the LEA, school, or Indian tribe will monitor and regularly evaluate the effectiveness of the implementation plan for the waiver request(s).**

As a result of the public comment process conducted in spring/summer 2020 regarding the 2019-2020 universal waivers granted by the U.S. Department of Education (Department), the OPI recognizes that these testing, accountability, and reporting waivers can have long-lasting impacts on the existing systems and infrastructure defined in [Montana's Consolidated State Plan under ESSA](#) (ESSA State Plan). It is for these reasons that our office requests a second round of waivers for the 2020-2021 school year to have adequate time to adjust and to respond to the identified impacts so we can rebuild and innovate for the future.

Starting this fall, our office has consulted its Technical Advisory Committee (TAC) to dive deeply into the options for re-thinking the procedures for accountability and reporting outlined in the [ESSA State Plan](#). Our waivers attempt to remove these three components from this school year so we can invest our energies into ensuring our [ESSA State Plan](#) is appropriate for the needs of a new educational future.

State testing is intended to measure attainment of student proficiency and progress on state content standards over time and to help Montana monitor and address these educational needs. As presented in *Section B: Advancing Student Achievement* of this "Montana Waiver Application", the OPI intends to use Montana's interim and formative resources to allow students and educators the opportunity to see proficiency on these challenging academic standards in another and potentially more meaningful way.

For the purposes of measuring progress and student outcomes on a large-scale, two of the following five indicators cannot be measured: the academic growth measurement and the flexible indicator for School Quality and Student Success (SQSS). We seek flexibility to shift timelines forward and also flexibility to conduct a thorough consultation with stakeholders to review the [ESSA State Plan](#) and make any necessary revisions to the calculations and indicators in order to support a more holistic approach around accountability.

The purpose of the accountability system is intended to help the public understand school performance and quality on these achievement indicators and to measure inequities across schools. Given the highly variable instruction and student participation as a result of the coronavirus, we do not believe these purposes can be met with fidelity in 2020-2021. If these waivers are granted, the OPI will have the ability to address the growth concerns within its existing [ESSA State Plan](#) and also the ability to commit precious resources to ongoing research that enhances the [ESSA State Plan](#) with Opportunity to Learn (OTL) measures for school quality and student success.

Should the waivers be granted, these proposed methods allow the OPI to responsibly consider alternative and innovative approaches to measure school proficiency and progress under the [ESSA State Plan](#). Further, this allows the OPI time to reconcile when and what information will be reported in the [ESSA Report Card](#) so the public is provided with timely and transparent information on these achievement indicators and to support education information processes at the local and state levels.

---

## Section D: Assistance to Student Populations

---

**Describe how the LEA, school, or Indian tribe will provide assistance to the student populations served by programs impacted by the waiver request(s).**

The OPI has extensive outreach programs to provide school districts and schools with assistance to support the student populations served by these programs and potentially impacted by the waiver request. The OPI uses the [GOV Delivery](#) system for users to subscribe to or to message existing listservs. Each program at the OPI has either a GOV communication or [website](#) to communicate important changes or alerts to the public.

Through the public comment process, the OPI wants to ensure that protection over funding and assistance to the school districts remain intact. It is imperative that these services continue, and schools receive little to no disruption to their programs. We believe that the following student subgroups or student populations will be provided assistance and served if these waivers are granted (i.e., economically disadvantaged students; students from major racial and ethnic groups; children with disabilities; and English learners).

### **Special Education Student Subgroup**

On [June 9, 2020](#), we received a memo in response to the unprecedented challenges of the pandemic on how to monitor students with significant cognitive disabilities (SwSCD) using current year IEP test registration data. The OPI accepted this guidance and created a statewide plan and timeline for district technical assistance and monitoring, including the test registration data, past alternate assessment participation and completion data, and Learner Characteristic Inventory (LCI) data from the Multi-State Alternate Assessment (MSAA) assessment. The OPI intends to continue providing further service to school districts on this topic and solicit ideas on training to address the concerns for serving this student population.

The OPI will continue its efforts to implement a test settings collection and monitoring plan in its comprehensive Student Information System (SIS) to ensure that state assessments are delivered to special population students (e.g., students with disabilities, Section 504 students, and English learners) either with or without accommodations so that these students receive the necessary supports to participate meaningfully in state testing. If the waivers are granted, this will allow the OPI time to devote resources to this “in-progress” SIS enhancement including robust accessibility training and technical assistance to the field on the identification of supports/accommodations for students on an individualized basis.

### **American Indian Student Subgroup**

In Montana’s K-12 public schools, the student racial/ethnic distribution is roughly 78% White, 11% Native American, 5% Hispanic, 4% two or more races, and less than 1.0% Asian, Black, and Pacific Islander ([source](#)). As the “Treasure State,” Montana embraces the many rich cultures held by its citizens, including the specific cultures of each of the 12 sovereign tribes of Montana. Although Montana only has around 1 million residents, the rate of COVID-19 infections per capita is among the highest anywhere, with Native Americans being disproportionately affected by the pandemic. According to the Montana Department of Public Health and Human Services report, Native Americans account for almost a quarter of Montana’s total COVID-19 cases and deaths from the virus ([source](#)). If these waivers are granted, it would provide immediate relief to students on or near reservation schools. It is the OPI’s priority to protect the health and well-being of our Native students and their families.

It’s important to note that local and tribal governments may impose more stringent restrictions than Montana’s Governor Gianforte has in place for the state as a whole. This allows the local communities the opportunity to develop and implement regulations and guidance that are specific to the community’s context. For example, this school year the following list of reservations have had some form of stay-at-home orders enacted which have impacted public school students’ ability to receive in-person

educational services: Blackfeet Reservation, Crow Reservation, Fort Peck Reservation, Northern Cheyenne Reservation, and Rocky Boy Reservation (see [MTPR](#) and [YPR](#)). (Note: the stay-at-home order information was unavailable for the other Montana reservations.)

On November 5, 2020, the Montana Board of Public Education (Board) held its periodic meeting and under “Item 8” there was a discussion between the OPI and the Board on more meaningful achievement indicators. At this meeting, Dr. Julie Murgel presented the [OPI English Learner Report](#) (see pages 91-105) and the [OPI At Risk Report](#) (see pages 106-122) to the Board. Board Member Bremner responded by describing the challenges of COVID in her community and her perception of the continuous achievement gap for American Indian students (see [Board Item 8 Snippet](#)). Dr. Murgel explained the OPI’s intent to research and invest resources into Opportunity to Learn (OTL) measures in order to identify some student, school, and community differences to address their access to opportunity concerns.

At the December 2020 Montana Advisory Council on Indian Education (MACIE) meeting, the American Indian Student Achievement Unit shared research showing that American Indian student achievement is not improving and that the gap is not decreasing. The OPI intends to conduct further research into two potential factors of this phenomenon: mental health and trauma. This project aims also to provide technical assistance on appropriate spending for the achievement gap funding and Indian Education for All (IEFA) funding (see [MACIE December Meeting](#)). Freeing up resources to direct training and supports to mental health services would serve all students. If these waivers are granted, the OPI can innovate to develop data collections and reporting that are more meaningful for this student population than using the same student achievement information through traditional means.

### **Economically Disadvantaged**

We believe that these waivers will allow the OPI to address learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care by repurposing our training and technical assistance for tools more connected to the classroom. Balanced assessment systems benefit all learners and understanding opportunity differences across students, schools, and communities is vital to our equity mission.

Funding from both the CARES Act and ESSER will support schools by helping to prevent, prepare for, and respond to the pandemic directly. The OPI supports these allocations and services; therefore, this pause in testing may allow us to focus on training and technical assistance needs first and foremost. It may help us target resources for educational issues like lack of access to technology and will help us meet the opportunity concerns identified by the Board for our vulnerable student populations.

### **English Learners**

The OPI’s English Language Proficiency assessment (ACCESS for ELLs or WIDA) is given in grades K–12 and has not been included in the “Montana Waiver Application”. The OPI has instructed schools to complete testing from December 2, 2020 to February 26, 2021. The OPI secured the option to extend the ACCESS for ELLs test window from 8 weeks (December 2 to January 29, 2021) to 12 weeks in order to support schools with test administration flexibilities. However, the responsibilities for school staff to ensure health, safety, and family communication are extremely high compared to years past. For example, the OPI prepared the [COVID-19 State Standardized Testing Guidance](#) which highlights new expectations for schools to implement in order to conduct state assessments in a safe and standardized environment.

### **Scheduling and Setup:**

- Set up testing sessions for small groups of students to maintain social distancing practices.
- Plan extra time between students to allow for sanitization of testing stations and equipment.
- Consider using plexiglass dividers between students and/or test administrators.

**Sanitary Practices:**

- Masks and/or face shields can reduce the spread of the virus.
- Clean and disinfect computer stations, headsets, and microphones between students.
- Disassemble and laminate booklets and manipulatives (Kindergarten ACCESS) for increased durability and easy disinfection.
- Remember to collect and return all materials to test delivery contractor (Data Recognition Corporation (DRC)) at the end of the testing window.

**Family communications:**

- Clarify health and safety practices for parents/guardians. Explain clearly how you plan to maintain social distancing and sanitation of testing areas and equipment.
- Coordinate with parents/guardians about the time and place of testing sessions. Be flexible when possible to accommodate families with limited mobility or difficult schedules.
- Clarify assessment expectations and the importance of the data gathered by the ACCESS test for each student.

The OPI continues to pursue options with our test delivery contractors, consortia, and school districts, including extending testing windows, but further delaying testing does not address the essence of this request. Testing window extensions are not viable options given the impact that this pandemic is likely to have through the end of the spring semester, and upholding the requirements for student achievement under accountability will most likely not provide us with a valid and reliable picture of what our students know and are able to do, as their school experience will be shadowed by this pandemic.

The OPI can continue to provide assistance to the student populations served under the following list of federal education programs if these waivers are approved. The OPI requires maximum flexibility in order to identify the gaps and present alternative solutions to fill in gaps created by missing student achievement information. The Title I Part B state assessment grant should not be impacted to a great extent as the OPI will continue to provide services for the balanced assessment systems and test opportunities for school districts that are able to safely deliver assessments.

- A. Title I, Part A: Improving Basic Programs Operated by LEAs
- B. Title I, Part C: Education of Migratory Children
- C. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At Risk
- D. Title II, Part A: Supporting Effective Instruction
- E. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
- F. Title IV, Part A: Student Support and Academic Enrichment Grants
- G. Title IV, Part B: 21st Century Community Learning Centers
- H. Title V, Part B, Subpart 2: Rural and Low-Income School Program
- I. Title VI: American Indian and Alaska Native Education
- J. Title VII, Part B: McKinney-Vento Education for Homeless Children and Youth Program B.
- K. The Individuals with Disabilities Education Act (IDEA) C.
- L. The Adult Education and Family Literacy Act (AEFLA) D.
- M. The Carl D. Perkins Career and Technical Education Act (CTE)
- N. Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act

---

## Section E: Maintain or Improve Transparency

---

**If the waiver request relates to provisions of subsections (b) or (h) of section 1111 of ESEA-ESSA, describe how the LEA, school, or Indian tribe requesting a waiver 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(b)(2)(B)(xi) of ESEA-ESSA. If the waiver request does not relate to the requirements at the citations above, write “Not Applicable.”**

The OPI has a [Families & Students Page](#) that it uses to share resources designed for this audience. In addition to this page, the OPI's [Statewide Testing Parent Corner Page](#) was created to provide information for family members about ways to get involved in the education and assessment of their child. The page was organized to answer the following questions for families by each state assessment: What does the test measure? Is this test required? What test questions will my child see? How is my child's school or school district performing? How is my child doing? When will I get their results? Will my child be asked to complete a survey? How can I help?

The [Starting Smarter Website](#) is intended for parents and can be used to help parents understand the summative assessment score reports including areas of academic strength and improvement. It also connects parents with sample test questions and provides additional resources to support their child's learning. These resources would still be applicable if the waivers are granted as many of our districts have conducted interim assessments this school year.

All communications regarding the plan for spring assessments will continue to be shared with the testing stakeholders through the OPI's Assessment Unit via its [Assessment FAQ: COVID-19 Testing Alerts](#), [Monthly Assessment Bulletin Newsletter](#), [Monthly Webinars](#), [Assessment 411](#), and other communication means.

The OPI will continue to communicate to school districts and schools about the need to maintain or improve transparency in reporting to parents and the public on student achievement using the OPI's [Test Participation and Eligibility Page](#), the [Parent Corner Page](#), the [GEMS longitudinal data warehouse](#), and the [ESSA Report Card Page](#). The OPI will also continue to provide technical assistance to school districts and schools on participation through its annual participation monitoring activities. As summarized in the [“Public Comment Summary Report”](#), the OPI did receive comment on these current reporting systems and we have responded and addressed these concerns.

Our office will continue to provide support to school districts to communicate with families about student achievement and provide them with resources to help families understand student proficiency and progress. Our office is committed to serving student populations and their families and have identified the benefit of these waivers for student subgroups in *Section D: Assistance to Student Populations*.

If these one-year waivers are granted, the OPI will resume its activities for annual student achievement and reporting for Montana students and all subgroups, as it was previously for these content area assessments.

---

## Section F: Public Comment Process

---

**Describe how the LEA, school, or Indian tribe public informed the public of the waiver request(s) and provided an opportunity for public comment on the request. Include the timeline given to the public to provide comments on the waiver request(s).**

The [Strategic Waiver Purpose and Cover Letter](#) provides a primer on the OPI's reasons for seeking flexibility, and also the immediate state actions such as expanded testing windows, medical exemptions for COVID reasons, and a shortened blueprint for the Smarter Balanced assessment. All of these are likely not enough to support all Montana schools during these trying times. The Frequently Asked Question (FAQ) Documents (i.e., [Assessment FAQ](#), [Accountability FAQ](#), and [Report Card FAQ](#)) allowed stakeholders to learn more about the implications of these state testing, accountability, and reporting waivers. The OPI is acting on its own behalf to support schools' districts with maximum flexibility by submitting this waiver request for testing, accountability, and reporting provisions under ESEA-ESSA. In the following section of this Montana Waiver Application is a summary report of the OPI's public comment process, "[Public Comment Summary Report](#)".

The [December 23 2020 Public Notice and Statistics Report](#) (N=8,000) and the [January 13 2021 Public Notice and Statistics Report](#) (N=8,278) show the notice the OPI provided on this waiver request process. All school districts and any persons likely affected by these waivers were included as recipients on these two notices. In the public comment process, the OPI conducted meaningful and timely consultation with [persons likely impacted by these waivers](#) including (but not limited to) the Governor, state leaders, members of the State legislature, the Montana Board of Public Education (Board), local educational agencies (including those located in rural areas), representatives of Montana Indian tribes, teachers, principals, other school leaders, specialized instructional support personnel, other staff, and parents.

The public was also provided with reasonable opportunities to comment on the requests over a 40-day period from December 23, 2020 to February 1, 2021. The [Montana Strategic Waiver Actions Timeline](#) details the state activities that led to Superintendent Arntzen's decision to submit a request for state testing, accountability, and reporting federal waivers under [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#) and also the various opportunities the public was provided to comment. These response opportunities were categorized into the following categories:

- Provide comments or concerns in a public meeting (e.g., Board of Public Education, Education and Tribal Caucus, and Special Education Advisory Panel);
- Complete our [Public Comment Survey - Google Form Questions](#);
- Attend a Strategic Waiver Webinar using [Menti Survey](#) (1/7, 1/14, 1/21, and 1/28);
- Submit a [Letters of Support](#); and
- Send a [Public Comment Email](#) to the OPI at ESSAInput@mt.gov.

This "Montana Waiver Application" includes the comments collected over this 40-day period and the consideration of such comments consistent with the consolidated assurances the State submitted in June 2017 under ESEA Section 8304. These are presented in the following order "[Public Comment Summary Report](#)", [Letters of Support](#) (N=3), [Public Comment Emails](#) (N=8), and [Individual Survey Responses](#) (N=118).

The OPI conducted this public comment process using methods that the office customarily provides similar notices and information to the public. The response options were familiar methods that the public is accustomed to providing the OPI with information on. The OPI believes it satisfied the public comment requirements and was able to obtain information from the public on the local conditions and needs to support this "Montana Waiver Application".