



Montana Strategic Waiver Actions: 2020–2021 School Year

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 timeline is specific to the 2020–2021 school year and 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](#). Readers should note that the OPI cannot act on these efforts until a determination has been made by the U.S. Department of Education (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 as illustrated by Table 1.

Table 1. Montana Strategic Waiver Action Timeline

Public Comment Period: December 23, 2020 – January 28, 2021 [Period of 36 days]

Date	Activity
Dec 10, 2015	The Department’s reauthorization of the ESSA occurred on this date. The provisions for assembling state evidence to support waivers under this process fall under 20 U.S. Code § 7861 and ESEA-ESSA Section 8401 .
July 27, 2019	The Board adopts rules for state-level assessment in public schools and accredited non-public schools. Under Administrative Rules for Montana (ARM) 10.56.101(4) and the 10.56.102(5) , the Board may approve alternative timelines for the administration of statewide assessments due to other academic factors.
Continuous	The OPI will conduct meaningful and timely consultation under ESSA with persons likely impacted by these waivers including (but not limited to) consultation with the tribes, members of legislature, the Board, school districts, parents, and the Governor.
September 3, 2020	Secretary DeVos issued a key policy letter to Superintendent Arntzen, and other state chiefs, expressing the importance of administering statewide assessments this school year and noting that states must adhere to the requirements of law. The memo further stated states should not anticipate the Department granting universal waivers again; however, the Department would be open to ideas about re-thinking assessments, including adjusting the accountability procedures that rely on the data collected from assessments.
November 25, 2020	Commissioner James Woodworth at the National Center for Education Statistics (NCES) with the support of the National Assessment Governing Board announced the decision to postpone the 2021 NAEP administration of mathematics and reading in grades 4 and 8.
December 16, 2020	The education community has had to reassess Montana’s assessment systems and prioritize changes to existing blueprints to meet new demands of an ever-changing educational environment. This year the local conditions for teaching have been focused on prioritizing standards and instruction to support student learning amidst abbreviated daily schedules and variable instructional models. The OPI has secured a Montana-specific shortened blueprint from Smarter Balanced to minimize testing time and to give districts the opportunity to shift the emphasis of assessment to a balanced approach using the various Smarter Balanced interim and formative resources.
December 23, 2020	The OPI released the public comment survey [36 Days] seeking comment on the OPI’s request to waive the testing, accountability, and reporting requirements under ESSA.



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December 23 to January 28, 2021	The Montana Association of School Superintendents (MASS) represents all school superintendents across the state of Montana, with an OPI Liaison appointed for each of the nine MASS regions. During the January monthly MASS meetings, the OPI Liaison will provide information on the strategic waiver process to the MASS region they are assigned.
January 4 & 13, 2021	The OPI Assessment Unit will provide two webinars as the Focused Webinar Series and System Test Coordinator (STC) Open Forum to share updates with the field and answer any questions they have around the strategic waiver process and assessments. This January 4 th webinar will be held exclusively for STCs at 3:30 PM.
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 12, 2021	The OPI will provide information to the Legislative Education Caucus on the strategic waiver process. This group meets at 7:00 AM every other Tuesday morning Room 335 at the Capitol starting January 12, 2021.
January 13, 2021	MontCAS Focused Webinar: Suggested Planning and Strategic Waiver Pursuit: What It Is and Isn't This webinar will be held at 3:30 PM.
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 14, 2021	The OPI will provide information to the Tribal Education Caucus on the strategic waiver process. This group meets at 4:00 PM every Thursday Room 350 at the Capitol starting January 7, 2021.
January 19, 2021	The OPI will provide information to the Education Advocates on the strategic waiver process. The Education Advocates has membership from various educational organizations who are invited to attend each month.
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 26, 2021	The OPI will provide information to the district superintendents on the strategic waiver process. This webinar will be by invitation to the 400+ local education agencies across the state.
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.]
January 28, 2021	Public comment closes on this date [Period of 36 days].



Date	Activity
February 5, 2021	The OPI submits the waiver package items 1–4 to the Department. <ol style="list-style-type: none"> 1. Cover letter 2. Superintendent Arntzen’s Memo 3. Package <ul style="list-style-type: none"> ○ Identify the Federal program(s) affected by this waiver request. ○ Describe how waiving the requirement(s) indicated above will advance student academic achievement. ○ Describe how the LEA, school, or Indian tribe will monitor and regularly evaluate the effectiveness of the implementation plan for the waiver request(s). ○ Describe how the LEA, school, or Indian tribe will provide assistance to the student populations served by programs impacted by the waiver request(s). ○ 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.” ○ Describe how the LEA, school, or Indian tribe publicly informed the public of the waiver request(s) and provided opportunity for public comment on the request. Include the timeline given to the public to provide comments on the waiver request(s). 4. Summary of the Comment <ul style="list-style-type: none"> ○ Copy of the public comment received. ○ Summary of the comments and the OPI’s response to these comments.
March 8, 2021	The first content area assessment opens as published on the OPI’s 2020–2021 Test Calendar .
June 5, 2021	The Department’s Secretary of Education shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted, therefore, the last day the Department may respond is June 5, 2021.