



## Montana Strategic Waiver Actions: 2020–2021 School Year

[Timestamp: 04/07/2021] Superintendent of Public Instruction Elsie Arntzen submitted a request to the U.S. Department of Education (Department) on February 5, 2021, to waive Montana’s federally mandated state standardized tests, that is, (1) [Superintendent Arntzen’s Montana Strategic Waiver Request](#), (2) [Montana Waiver Application](#), and the (3) [Public Comment Summary Report](#). On April 6, the Superintendent [received a letter](#) from Ian Rosenblum, Deputy Assistant Secretary for Policy and Programs, declining approval of the waiver. The OPI had proposed the option to the Department to allow local assessments (e.g., interns) and other measures of student learning and progress to provide information to parents and educators. The OPI reinforced Montana’s system of local control in its discussion and made it clear these decisions are best left to the local level who know the context and unique needs of their local community. Since March 4, Superintendent Arntzen met with the Department’s Assessment Team on three different occasions to share Montana’s unique circumstances and conditions for schooling over the past year.

The Department indicated the OPI had not demonstrated the specific circumstances that would warrant granting a waiver of the annual statewide assessment requirements and, specifically, not administering statewide assessments at all. Through negotiations Superintendent Arntzen has secured the [accountability and reporting waivers](#) offered by the Department. These flexibilities grant school districts relief from the “Academic Achievement Indicator” participation rate calculation on the 95 percent requirement within the federal accountability process and school identification. This timeline is specific to the 2020–2021 school year and the state activities that led to Superintendent Arntzen’s decision to submit a request for testing, accountability, and reporting federal waivers under [20 U.S. Code §7861](#) and [ESEA-ESSA Section 8401](#).

**Public Comment Period:** December 23, 2020 – February 1, 2021 [Period of 40 days]

Date	Activity
<a href="#">Dec. 10, 2015</a>	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 <a href="#">20 U.S. Code § 7861</a> and <a href="#">ESEA-ESSA Section 8401</a> .
<a href="#">Jul. 27, 2019</a>	The Board adopts rules for state-level assessment in public schools and accredited non-public schools. Under Administrative Rules for Montana (ARM) <a href="#">10.56.101(4)</a> and the <a href="#">10.56.102(5)</a> , the Board may approve alternative timelines for the administration of statewide assessments due to other academic factors.
Continuous	The OPI conducts 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.
<a href="#">Sep. 3, 2020</a>	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.
<a href="#">Nov. 25, 2020</a>	Commissioner James Woodworth at the National Center for Education Statistics (NCES) with the support of the National Assessment Governing Board (NAGB) announced the decision to postpone the 2021 NAEP administration of mathematics and reading in grades 4 and 8.
<a href="#">Dec. 16, 2020</a>	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.
Dec. 23, 2020	The OPI released the public comment survey [40 Days] seeking comment on the OPI’s request to waive the testing, accountability, and reporting requirements under ESEA-ESSA.
Dec. 23 to Feb.1, 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.



Date	Activity
<a href="#">Jan. 4 &amp; 13, 2021</a>	The OPI Assessment Unit provided 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.
<a href="#">Jan. 7, 2021</a>	<p>The OPI conducted the <b>“Strategic Waiver Webinar #1 to Lend Your Voice”</b> webinar to consult stakeholders and seek public comment.</p> <ul style="list-style-type: none"> <li>Follow this link to access the <a href="#">January 7, 2021 Zoom Meeting Agenda</a>.</li> <li>Follow this link to access the <a href="#">PowerPoint Slide Deck</a> used to facilitate the meeting and click here to view the <a href="#">Menti Results</a>.</li> <li>Follow this link to access the <a href="#">January 7, 2021 Zoom Meeting Minutes</a>.</li> <li>Follow this link to access the <a href="#">Audio/Visual Recording</a> of the meeting.</li> </ul>
<a href="#">Jan. 8, 2021</a>	Superintendent Arntzen submitted to the Department Montana’s blanket statewide testing waiver request.
Jan. 12, 2021	The OPI provided 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.
<a href="#">Jan. 13, 2021</a>	The OPI Assessment Unit provided the “MontCAS Focused Webinar: Suggested Planning and Strategic Waiver Pursuit: What It Is and Isn’t” to share updates with the field and answer any questions around the strategic waiver process and assessments.
<a href="#">Jan. 14, 2021</a>	<p>The OPI conducted the <b>“Strategic Waiver Webinar #2 to Lend Your Voice”</b> webinar to consult stakeholders and seek public comment.</p> <ul style="list-style-type: none"> <li>Follow this link to access the <a href="#">January 14, 2021 Zoom Meeting Agenda</a>.</li> <li>Follow this link to access the <a href="#">PowerPoint Slide Deck</a> used to facilitate the meeting.</li> <li>Follow this link to access the <a href="#">January 14, 2021 Zoom Meeting Minutes</a>.</li> <li>Follow this link to access the <a href="#">Audio/Visual Recording</a> of the meeting.</li> </ul>
<a href="#">Jan. 14, 2021</a>	The Department responded to Superintendent Arntzen’s blanket testing waiver request with a written denial and the opportunity within 60 days of the date of the letter to re-submit the waiver application.
Jan. 14, 2021	The OPI provided 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.
<a href="#">Jan. 15, 2021</a>	The OPI Assessment Unit provided the Board with an informational item on updates in assessment including information including English language proficiency testing progress, formative and interim use, and the OPI’s pursuit of strategic waivers under ESSA. At this public meeting, the Board indicated support of this effort and their agreement to submit a letter of support to the OPI for inclusion in the waiver package. The Accountability Addendum and TSI Waiver was also shared with the Board.
Jan. 15, 2021	The OPI reviewed its 73 public comment responses to identify any missing persons, groups, or organizations to the <a href="#">Persons Likely Affected by the Strategic Waivers - Outreach List</a> . The list of identified programs, groups, and organizations included student council, retired teachers, the teacher union, homeless coordinators or liaisons, English language learner representatives, parent associations, and the general public. Given this outreach feedback, the OPI has reached out to key educational groups and state leaders for support with publicly noticing these strategic waiver activities within their respective organizations and listservs.
<a href="#">Jan. 18, 2021</a>	Ashley McGrath and Julie Murgel conducted Governor’s consultation with Governor Gianforte’s Policy Director Glenn Oppel on the <a href="#">OPI’s Addendum Process</a> and the <a href="#">OPI’s Strategic Waiver Process</a> .
<a href="#">Jan. 19, 2021</a>	The OPI provided 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.
Jan. 20, 2021	The OPI presented to the Special Education Advisory Panel on the strategic waiver process. Ashley McGrath shared the rationale for the request and the opportunity to submit public comment.
Jan. 21, 2021	The OPI presented to the Special Education Directors (1-hour) on the strategic waiver process. Ashley McGrath shared the rationale for the request and the opportunity to submit public comment.



Date	Activity
<a href="#">Jan. 21, 2021</a>	The OPI conducted the <b>“Strategic Waiver Webinar #3 to Lend Your Voice”</b> webinar to consult stakeholders and seek public comment. <ul style="list-style-type: none"> <li>Follow this link to access the <a href="#">January 21, 2021 Zoom Meeting Agenda</a>.</li> <li>Follow this link to access the <a href="#">PowerPoint Slide Deck</a> used to facilitate the meeting.</li> <li>Follow this link to access the <a href="#">January 21, 2021 Zoom Meeting Minutes</a>.</li> <li>Follow this link to access the <a href="#">Audio/Visual Recording</a> of the meeting.</li> </ul>
Jan. 26, 2021	The OPI provided information to the district superintendents on the strategic waiver process. This webinar invited 400+ local education agencies across the state.
<a href="#">Jan. 28, 2021</a>	The OPI conducted the “Annual Data and Assessment Conference (ASSIST) <b>“Challenges and Practical Implications for State Testing”</b> keynote session to consult stakeholders and seek public comment. <ul style="list-style-type: none"> <li>Follow this link to access the <a href="#">PowerPoint Slide Deck</a> used to facilitate the meeting.</li> <li>Follow this link to access the <a href="#">January 28, 2021 Zoom Meeting Minutes</a>.</li> <li>Follow this link to access the <a href="#">Audio/Visual Recording</a> of the meeting.</li> </ul>
<a href="#">January 28, 2021</a>	The Accountability Addendum and TSI Waiver was submitted to the Department. <ol style="list-style-type: none"> <li>Addendum Template</li> <li>TSI Waiver Letter</li> <li>Superintendent Arntzen’s Memo</li> <li>Governor’s Letter</li> <li>Summary of Public Comment</li> </ol>
<a href="#">Jan. 29, 2021</a>	The Board held an emergency meeting to approve the letter in support of the OPI’s request for a federal testing waiver. At this public meeting, the Board discussed its letter of support needs and the ESSA provisions listed from Superintendent Arntzen’s <a href="#">January 8 Letter</a> to the Department.
Feb. 1, 2021	The public comment for the testing, accountability, and reporting waivers closed on this date [Period of 40 days].
<a href="#">Feb. 5, 2021</a>	The OPI submitted the waiver application with items 1–4 to the Department. <ol style="list-style-type: none"> <li>Cover Letter                             <ul style="list-style-type: none"> <li><a href="#">Strategic Waiver Purpose and Cover Letter</a></li> </ul> </li> <li>Superintendent Arntzen’s Memo                             <ul style="list-style-type: none"> <li><a href="#">Superintendent Arntzen’s Montana Strategic Waiver Request</a></li> </ul> </li> <li>Waiver Application                             <ul style="list-style-type: none"> <li><a href="#">Montana Waiver Application</a></li> </ul> </li> <li>Summary of the Comment                             <ul style="list-style-type: none"> <li><a href="#">Strategic Waiver Timeline</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="#">Public Comment Survey</a></li> <li><a href="#">Public Comment Summary Report</a></li> </ul> </li> </ol>
Feb. 1 & 17, 2021	The OPI Assessment Unit provided two monthly webinars as the Focused Webinar Series and STC 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.
Feb. 19, 2021	The OPI released its “Medical Exemption for COVID Reason” policy. The <a href="#">“MontCAS Policies and Procedures for Participation in State Assessments”</a> explains the participation policies and procedures to register and include students in each of the state assessments. Pages 11–14 describe the guidance for reporting medical exemptions to the OPI using the <a href="#">MontCAS Application</a> . Any instances where it was unsafe for the child to participate in the assessment due to COVID reasons should be reported to the OPI using the “Medical Exemption for COVID Reason” policy. The COVID reason is a one-year non-participation option for school districts. Under the non-participation reporting collection in the <a href="#">MontCAS Application</a> , the OPI will review the reasons submitted by the district and determine whether the incident is an appropriate COVID reason.



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<a href="#">Feb. 22, 2021</a>	<p>Ian Rosenblum on behalf of the Department issued a <a href="#">key policy letter</a> to Superintendent Arntzen and other state chiefs on guidance for testing, accountability, and reporting requirements under the ESSA. This memo outlined the expectations for (1) Accountability and School Identification, (2) Transparency and Reporting, (3) Assessments, and (4) Public Comment. The intent of these flexibilities and the accountability waivers is to focus on assessments to provide information to parents, educators, and the public about student performance and to help target resources and supports. For that reason, the Department specified it is not inviting blanket waivers of assessments.</p> <table border="1" data-bbox="354 634 1503 1142"> <thead> <tr> <th data-bbox="354 634 643 709">(1) Accountability and School Identification</th> <th data-bbox="643 634 932 709">(2) Transparency and Reporting</th> <th data-bbox="932 634 1221 709">(3) State Assessments</th> <th data-bbox="1221 634 1503 709">(4) Public Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 709 643 1142"> <p>The <a href="#">memo</a> invites States to request a waiver for accountability and school identification requirements using an optional state accountability waiver template.</p> <ul style="list-style-type: none"> <li>It eliminates the annual meaningful differentiation and identification requirements (e.g., LTGs, MIPs, AMD, and identification of CSI, ATSI, and TSI schools).</li> <li>It waives the "Academic Achievement Indicator" requirement which is the calculation of the 95 participation rate.</li> </ul> </td> <td data-bbox="643 709 932 1142"> <p>The <a href="#">memo</a> invites States to request a waiver for some reporting requirements; however, it does NOT eliminate many of state and local report card requirements.</p> <ul style="list-style-type: none"> <li>States with the waiver must publicly report disaggregated data (e.g., chronic absenteeism).</li> <li>States must ensure transparency to the public including reporting the percentage of students not assessed, disaggregated by student subgroups.</li> </ul> </td> <td data-bbox="932 709 1221 1142"> <p>The <a href="#">memo</a> invites States to introduce test administration flexibilities such as shortened tests, extended windows, and remote assessments, but it does NOT allow for blanket waivers from testing.</p> <ul style="list-style-type: none"> <li>If a child is unable to attend school safely it is <u>not</u> expected to bring them into school buildings for the sole purpose of taking a test.</li> <li>The OPI has determined it is not practicable to allow state assessments to be delivered to students in remote (or at-home) settings this school year.</li> </ul> </td> <td data-bbox="1221 709 1503 1142"> <p>The Department has assured the OPI it would not have to re-conduct public comment to secure the waivers offered under the <a href="#">memo</a>.</p> <ul style="list-style-type: none"> <li>The OPI will continue to meet with the Department to address its questions and Montana's unique circumstances and conditions.</li> <li>The OPI is waiting for the Department's decision on its February 5 testing waiver application to determine what additional next steps are necessary to support schools this spring.</li> </ul> </td> </tr> </tbody> </table>	(1) Accountability and School Identification	(2) Transparency and Reporting	(3) State Assessments	(4) Public Comment	<p>The <a href="#">memo</a> invites States to request a waiver for accountability and school identification requirements using an optional state accountability waiver template.</p> <ul style="list-style-type: none"> <li>It eliminates the annual meaningful differentiation and identification requirements (e.g., LTGs, MIPs, AMD, and identification of CSI, ATSI, and TSI schools).</li> <li>It waives the "Academic Achievement Indicator" requirement which is the calculation of the 95 participation rate.</li> </ul>	<p>The <a href="#">memo</a> invites States to request a waiver for some reporting requirements; however, it does NOT eliminate many of state and local report card requirements.</p> <ul style="list-style-type: none"> <li>States with the waiver must publicly report disaggregated data (e.g., chronic absenteeism).</li> <li>States must ensure transparency to the public including reporting the percentage of students not assessed, disaggregated by student subgroups.</li> </ul>	<p>The <a href="#">memo</a> invites States to introduce test administration flexibilities such as shortened tests, extended windows, and remote assessments, but it does NOT allow for blanket waivers from testing.</p> <ul style="list-style-type: none"> <li>If a child is unable to attend school safely it is <u>not</u> expected to bring them into school buildings for the sole purpose of taking a test.</li> <li>The OPI has determined it is not practicable to allow state assessments to be delivered to students in remote (or at-home) settings this school year.</li> </ul>	<p>The Department has assured the OPI it would not have to re-conduct public comment to secure the waivers offered under the <a href="#">memo</a>.</p> <ul style="list-style-type: none"> <li>The OPI will continue to meet with the Department to address its questions and Montana's unique circumstances and conditions.</li> <li>The OPI is waiting for the Department's decision on its February 5 testing waiver application to determine what additional next steps are necessary to support schools this spring.</li> </ul>
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<a href="#">Feb. 26, 2021</a>	<p>The OPI received a letter of support from Congressman Rosendale for Montana's testing, accountability and reporting waivers proposed in the <a href="#">February 5 Montana Strategic Waiver Application</a>.</p>								
<p>Mar. 1, 2021</p>	<p>The OPI Assessment Unit provided the monthly System Test Coordinator (STC) Open Forum (closed to STCs) to share updates on the Feb. 22 memo and what implications this might have for spring plans. There were 153 STCs registered to attend and over 120 participated in the live event. The 1-hour event shared these <a href="#">Google Slides</a>.</p>								
<p>Mar. 4, 2021</p>	<p>The Department held a meeting with the OPI to learn more about the <a href="#">February 5 Montana Strategic Waiver Application</a> and Montana's unique conditions and circumstances for schooling. The OPI shared the impetus for the waivers and concerns about state assessments in the spring.</p>								
<p>Mar. 5, 2021</p>	<p>The OPI released a <a href="#">press release</a> to schools to share these updates and explain the proposed spring options for schools. The OPI reinforced Montana's system of local control in its discussion with the Department and those decisions are best left to the local level.</p>								
<a href="#">Mar. 8, 2021</a>	<p>The Department released its simplified and streamlined template for states. As discussed in the <a href="#">February 22 Memo</a>, the Department invited states to make these accountability and reporting waiver to ensure an efficient process for requesting and reviewing these requests. The Department has explained that since these waivers for the ESSA provisions were invitations sent to the States the approval process is abbreviated and should be granted in one week or so.</p>								
<a href="#">Mar. 8, 2021</a>	<p>The first content area assessment opens as published on the <a href="#">OPI's 2020–2021 Test Calendar</a>.</p>								
<p>Mar. 12, 2021</p>	<p>The OPI Assessment Unit provided the Board with an informational item on updates in assessment including information including participation counts for the English language proficiency assessment, status of the strategic waivers, shortened blueprint, medical exemption policy, conference feedback, and the spring 2021 testing plans. At this public meeting, Ashley McGrath provided with an update on testing with the <a href="#">February 22 Memo</a> and the Board had questions on what reporting would look like if this template was granted or if the Department denied the <a href="#">February 5 Montana Strategic Waiver Application</a>.</p>								



Date	Activity
Mar. 17, 2021	The OPI Assessment Unit provided the monthly “Gearing Up for Spring Activities” webinar to the field to answer frequently asked questions and provide information on the following (1) critical updates in testing, accountability, and reporting, (2) assessment setup and preparation support, (3) local monitoring strategies for assessments, and (4) key dates. The <a href="#">1-hour recording</a> has been posted along with the <a href="#">PowerPoint Slides</a> .
<a href="#">Mar. 18, 2021</a>	The OPI received a letter of support from Senator Daines for Montana’s testing, accountability and reporting waivers proposed in the <a href="#">February 5 Montana Strategic Waiver Application</a> .
Mar. 19, 2021	The Department held a meeting with the OPI to clarify the <a href="#">March 8 Optional Template</a> given Montana’s unique position with the waivers as a result of its 40-day public comment activities to support the February 5 <sup>th</sup> waivers. The OPI reiterated its local control proposal to the Department to consider the option of assessment (state summative or local interims) and the need to grant maximum flexibility to schools to determine what tools are most appropriate for their students this spring. The Department has assured the OPI it would not have to re-conduct public comment to secure the waivers offered under the <a href="#">memo</a> .
<a href="#">Mar. 24, 2021</a>	The OPI submitted its request to the Department using its invited <a href="#">March 8 Optional Template</a> for accountability and reporting waivers identified by the Department. These ESSA waivers include the “Academic Achievement Indicator” flexibility. The “Academic Achievement Indicator” flexibility grants school districts relief from the participation rate calculation on the 95 percent requirement within the State’s accountability process. However, with this calculation waiver, the Department clarified that schools must still continue to provide the assessment opportunity to all students when it is safe to do so.
<a href="#">Mar. 26, 2021</a>	The Department approved the OPI’s <a href="#">March 8 Optional Template</a> for accountability and reporting waivers identified by the Department. These waivers secure some of the same accountability and reporting waivers the OPI was originally seeking. Presently, the Department maintains its position that no blanket waivers will be granted for state assessments (see <a href="#">Secretary Cardona’s March 17 EdWeek Article</a> ). Generally speaking, these flexibilities — <ul style="list-style-type: none"> <li>• Pause school identification under ESEA sections 1111(c)(4) and 1111(d)(2)(C)–(D);</li> <li>• Remove some indicators and calculations of the accountability system for the 2020–2021 data year under ESEA sections 1111(c)(4) and 1111(d)(2)(C)–(D); and</li> <li>• Remove certain elements from the ESSA Report Card for provisions related to accountability under ESEA section 1111(h) based on data from the 2020–2021 school year.</li> </ul> <b>Note:</b> The Department will respond separately to the waiver Montana requested for the requirements to administer the same statewide assessments to all public elementary and secondary students.
Apr. 1, 2021	The OPI had a meeting with the Department to discuss its testing waiver application, and to what extent, Montana has specific circumstances that would prevent it from successfully administering the state assessments as required under ESEA. The Department indicated verbally that they would likely deny Montana’s waiver application as it resembled the state submissions from <a href="#">South Carolina</a> and <a href="#">Georgia</a> that were denied by the Department on March 26.
April 6, 2021	The Superintendent <a href="#">received a letter</a> from Ian Rosenblum, Deputy Assistant Secretary for Policy and Programs, declining approval of the waiver.
April 7, 2021	For more information, contact the Assessment Unit at <a href="mailto:OPIAssessmentHelpDesk@mt.gov">OPIAssessmentHelpDesk@mt.gov</a> or 844-867-2569. The Assessment Unit will <a href="#">host a 1-hour webinar from 3:30 PM to 4:30 PM on April 14th</a> to provide additional information on this topic and answer questions.