



Montana
Office of Public Instruction
Denise Juneau, State Superintendent

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October 3, 2013

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

In the 2013–2014 school year, the Montana Office of Public Instruction (OPI) will be field testing the new Smarter Balanced Achievement Consortium reading/language arts and mathematics assessments aligned to college- and career-ready standards. Per the Secretary's June 18, 2013, announcement, I am writing on behalf of the OPI to request the double-testing flexibility by requesting a one-year waiver of the following requirements in Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and their associated regulatory provisions:

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require a State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. The OPI requests these waivers so that any individual student within Montana will be permitted to take only the full form of the field test of the new assessment aligned to college- and career-ready standards in each content area in 2013–2014.
- ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. The OPI requests this waiver to permit the OPI and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student's performance on a field test.

On behalf of the OPI, I am also requesting the determination flexibility by requesting a one-year waiver of the following ESEA requirements and their associated regulatory provisions:

- ESEA sections 1111(h)(1)(C)(ii) and 1111(h)(2)(B), which require an SEA and an LEA, respectively, to report on performance against annual measurable objectives (AMOs). The OPI requests these waivers to permit OPI and its LEAs to refrain from reporting performance against AMOs for the subject(s) being field tested in all schools and districts. Since all schools and districts will participate in the field test of the new assessments aligned to college- and career-ready standards and the current statewide assessment for

reading/language arts and mathematics will not be administered, there will be no reporting on performance against AMOs based on the statewide assessment.

- ESEA sections 1116(a)(1)(A) and 1116(c)(1)(A), which require an LEA and an SEA, respectively, to use the State's academic assessments and other academic indicators to make adequate yearly progress (AYP) determinations for schools and LEAs. The OPI requests this waiver to permit an LEA within Montana that has one or more schools participating in the field test to refrain from making AYP determinations for each of those schools and to permit the OPI to refrain from making AYP determinations for any LEA participating in the field test. Since all schools and districts in Montana will be participating in the field test, the previous AYP determinations based on assessments administered in the previous school year will be used for an additional year, and schools and districts will be held accountable accordingly.

The OPI hereby assures that, if it is granted the requested waivers:

- The OPI and its LEAs will ensure that all students in the tested grades will participate in the field test. The current statewide assessment will not be administered.
- Since all Montana LEAs and schools will participate in the field testing, there will be no new AYP determinations based on the 2013-2014 school year, but the previous year AYP determinations will be used for an additional year, and schools and districts will be held accountable accordingly.
- Since all Montana LEAs and schools with tested grades will participate in the field test, there will be no new reporting of performance against AMOs based on the State assessment. There will be new reporting on participation rates in the field testing for reading/language arts and mathematics for students in all schools and LEAs.
- With the exception of the alternate State approved assessment for children with disabilities (as required in their Individual Education Plans) all students in Montana LEAs and schools will participate in the in the field test. Therefore, there will be no reporting obligations for the OPI and its LEAs with respect to reporting the achievement of students who take the current State assessments other than the students taking the State approved alternate assessment.
- The OPI has properly notified all LEAs and schools that they will participate in the field test.
- The OPI will ensure that parents of students in each school participating in the field test have been notified of the school's participation, including by ensuring that the notification to parents includes a discussion of the implications of the school's participation in the field test and that the parents' child will participate in the field test.
- In 2014–2015, the OPI will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as State science assessments, to all students in the grades required to be tested in accordance with the ESEA.

- The OPI will resume making AYP determinations for all schools and all LEAs based on assessments administered in the 2014–2015 school year.

Enclosed with this waiver request is a list of all schools and LEAs, within Montana that will participate in the field test of the new assessments aligned to college- and career-ready standards as well as an indication that those schools and LEAs will not receive new AYP determinations in light of their participation in the field test.

Prior to submitting this waiver request, the OPI provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. The OPI provided such notice by an official email to each LEA on September 24, 2013 and a notice published on the OPI website on September 24, 2013. A copy of the email and the notice are attached and may be found at this link: <http://www.opi.mt.gov/pdf/Assessment/13SeptWaiverRequest.pdf>.

Copies of all comments that the OPI received from LEAs in response to this notice may be found at this link: http://opi.mt.gov/PDF/Assessment/OPI_WAIVERS_MAILBOX. The OPI also provided notice and information regarding this waiver request to the public in the manner in which the OPI customarily provides such notice and information to the public by posting information regarding the waiver request on the OPI website (see linked copy of public notice referenced above).

Please feel free to contact Deputy Superintendent Dennis Parman at (406) 444-5643 or at dparman@mt.gov if you have questions regarding this request. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Juneau". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Denise Juneau
State Superintendent