

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 10.56.101, 10.56.102, and) PROPOSED AMENDMENT
10.56.105 pertaining to Assessment)
Standards)

TO: All Concerned Persons

1. On May 2, 2024, at 10:00 a.m., the Board of Public Education (board) will hold a public hearing in Room 152 of Montana State Capitol, in Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m. on April 22, 2024, to advise us of the nature of the accommodation that you need. Please contact McCall Flynn, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, MT, 59620-0601; or email bpe@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

10.56.101 STATEWIDE ASSESSMENT (1) ~~By the authority of 20-2-121(12), MCA and ARM 10.55.603, the~~ The Board of Public Education adopts rules for ~~state level assessment~~ statewide assessments in the public schools and those private schools seeking accreditation.

(2) The Board of Public Education (~~board~~) recognizes that the primary purpose of assessment is to serve learning. ~~A balanced assessment system including formative, interim, and summative assessments aligned to state content standards, will provide an integrated approach to meeting both classroom learning needs and school and state level information needs.~~ An assessment system that includes multiple measures and is aligned to state content and program delivery standards will provide an integrated approach to inform student learning, progression, growth, and proficiency. ~~A balanced~~ An assessment system is structured to continuously improve teaching and learning and to inform education policy.

(3) The obligation for funding ~~the~~ statewide assessments is the responsibility of the state. This chapter may not be construed to require a school district to provide these assessments if the state does not have a current contract with test vendors for provision of these assessments to Montana school districts.

(4) The Superintendent of Public Instruction shall recommend in writing to the ~~board~~ Board of Public Education any modifications to the single system of ~~state level assessment~~ statewide assessments as set forth in (2). The ~~board~~ Board of Public Education may consider recommended modifications as an information item on an

agenda at a ~~board~~ Board of Public Education meeting. At that meeting, the ~~board~~ Board of Public Education may vote to list the recommendations as an action item on the agenda of a subsequent ~~board~~ Board of Public Education meeting. Unless approved by the ~~board~~ Board of Public Education, no recommended modifications are effective and no accredited schools may implement the recommended modifications.

(5) When developing a recommendation to the ~~board~~ Board of Public Education for adopting statewide assessments the Superintendent of Public Instruction will include implications including alignment to content standards.

(6) through (6)(b) remain the same.

(c) request approval from the ~~board~~ Board of Public Education to allow for census field testing before determining proficiencies.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-7-402, MCA

10.56.102 PARTICIPATION (1) By the authority of 20-2-121(11), MCA, and ARM 10.55.603, the Board of Public of Education (~~board~~) adopts rules for statewide assessment in all public and accredited nonpublic schools.

(2) Statewide assessments approved by the Board of Public Education shall be administered in all public and accredited nonpublic schools.

(3) School districts shall annually administer statewide assessments to all students in accordance with state and federal laws and regulations that meet or exceed the following specifications:

(a) English language arts and mathematics assessments shall be aligned to Montana content standards in English language arts and mathematics and administered in grades 3-8 and 44 at least once in grades 9-12;

(b) Science assessments shall be aligned to Montana content standards for science and administered in not less than one time during grades 5, 8, and 11 3-5, 6-9, and 10-12; and

(c) ~~Assessments shall be administered in the spring of each year.~~ Statewide assessments shall be administered in all public and accredited nonpublic schools within the statewide assessment windows established by the Superintendent of Public Instruction.

(4) ~~State-level~~ Statewide assessments aligned to Montana-English language proficiency standards shall be administered to all students identified as English Learners (EL) in grades (K-12). ~~These assessments shall be administered mid-school-year.~~ within the statewide assessment windows established by the Superintendent of Public Instruction.

(5) remains the same.

(6) School districts shall use guidance provided by the Office of Public Instruction to inform parents/guardians about statewide assessments, pursuant to ARM 10.55.601 and 10.55.722, including:

(a) and (b) remain the same.

(c) when the information about student performance is provided to ~~teachers~~ relevant educators and specialists and parents/guardians;

- (d) how ~~teachers~~ relevant educators and specialists, principals, and district officials use the information about student performance; and
- (e) how parents/guardians can use that information to help their child.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-7-402, MCA

10.56.105 REPORTING (1) The Superintendent of Public Instruction shall provide a an annual report of the ~~annual state~~ statewide assessment results to the Legislature and the Board of Public Education.

(2) The Superintendent of Public Instruction shall make available student assessment ~~data~~ results in compliance with confidentiality requirements of federal and state law (~~20-7-104, MCA~~). To facilitate transparency, the statewide assessment results released to the public shall be accompanied by a clear statement of the purpose, subject areas assessed, description of proficiency levels, and the percentage of students who participated in the assessments.

(3) Statewide Annual assessment results are a part of each student's permanent record as described in compliance with 20-1-213 and 20-7-104, MCA.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-7-402, MCA

REASON: The board proposes these amendments to better align the assessment standards with the Elementary and Secondary Education Act (ESEA). This alignment allows assessments to be administered during broader grade bands rather than during specific grade levels. The proposed amendments also provide flexibility by establishing statewide assessment windows when the assessments could be administered during the school year. The proposed amendments also include cross-references to accreditation standards from ARM Title 10, chapter 55 to emphasize the importance of communication with parents/guardians about statewide assessments. The proposed amendments also include clarity and consistency of language used in the rules.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: McCall Flynn, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; or email bpe@mt.gov and must be received no later than 5:00 p.m. on May 10, 2024.

5. McCall Flynn, executive director of the board, has been designated to preside over and conduct this hearing.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which

program the person wishes to receive notices. Notices will be sent by email unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the board.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ McCall Flynn
McCall Flynn
Executive Director
Board of Public Education

/s/ Tim Tharp
Tim Tharp
Chair
Board of Public Education

Certified to the Secretary of State April 2, 2024.