



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 13, 2017

The Honorable Elsie Arntzen
Superintendent of Public Instruction
Montana Office of Public Instruction
P.O. Box 202501
Helena, MT 59620-2501

Dear Superintendent Arntzen:

Thank you for submitting Montana's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of the State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under Montana's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Montana's consolidated State plan and resubmit it through OMB Max by December 28, 2017. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Montana in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Montana's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Montana indicated that any aspect of its plan may change or is still under development, Montana may include updated or additional information in its resubmission. Montana may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary of Elementary and Secondary
Education.

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless
Children and Youths Program

Items That Require Additional Information or Revision in Montana’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.3.i: Native Language Assessments Definition	<p>In its State plan, the Montana Office of Public Instruction (OPI) provides a definition of languages other than English that are present to a significant extent in the State’s participating student population that excludes all languages other than English. 34 CFR § 200.6(f)(4)(i) requires that a State provide a definition of “languages other than English that are present to a significant extent in the participating student population” that encompasses at least the most populous language other than English spoken by the State’s participating student population. After revising its definition, additional State plan revisions will be necessary in response to the revised consolidated State plan requirements in A.3.iii-iv in accordance with that definition.</p>
A.4.i.a: Major Racial and Ethnic Subgroups of Students	<p>In its State plan, OPI identifies the White and American Indian subgroups as its major racial and ethnic subgroups for its statewide accountability system. OPI indicates that White and American Indian are the only subgroups with “substantial populations.” However, OPI does not define this term nor describe how it determined not to include groups that are traditionally considered major racial and ethnic groups (i.e., African American, Asian, and Hispanic), and that exceed the State’s minimum n size in a number of schools. The ESEA requires a State to identify each major racial and ethnic subgroup for its statewide accountability system. Therefore, it is unclear whether OPI meets the statutory requirement to identify Montana’s major racial and ethnic subgroups for its statewide accountability system.</p>
A.4.iii.a.1: Academic Achievement Long-term goals	<p>The ESEA requires a State to identify and describe long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students. In its State plan, OPI describes its long-term goals and measurements of interim progress but also indicates that it has not yet established proficiency levels for the ACT that is administered to high school students. Because OPI has not yet developed proficiency levels for the ACT, it is unclear whether OPI meets the ESEA requirement to describe long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessments, for all students (specifically high school students) and for each subgroup of students. In addition, on page 18 of its State plan, OPI refers to long-term goals that anticipate annually reducing the “number of students that are not proficient” by four percent but later on the same page refers to decreasing the “percent of non-proficient students” by four percent. Because the</p>

	<p>statements regarding reducing the number of students by four percent and decreasing the percentage of non-proficient students by four percent are not consistent, it is unclear how OPI meets the ESEA requirement.</p>
<p>A.4.iii.c.1: English Language Proficiency Long-term Goals</p>	<p>In its State plan, OPI includes a definition of proficiency and a timeline for English learners to achieve English language proficiency. OPI presents a table showing the percentage of English learners making progress for the baseline year, interim years, and long-term goal year. However, OPI also describes its long-term goal for English language proficiency as increasing English learner proficiency over 6 years. The ESEA requires a State to identify and describe the long-term goal for increases in the percentage of English learners making progress in achieving English language proficiency. It is unclear from the information presented whether OPI meets the requirement to describe its proposed long-term goal for the percentage of English learners making progress toward proficiency, as opposed to a goal for the percentage of English learners achieving English language proficiency.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe an Academic Achievement indicator for all students and each subgroup of students. In addition, the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must be measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics). OPI proposes an Academic Achievement indicator that uses the percentage of students scoring proficient or above in grades 3 through 8 and average scale scores for high school. Because OPI has not described how it will consistently calculate an Academic Achievement indicator based on proficiency across all schools, including high schools, it is unclear whether OPI meets the statutory requirements. • OPI indicates that it will assign the “lowest average score” to missing values resulting from a participation rate lower than 95% either overall for all students or for any subgroup of students consisting of 10 or more students. The ESEA requires a State, for the purpose of measuring, calculating, and reporting on the Academic Achievement indicator to include in the denominator the greater of 95 percent of all students (or all students in the subgroup) or the number of students participating in the assessment, and to describe how it factors the requirement for 95 percent participation in statewide reading/language arts and mathematics assessments into its accountability system. Because OPI does not indicate that it will calculate the Academic Achievement indicator as required, OPI has not met the statutory requirement.
<p>A.4.iv.d: Progress in Achieving</p>	<p>In its State plan, OPI indicates that it will compare two years of WIDA assessment data to</p>

<p>English Language Proficiency Indicator</p>	<p>measure progress at the student level in achieving English language proficiency but does not describe how a school’s score is determined for the purpose of ranking schools as described on page 26. The ESEA requires that each State establish and describe a Progress in Achieving English Language Proficiency indicator that is measured at the school level. As noted above, OPI describes how it will measure progress in achieving English language proficiency at the student level. However, because OPI does not describe how that information is used to create a measure for each school in the State, it has not fully described the Progress in Achieving English Language Proficiency indicator.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<ul style="list-style-type: none"> • OPI describes an additional measure of school quality that it indicates will be created in the future to measure “program quality.” OPI indicates that this measure has not yet been developed, and does not specify how points will be assigned in a consistent manner. If OPI intends to use the indicator in its accountability system in the 2017-2018 school year, the ESEA requires that OPI describe how the indicator is valid, reliable, comparable, statewide, and will allow for meaningful differentiation in school performance. OPI did not provide this description for the program quality indicator. If OPI does not intend to begin to use this indicator in its accountability system until after the 2017-2018 school year, it may propose an amendment to its plan in the future when OPI is ready to implement this indicator and, for its accountability system in the 2017-2018 school year, identify the other indicator(s) under which the five points that OPI designated for the program quality indicator will be counted. • OPI also proposes a school quality and student success indicator for high schools that is the percentage of students identified as college and career ready (CCR). The ESEA requires that the school quality or student success indicator(s) measure the performance of all students and each subgroup of students. Since it is unclear whether OPI intends this to measure a percentage of all students, it is unclear whether OPI meets this requirement.
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<p>In its State plan, OPI indicates that it will assign P-2 schools the “ranking of the next grade” of the school that students in the P-2 will attend next. Elsewhere in its plan, however, OPI discusses only school rankings, not grade level rankings. In addition, OPI indicates that 92 Title I schools (over 13 percent) have a student population below the State’s minimum n-size; however, OPI does not include a different methodology for small schools in order for these schools to be included in the State’s accountability system. The ESEA requires a State to include all public schools in its system of annual meaningful differentiation and to describe that system in its State plan. Without clarification from OPI on, for P-2 schools, what the phrase “ranking of the next grade” means and, for any school with an n-size below 10 for all students, of its different</p>

	<p>methodology for annual meaningful differentiation, it is unclear that OPI meets the statutory requirement to include all schools within its system of annual meaningful differentiation.</p>
<p>A.4.vi.a: Comprehensive Support and Improvement Schools— Lowest Performing</p>	<p>In its State plan, OPI describes that it will use the accountability indicators to determine a ranking for schools, but does not consistently refer to identifying at least the lowest-performing five percent of Title I schools for comprehensive support and improvement. The ESEA requires a State to describe its methodology to identify not less than the lowest-performing five percent of all schools receiving Title I, Part A funds for comprehensive support and improvement. Without clarification from OPI that it intends to identify not less than the lowest-performing five percent of Title I schools for comprehensive support and improvement as opposed to five percent of all schools for this category, it is unclear whether OPI meets the statutory requirement.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>In its State plan, OPI states that it will identify schools for additional targeted support based on a comparison of subgroup performance to the performance of the all students group in the lowest-performing five percent of schools rather than based on a comparison to the all students group in the lowest-performing five percent of Title I schools. Additionally, OPI does not describe how frequently it will identify schools in this category. The ESEA requires that a State describe its methodology for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D). Without clarification from OPI on its methodology for identification of such schools and the frequency with which the State will identify such schools, it is unclear whether OPI meets the statutory requirement for identifying Targeted Support and Improvement Schools—Additional Targeted Support.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<ul style="list-style-type: none"> • In its State plan, OPI suggests that schools must, first, not remain among the lowest-performing five percent of Title I schools to be exited and, for high schools, not have a graduation rate below 67 percent. Schools must then meet either of two additional exit criteria: <ul style="list-style-type: none"> ○ Meet academic growth goals in reading/language arts and mathematics, as determined in the school’s Continuous School Improvement Plan, and aligned with the long-term goals and measurements of interim progress; or ○ Show continual improvement in components within the school’s comprehensive needs assessment, as determined by OPI and external partners. OPI notes that schools will “take and use the comprehensive needs assessment to develop and monitor their academic goals” but does not specify how improvement will be factored into a school’s score. Continual improvement would be defined as moving from a “1” to at least a “3” over the

	<p>course of three years.</p> <p>The ESEA requires a State to establish statewide exit criteria for schools identified for comprehensive support and improvement and to describe such exit criteria in its State plan, over a State-determined timeline that may not exceed four years, such that the criteria ensure continued progress to improve student academic achievement and school success. Because OPI does not specify a timeline for the first additional criterion or explain how the second additional criterion ensures continued progress, it is unclear whether OPI meets the statutory requirement for exit criteria.</p> <ul style="list-style-type: none"> • In its State plan, OPI appears to indicate that an LEA with all comprehensive support and improvement schools may decide whether an identified school that meets the exit criteria is removed from that status or remains in the status to receive additional support. Because OPI suggests that some LEAs will have discretion over whether a school exits comprehensive support and improvement school status, it is unclear that OPI meets the statutory requirement to establish statewide exit criteria.
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>In its State plan, OPI describes its exit criteria but does not describe how the exit criteria take into account continued progress and improvement. The ESEA requires a State to establish and describe exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success in the State. Because OPI does not describe how the exit criteria take into account continued progress and improvement, it is unclear whether OPI meets this requirement.</p>
<p>A.4.viii.c: More Rigorous Interventions</p>	<p>The ESEA requires a State to describe the more rigorous actions it will require for all schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years. In its State plan, OPI describes the more rigorous actions it will require of schools in school districts that the State identifies as “High Priority.” However, it is unclear whether OPI will require the more rigorous actions for all schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years or only for such schools in a High Priority district. As a result, it is unclear whether OPI meets the statutory requirement.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, OPI generally discusses equitable access to effective teachers but does not provide data or a description of its data, and indicates that it will not have a definition of an ineffective teacher until fall of 2018, and will conduct the required analysis in the future. The ESEA requires a State to describe the extent, if any, that low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by</p>

	<p>ineffective, out-of-field, or inexperienced teachers. Additionally, the ESEA requires a State to describe the measures it will use to evaluate and publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<ul style="list-style-type: none"> • In its State plan, OPI describes how it will identify the unique educational needs of migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of preschool migratory children and migratory children who have dropped out of school. • OPI describes how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children through joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and through the integration of services available under Title I, Part C with services provided by those other programs. However, the ESEA requires that a State also describe how it will address the unique educational needs of preschool migratory children, and migratory children who have dropped out of school, through such joint planning and integration of services. • OPI describes how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children through measurable program objectives and outcomes. However, the ESEA requires that a State also describe how it will address the unique educational needs of preschool migratory children and migratory children who have dropped out of school, through measurable program objectives and outcomes.
<p>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</p>	
<p>C.2: Program Objectives and Outcomes</p>	<p>In its State plan, OPI does not provide enough information to demonstrate how each of the targets and performance indicators that the plan identifies will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of the children in the program. The ESEA requires that each SEA describe program objectives and outcomes established by the State that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.</p>
<p>Title II, Part A: Supporting Effective Instruction</p>	
<p>D.2: Use of Funds to Improve</p>	<p>In its State plan, OPI indicates that use of Title II, Part A funds to improve equitable access to</p>

<p>Equitable Access to Teachers in Title I, Part A Schools</p>	<p>effective teachers was “Not Applicable.” However, OPI then provides a description of how the State plans to use Title II, Part A funds to improve equitable access to effective teachers. The ESEA requires a State, if it plans to use Title II, Part A funds to improve equitable access to effective teachers in Title I schools, to describe the use of Title II, Part A funds for this purpose. Based on the State’s proposed plan, it is unclear whether OPI intends to use Title II, Part A funds to improve equitable access to effective teachers in Title I schools and, therefore, whether it meets this requirement.</p>
<p>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</p>	
<p>E.1: Entrance and Exit Procedures</p>	<p>In its State plan, OPI describes its statewide exit criteria but also suggests that individual schools will “develop a plan to review EL data and make a determination if a student who has obtained proficient scores is performing at grade level in English and is able to fully participate in society.” The ESEA requires a State to develop standardized statewide entrance and exit procedures for English learners. Because the requirement that each school develop its own plan does not constitute a standardized statewide procedure, it is unclear that OPI meets the statutory requirement to develop standardized statewide entrance and exit procedures for English learners.</p>
<p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p>	
<p>I.3: Support for School Personnel</p>	<p>While OPI describes programs for school personnel to heighten the awareness of the specific needs of homeless children and youth within its State plan, OPI does not describe programs for school personnel to heighten the awareness of school personnel of the specific needs of <i>runaway and homeless</i> children and youth. The McKinney-Vento Act requires the State to describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of runaway and homeless children and youth.</p>
<p>I.4: Access to Services</p>	<p>OPI describes collaboration and other activities to ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to activities such as career and technical education, advanced placement, and other programs. OPI does not, however, describe procedures to ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing magnet school, summer school, online learning and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet schools, summer school, and charter school programs, if such</p>

	programs are available at the State and local levels.
General Education Provisions Act (GEPA)	
GEPA 427	Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in its State plan for students, teachers, and program beneficiaries with special needs, and this is not addressed in OPI's plan.