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Executive Summary

The Superintendent of Public Instruction, supported by the staff of the Montana Office of Public Instruction (OPI), launched a process to review the Administrative Rule of Montana (ARM), [Title 10, Chapter 56, Subchapter 1](#), the Assessment Standards. The Superintendent’s vision was to update this set of standards after revising the accreditation standards, [Title 10, Chapter 55](#), in order to provide flexibility and clarity. Her vision and direction were to ensure the assessment standards and accreditation standards worked together for a comprehensive and coordinated set of educational standards. Alignment with [Elementary and Secondary Education Act \(ESEA\)](#), the federal regulations on student assessment, was also a priority in revisions.

The assessment standards, as part of the accreditation standards, are adopted by the BPE, upon the recommendation of the Superintendent, and developed through the negotiated

rulemaking process, per [§20-7-101, MCA](#). The agency has created this economic impact statement in consultation with the NRC under the provisions of § [2-4-405, MCA](#).

The OPI surveyed school personnel and stakeholders about the probable economic impact of the proposed rule amendments for ARM 10.56. The survey was distributed through the monthly OPI Compass newsletter sent to 18,116 stakeholders in the OPI bulk email system, as well as in a press release posted on February 23, 2024. Upon too few stakeholders responding, it was also sent directly to superintendents and school board trustees through a listserv and was kept open for an additional three weeks, gaining 12 more respondents, totaling 19 submissions.

Even though the updated rules provide general assessment policies and do not address specific assessments, respondents for the economic survey referenced the implementation of the Montana Aligned to Standards Through-Year assessment (MAST) assessment... MAST will be fully implemented for 3rd-8th grade English language arts and math during the 2024-2025 school year. When reviewing the survey responses, it was clear that respondents who have participated in the MAST pilot have indicated that these rules would have no economic impact on districts, outside of professional learning for staff.

Introduction

Superintendent Arntzen selected 13 members to serve on the Negotiated Rulemaking Committee (NRC) which reflects the necessary role diversity. The NRC, listed in [Appendix B](#), met virtually and considered all five rules from Chapter 56. Out of these five rules, the NRC chose to make amendments to three of them.

The rules that were amended are listed below with a brief summary of changes:

- 10.56.101 - ASSESSMENT Amendments include:
 - *Alignment with Title 10, Chapter 55 definitions of assessment systems*
 - *Updating language for consistency*
- 10.56.102 - PARTICIPATION Amendments include:
 - *Aligning grade levels with the [Elementary and Secondary Education Act \(ESEA\)](#)*
 - *Updating from assessments being conducted in the spring of each year to the established statewide assessment windows*
 - *Alignment with Title 10, Chapter 55 language*
 - *Identifying who has access to assessment information for students*
 - *Updating language for consistency*
- 10.56.105 - REPORTING Amendments include:
 - *Renaming data to results*
 - *Updating language for consistency*

Economic Impact Statement Required Elements

As required by § 20-7-101(1), MCA, the Montana Superintendent of Public Instruction, has prepared this economic impact statement in consultation with the NRC under the provisions of § 2-4-405, MCA. Each of the elements required to be addressed in the economic impact statement is outlined below.

a) Affected Classes of Persons

Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule. Refer to § 2-4-405 (2)(a), MCA.

The classes of persons affected by the rule changes include individuals from the following groups: school district trustees, K-12 school administrators, K-12 teachers, school counselors, school librarians, school clerks/business officials, parents, and taxpayers.

Costs associated with the rule changes are the responsibility of local school districts.

The beneficiaries of the rule changes are trustees, administrators, teachers, and students of local school districts, as well as Montana communities served by accredited schools.

b) Economic Impact

Describe the probable economic impact of the proposed rule upon affected classes of persons, including but not limited to providers of services under contracts with the state and affected small businesses, and quantify, to the extent practicable, that impact. Refer to § 2-4-405 (2)(b), MCA.

The OPI surveyed school personnel and stakeholders about the probable economic impact of the proposed amendments for ARM 10.56 with a single survey, sent in multiple manners as listed previously. Stakeholders who responded included teachers, superintendents, building principals, a school business manager, a district trustee, district curriculum directors, a parent, taxpayers, instructional coaches, a county superintendent, a school counselor, and an education policy advisor.

The summary results of the surveys are shown in [Appendix A](#).

Cost to State Agencies

Describe and estimate the probable costs to the agency and any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue. Refer to § 2-4-405 (2)(c), MCA

The Office of Public Instruction (OPI), per [§ 20-7-101, MCA](#), has incurred costs associated with the negotiated rulemaking process, including contracting with a facilitator and convening the NRC. The total cost to the OPI for the negotiated rulemaking process is approximately \$2,500. The OPI does not anticipate additional costs associated with implementing the proposed rule changes.

The BPE is responsible for filing fees of notices of public hearing of proposed rule changes and publication fees of notices of adoption and amendments with the Secretary of State at \$60 per page. The costs associated with board member attendance at public hearings will be paid within the existing budget of the BPE.

c) Costs and Benefits of the Proposed Rule

Analyze and compare the costs and benefits of the proposed rule to the costs and benefits of inaction. Refer to § 2-4-405 (2)(d), MCA.

The State Superintendent initiated the process of amending the assessment standards. The agency did not undertake an analysis of the costs and benefits of "inaction."

d) Less Costly or Less Intrusive Methods

Are there less costly or less intrusive methods for achieving the purpose of the proposed rule? Refer to § 2-4-405 (2)(e), MCA.

There is no less costly or less intrusive method for achieving the purpose of the proposed rule changes.

e) Selection of Proposed Rule

Analyze any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule. Refer to § 2-4-405 (2)(f), MCA.

The agency explored alternative methods to achieve the purpose of the proposed rule. However, since assessment standards significantly influence school quality and instruction, and negotiated rulemaking is statutorily required, it was concluded that any alternative method would not yield assessment standards based on learner outcomes leading to education excellence.

f) Efficient Allocation of Public and Private Resources

Does the proposed rule represent an efficient allocation of public and private resources? Refer to § 2-4-405 (2)(g), MCA.

The proposed rule amendments do not involve any specific allocation of public and private resources.

Conclusion

The NRC, through consensus, determined that the three rule amendments should be surveyed for their economic impact. [Appendix A](#) shows the responses and the demographics of those who submitted responses. No specific comments were made about the individual rule amendments, just overall impressions of the probable economic impact.

As mentioned previously, survey results varied greatly depending upon the respondent's understanding of the [Montana Aligned to Standards Through-Year \(MAST\)](#) assessment for grades 3-8 in ELA and Math. It appeared that several of the responses were not directly related to the rule changes themselves, but rather to the new assessment. The OPI has included those responses, despite the understanding that some responses did not respond directly to the rule changes. .

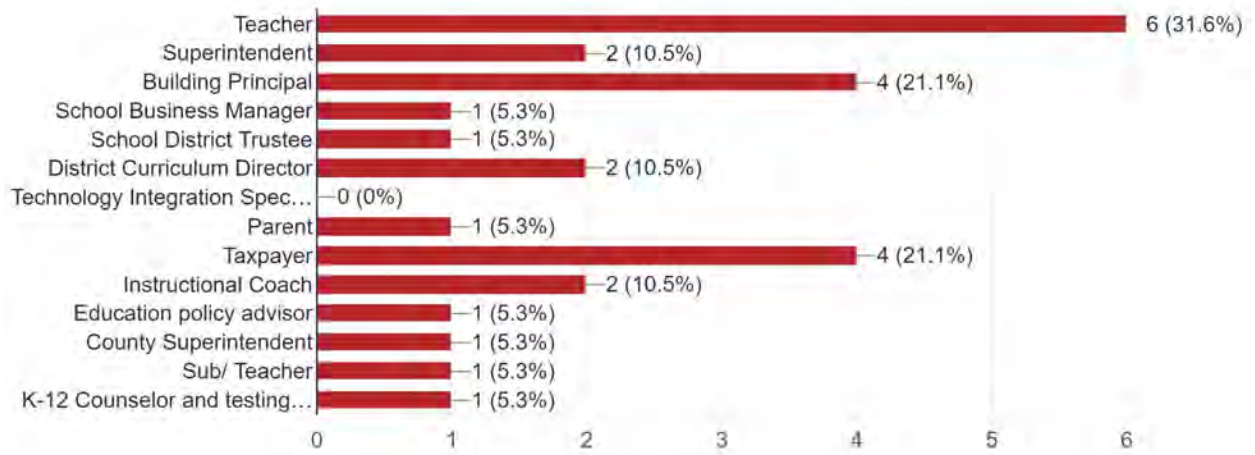
The primary focus of concern centered around the time required to equip staff with the necessary professional development for the implementation of the new assessments. Survey participants emphasized that freely available online training conducted outside of regular student instructional hours would be highly advantageous. Such an approach eliminates the need for substitute teachers or travel expenses, making it the most practical option for staff development.

Respondents expressed apprehension regarding their ability to meet the technological requirements for through-year assessments, contingent upon the current capabilities of each district. Participants who had previously engaged in the pilot program reported no discernible rise in technology demands. This is attributed to the fact that the technology utilized for the current state assessment, the Smarter Balanced Assessment, aligns with the requirements for the new assessment. However, there is a potential necessity for additional devices in schools for through-year assessments, particularly if schools were previously sharing devices among different classes.

The Superintendent's recommendations to the BPE will be evaluated by the BPE and then facilitated through the Montana Administrative Procedure Act (MAPA) process before any adoption of proposed standards changes are implemented.

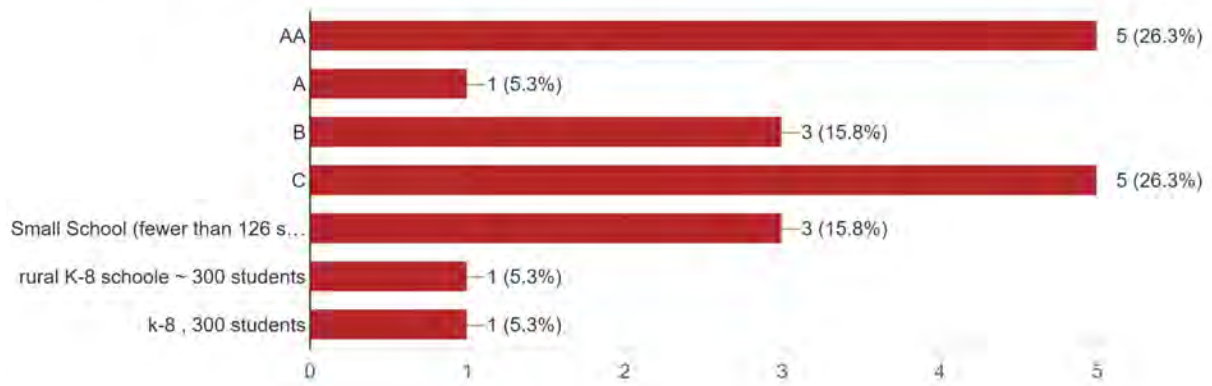
Please share your role in the district you serve or reside in:

19 responses



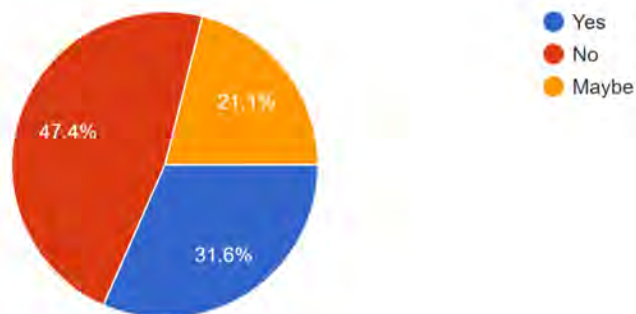
Please identify the size of the district you serve:

19 responses



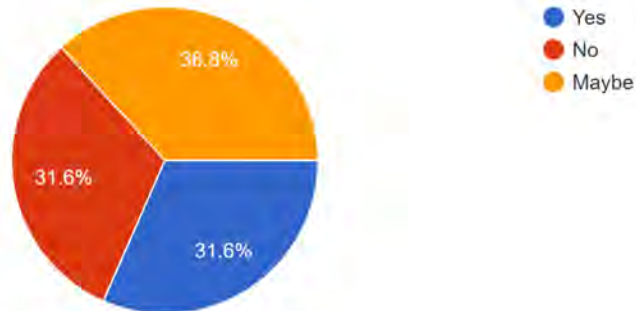
Would the proposed standards impose a cost for assessment materials beyond that required to implement the current assessment standards?

19 responses

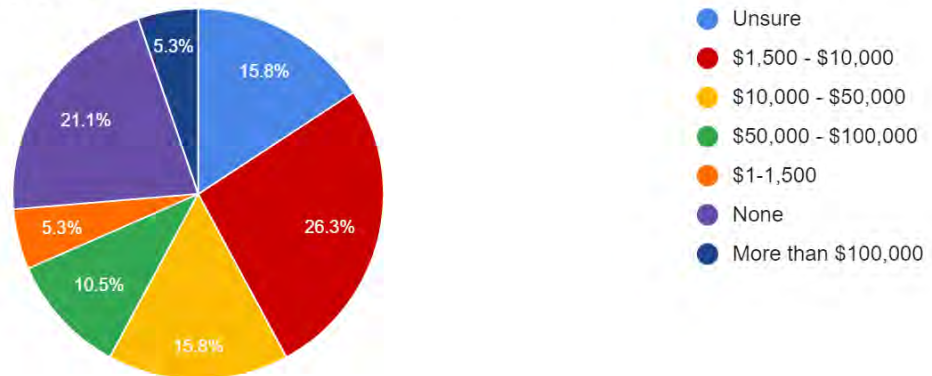


Would the proposed standards impose a cost for administering the assessments (technology hardware, bandwidth, etc.) beyond that required to implement the current assessment standards?

19 responses

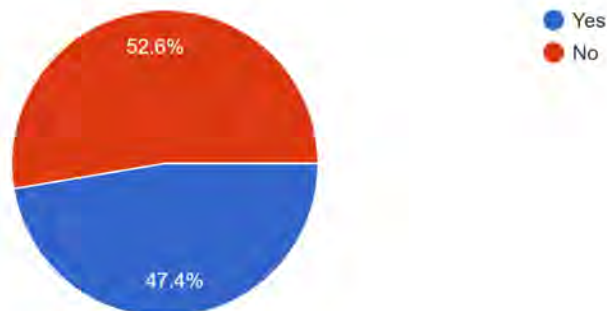


What increase in total dollars would be required to cover the cost associated with technology (technology hardware, bandwidth, etc.)? (best estimate)



Would the proposed standards impose a cost for personnel beyond what is required to implement the current assessment standards?

19 responses

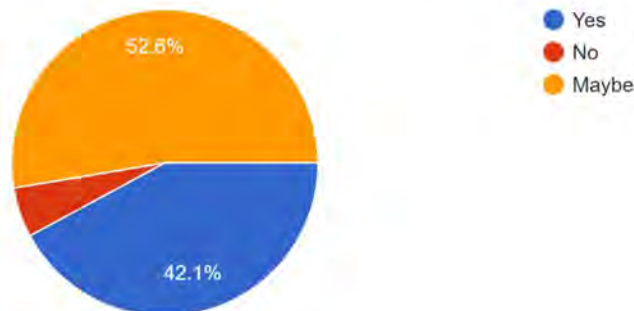


If you answered “yes, please provide additional information:

- We currently have a difficult time finding personal Substitute teachers for certified teachers required to proctor the testing.
- The new assessment system could require additional personnel, especially in large school districts. Districts/schools will now have multiple testing portals to maintain (TIDE and KITE), which is time-consuming, especially with the inputting of accommodations/PNPs. Additionally, student attendance is at historic lows, getting the 95% completion rate on each testlet is going to be difficult and require a lot of make-up. This often requires substitute teachers, which is an additional cost to the district.
- Curriculum and materials to support learning.
- -T staffing increases are likely to maintain the assessment devices and ensure bandwidth and reliability of the network.
- Depends on the requirements for personnel per room, per headcount No additional cost will be needed.
- We may need more personnel to facilitate testing for SpEd and make-up testing (due to the large number of testing days).
- Purchases would be needed. The district is already anticipating a budget shortfall for FY24-25 and making difficult choices in order to balance. Any additional and unplanned expenses are not feasible without a positive influx of funding.
- Widespread and consistent student truancy and excessive tardies are a huge reason for our current situation. We need a team of staff members who just focus on this.
- Without knowing exactly what the assessment will be, cannot determine this

Will your district have difficulty funding professional development opportunities to support implementation of the proposed assessment standards?

19 responses



If you answered “yes, please provide additional information:

- Finding substitutes is a difficult task.
- District SY budgets are bare bones now. Any additional mandates would have impacts.
- Like many of the other AAs, our District is struggling to balance its budget. There will likely be limited funds to send teachers to training and/or get them substitute teachers, so that they can attend (virtually or in-person).
- The school is in debt.
- Just not much time during PIR days when the District actually has time to meet with teachers--- may have to add more PIR days which would mean more salary for districts.
- It would be hard to say right now.

- There are always funds that are set aside for PD regarding testing.
- I need a better understanding of what the MAST test will look like for the students before I can answer this question.
- The District is already anticipating a budget shortfall for FY24-25 and making difficult choices in order to balance. Any additional and unplanned expenses are not feasible without a positive influx of funding.
- There is not any extra money in the budget, for extras it is getting to bare bones and training is a luxury we can't spend money on.
- PD should be provided by the state.
- Time is always critical for teachers. The district may need to contract teachers for professional development time outside of their school day to implement the new statewide assessment system(s).
- Professional development concerning assessment standards will not have the availability of large funding. Changes to assessment standards and the resulting need for professional development will become the responsibility of individual or collaborative employee efforts.

What type, format and frequency of professional development would be needed to support the implementation of the proposed assessment standards?

- Time out of classrooms by teachers required to proctor these assessments.
- In-person in the summer would be fantastic for teachers that opt to attend. For the school year, a virtual monthly session would be really helpful. It would help teachers prepare for the testlets, learn how to administer them, and most importantly--what to do with the student data.
- Phonics curriculum and instruction on how to implement it; Training should include paras who conduct intervention lessons.
- On-demand PD would be ideal so new staff can learn without missing work or traveling.
- Fall workshops/webinars that ARE NOT scheduled during school hours - it is hard to attend webinars when you are in the middle of class or counseling time - after school would be best (between 3:30-5).
- Hard to say at this time.
- PD to support the new test implementation.
- Virtual, in-person, yearly, quarterly.
- NA (not applicable).
- Uncertain given the information known at this time.
- Time is necessary for subject area collaboration and individualized meaningful classroom management PD.
- Depends on the need.
- We would have to be introduced to what the assessment is, how it operates, how to set it up, and how to deliver it to our students. We would also have to be trained on how to interpret the results.
- Initial training, monitoring, and follow-up training after each testing mini-cycle, and a year-end review to clarify information for the next school year's implementation of statewide assessments.
- Short informational webinars and interactive meetings would be helpful for support.
- MSSA meetings.

What are the time implications related to your district implementing the proposed assessment standards (administration of assessments, determining and setting accommodations, scheduling, professional development, personnel, etc.)?

- Time is always an issue for our teachers.
- Master Schedules will need adjustments - whether 4 or 5-day school weeks.
- I'm nervous about the loss of instructional time due to the number of assessment windows. Additionally, this is a lot of extra time for SPED staff (admins, school psychs, case managers) to continually check accommodations/PNPs in multiple assessment portals. It's also difficult to find time within the contract to provide the necessary PD to staff. Additionally, if a school/district is not 1:1 with devices, then these testing windows could greatly impact instructional time.
- Quarterly assessments conducted online in the classroom provide data necessary to identify areas of concern and gaps in learning.

- Unknown at this time.
 - Depends on requirements for personnel per room, per headcount, and the number of accommodated students included in the district's caseload.
 - 6 months to a year.
 - 40 hours per employee.
 - There will be more time required before the start of testing as we need to build testing schedules etc.
 - As I have stated earlier, I am very concerned about the loss of instructional time due to the large number of testing days required with the new test. Additionally, the duration of the feedback time from the tests is not beneficial to use for instructional purposes. The assessments appear to be very similar to our end-of-topic tests. I am not sure that I see the point and benefit of the new testing structure.
 - 12 months.
 - Lack of time is a huge problem. Currently, I use every prep period, every lunch period, 2-3 hours every evening, plus most of my Sundays trying to keep up with what we are required to do now by my district and I honestly feel like I'm just treading water.
 - We can arrange schedules, with the staff that is available but not add extra staff.
 - After all information is reviewed a determination will be made.
 - If we are trained too early, we will forget everything by the time we need to test.
 - Approximately 16-24 hours.
 - This area has received the largest impact. Learning new assessment standards, administrations and accommodations have caused a large uptick in required time. I fully expect this to decrease as we continue and the newness wears off.
 - One school year.
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Appendix B: Negotiated Rulemaking Committee (NRC)

NRC Member Name	NRC Role	Location
Michael Grizzaffi	K-12 Educator	Columbus
Dana Haring	K-12 Educator	Kalispell
Beverly Chin	Higher Education Faculty, Taxpayer	Missoula
Justine Alberts	Parent, Higher Education	Helena
Erin Hunt	K-12 Educator	Helena
Heather Marcella	School Business Manager	Clinton
Brian Kessler	K-12 School Administrator	East Helena
Corey Barron	K-12 School Administrator	Harlem
Leslie DiMaio	K-12 Educator	Columbia Falls
Jordann Lankford	K-12 Educator, MT Tribe Representative	Great Falls
Sue Corrigan	School District Trustee	Kalispell
Julie Murgel	Office of Public Instruction	Helena
Marie Judisch	Office of Public Instruction	Ledger

Appendix C: Montana Office of Public Instruction Project Leadership

Elsie Arntzen, Superintendent of Public Instruction

Christy Mock-Stutz, Assistant Superintendent

Julie Murgel, Chief Program Officer

Marie Judisch, Teaching and Learning Senior Manager

Cedar Rose, Assessment Director

Aimee Konzen, Professional Learning Manager

Sheri Harlow, Administrative Support