



## English Learners Proficiency Standards Negotiated Rule Making Meeting Minutes

**Session #1 - Thursday, August 24, 2023  
12:30 PM – 4:00 PM**

Meeting Start Time: 12:30

Marie Judisch: Welcome, Introductions, Attendance, and Event Logistics:  
Welcome from Montana Superintendent Elsie Arntzen

### Rollcall

#### Negotiated Rule Making Members

Bruce Tribbensee, Parent, Taxpayer  
Danielle Morrison, K-12 Teacher  
Julie Williams, Parent, Taxpayer, Higher Ed  
Kathy Milodragovich, Parent, Taxpayer, Retired Teacher, School Board Trustee  
Kristen Brook, K-12 Teacher  
Ragna Thorne Thomsen, Parent, Taxpayer, Higher Ed  
Sonja Verlanic, Parent, Taxpayer  
Sue Furey, Parent, Taxpayer, Retired Teacher

#### OPI Representation

Elsie Arntzen, State Superintendent  
Dr. Julie Murgel, OPI's Chief Program Officer, - NRC Representation from OPI  
Marie Judisch, SR Manager of Teaching and Learning, - Technical Support  
Christy Mock-Stutz, Assistant Superintendent - Support  
Michelle McCarthy, Instructional Coordinator - Moderator & Task Force Support  
Stephanie Swigart, Instructional Coordinator  
Matthew Bell, Language and Culture Specialist, Task Force Support  
Sheri Harlow, Teaching and Learning Admin Specialist, Note Keeper

#### Proposed Facilitator

Diane Groves

#### Facilitator & Committee Confirmation

- Confirmation of Negotiated Rulemaking Facilitator and establish committee membership
  - Diane Groves – confirmed
  - Committee Membership – confirmed, no dissention

#### Diane Groves will take over as Facilitator

#### Diane explains today's purpose:

- The Montana Office of Public Instruction (OPI) is charged with establishing an independent

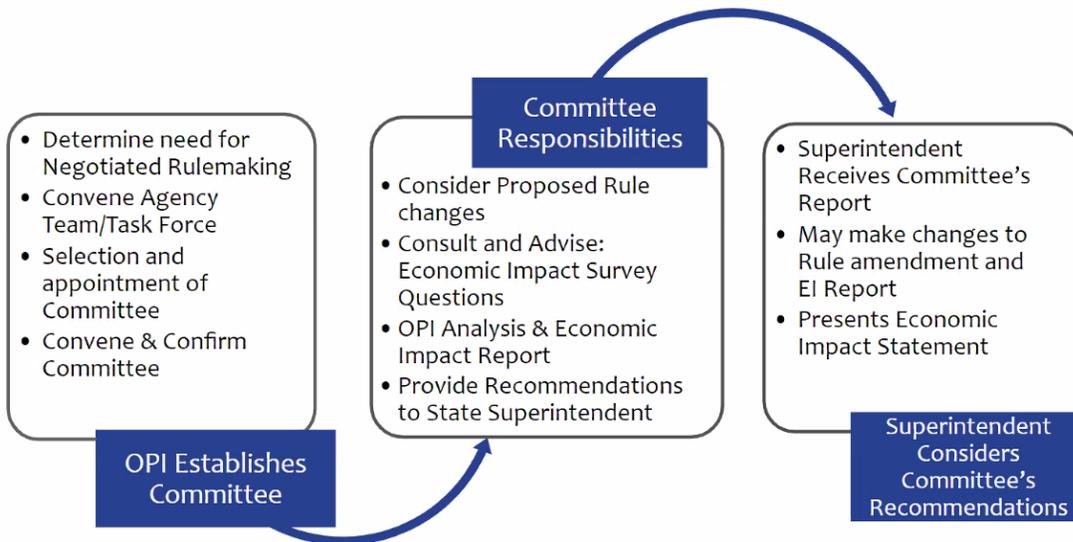


negotiated rulemaking committee (Committee). The Committee will consider issues to reach consensus on the proposed amendments to Chapter 53, the English Language Proficiency Content Standards and consult on the preparation of an economic impact statement that reflects the most accurate needs of schools to facilitate local practice. The negotiated rulemaking process is required by §20-7-101, Montana Code Annotated (MCA).

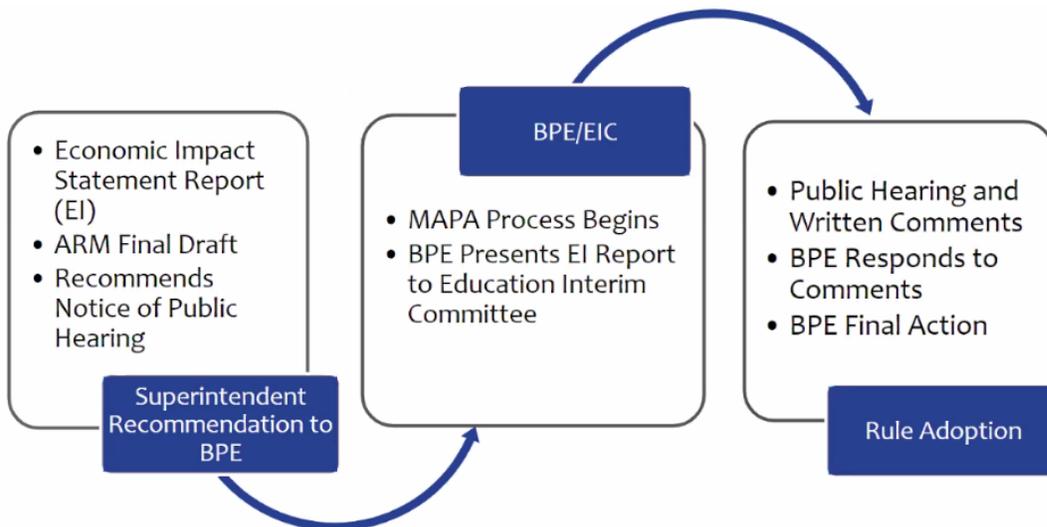
**Diane explains today's outcomes:**

**Review Negotiated Rulemaking roles, responsibilities, and process**

**1. NRC Roles, Responsibilities, Recommendations**



**2. Adoption of Administrative Rule**





### 3. ELP Standards Revision Timeline



### 4. Negotiated Rulemaking

Negotiated Rulemaking process requires it when there's changes to school accreditation rules so that's why we're here. More importantly is, why it matters, and it matters because it allows a stakeholder from across Montana to negotiate these proposed changes or these amendments. Coming to consensus on whether to move those head as they are or, modify them. It's important to understand that without the negotiated rulemaking Public participation typically doesn't happen until after their rules have been proposed. You're in a unique situation to be able to participate and have an influence while the rules are really being drafted. It's important to understand that you are part of a continued process any of the proposed amendments you want to move to the next phase. The responsibilities are considered the proposed rule changes. You've had a chance to see those and we'll pull them back up again then we'll consult and advise OPI, develop an economic impact statement or survey questions. So, the committee will consider the issues to reach consensus on these proposed amendments to the English language proficiency, accreditation standards. Then we'll consult on that economic statement so you can see how we fit into a much larger process.

#### Diane Opened up the meeting for Public Comment

1. Consider public comment on the rules proposed
  - Those with public comment have 3 minutes to share their statement.
  - Thank you for sharing your comment respectfully!
    - Marie Judisch noted only one attendee Which was Kris Stockton.
      - No Public Comment

Diane said we will take a three-minute break, so that we can get documents pulled up on screen.

#### Diane reviewed the Consensus and building on Chapter 10.53.301-10.53.311

- 1) "Consensus" means unanimous concurrence among the interests represented on a negotiated rulemaking committee established under 2-5-106 unless the committee agrees upon another specified definition (see §2-5-103, MCA).
- 2) Begin Rulemaking Process through consensus on standards -Working Documents can be found OPI home page, as well as a link has been sent to all committee members.
  1. Academic English Learners & Multilingual Learners Standards.
    - i) Superintendent recommends retaining the term English Language learners; however, she does acknowledge the task force recommendations to consider the terminology of "Academic English Language Learners and Multi-language"
      - (1) Diane asked whether there is any dissent on the current language proposed? Any



additional clarifications? I don't see any hands up.

- a. No dissent, proposed language will be changed.
2. Diane: The question is do you want to use the standard, is there any dissent? The recommendations 10.53.301-305. I'm going to be asking if there's any dissent and if you have a dissent, I would like you to propose an alternative.
  - i) 10.53.01 English language learners communicate for social and instructional purposes within the school setting.
  - ii) 10.53.02 English language learners communicate information, ideas, and concepts necessary. For academic success in the content area of language arts.
  - iii) 10.53.03 English language learners communicate information. Ideas and concepts necessary for academic success in the content area of mathematics.
  - iv) 10.53.04 English language learners communicate information, ideas, and concepts necessary. For academic success in the content area of science.
  - v) 10.53.05 English language learners communicate information, ideas, and concepts necessary. For academic success in the content area of social studies.
    - (1) Okay, I'm not seeing any hands up here.
    - (2) Marie, could I just double check to make sure I'm not missing anything? If you have a dissent, please unmute, and let us know.
      - (a) Okay, folks. Nice work, good discussion. It was so interesting to see the depth of what you're really doing, how it moves out of these standards.
3. Diane: The superintendent recommends moving the following Performance Descriptors from ARM and into guidance documents.13;57;06
  - i) No consensus was reached so it was tabled until the next meeting, Diane asked everyone to please go over documents and do research, so that we could come to a decision at the next meeting

### Summary and Next Steps

- Marie will send out a link to determine when the next meeting
- Review rule recommendations and see if more information is needed to determine the economic impact of these changes.
  - If a study is required, the committee will need to review the results of the Economic Impact Study.
  - Date TBD

[ELP Content Standards NRC Session #1 Power Point](#)  
[Academic English Learners & Multilingual Learners Standards document](#)