



Montana English Languages Proficiency Standards Revision Negotiation Rule Committee Orientation

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Introduction:

DIANE G: I'm Diane Groves, and I have a business called Whole System Performance. My background is my graduate degree in psychology and organizational development. I really am interested in our ability to create collaborative ways to make decisions. I do that in many different types of groups. I do a lot of my work as an education because of the rapid change and the diversity that exists within that realm. I have worked in Montana many times with both the Helena School District and Bozeman School District, both with contract negotiations, but sort of any other things. I've been doing this work for, I guess it's 23 years now. I just facilitate a neutral process for which my concern is with the group moving towards decision and doing that authentically as opposed to having something gold in a way I think that it should.

Marie Judisch: I've been at the agency for four and a half months as the senior manager of teaching and learning. I'm so to be here. I'm so glad to glad to here. here. here. I'm you. I was a teacher for six years before transitioning to a principal ship for the last seven years at an elementary school up in Northern Montana.

Christy Mock-Stutz: Assistant Superintendent here at OPI. I've just come on board last week, but I did work at OPI for five years previously. So, and I had a lot to do with content standards revision and negotiated rulemaking when we did the rounds of content standards. Science for the arts and social studies several years ago. So, I have some experience with that to the OPI lens as well. And I'm excited to be here. I've been a teacher for a lot of years in most grade levels, most of the time spent in a middle school.

Michelle McCarthy, Science Instructional Coordinator: I've been here for eight years. We did work on standards together. In 2021 worked on science and then we did a set of five different standard sets with computer science as a brand new one. For the benefit of this team, I, along with Matthew Bell, attended the development team's work. If you have any questions, we can be references for you. We'll be here the whole time. My experience is I have taught mainly middle school and a lot at the collegiate level for pre-service teachers and in science methods. So, this isn't my strength. Then I have relied on others for this discipline.

Matthew Bell: I'm the Language and Culture Specialist. I'm about two years into this work here. I have a passion for advocating for diverse backgrounds, diverse learners, and trying to advocate for some resources that will help their success in school and life, but maybe whose resources haven't been there traditionally in public schools. So here to help leverage some of the wonderful knowledge they possess into the greater school community.

Stephanie Swigart, MT OPI (ELA): I'm the English Language Arts and Literacy Instructional Coordinator. I am Project Manager, managing for the World Engages Standards revision that will follow this, and then our ELA standards revisionists that will open in September. My background in education is that I was a middle school teacher in Rome and for five years, prior to going to the University and teaching collegiate writing alongside my master's program, and then I worked at the high school level teaching ELA in Washington State as well, and I've also done summer program with Matt Bell at the University of Montana's Upward Bound Trio.

Negotiated rulemaking team:

Bruce T: My company, I shepherded an Onsite Childcare facility in our office building, And I had this experience where when I handed my boy over to the childcare, the preschool he went to, he was immediately clear to me that they knew a lot more about how my son was going to grow up than I did. I was impressed with the professionalism and just how, and then as kind of somebody in business, I quickly learned that childcare was essentially broken in Montana. When I left my company, I decided to spend time trying to fix it.

Sue Furey: I'm a retired Special Education teacher from the Zula. And I don't know much about what the committee is doing, but I received an email a while ago to encourage people to apply that are retired, so I signed up.

Bianka Rock Above-Hardin School District: I'm the Hardin School District Indian Education Director and the Families and Transition Coordinator. I was recommended to be honest committee by several people; and I'm here to do the best that I can.

Amanda: I am in Helena. might be the only non-teacher in this whole group. I am really interested in education in Montana, lifetime Montana resident. I have taught English as a second language in Korea for about a year and a half in my younger years. I have a journalism degree from the University Montana and a master's in public relations.

Murgel, Julie: I'm the chief program officer; I'll be sitting on the negotiated rulemaking committee negotiating and reaching consensus with all of you. I think about all the time of what it means to continue to be supporting all students. To be sure that they all have opportunities for contributing and being viewed for the assets that they bring. I think that I strive for is that our system should be asset-based and make sure that all kids have opportunities to learn and to succeed and to pursue their passions in life and to see the value that they bring to our world and what they can provide.

Marie Judisch

Today's purpose is we are going to provide the members of the English language proficiency also call it ELP, Negotiated Rulemaking Committee. We're going to prepare to launch the ELP Standards Committee, Negotiated Rulemaking Committee. We're going to share with you the English language proficiency standards, Negotiated Rulemaking Committee, the roles responsibility process in the timeline, the overall process of all the different pieces, the Committee-Purpose Role responsibilities and timeline, then a little bit more specifically on negotiated rulemaking background on EO.

The superintendent of Public Instruction, Elsie Aronsen, recommends the content standards to the Board of Public Education; they are the ones that takes those recommendations. The proposed rules are developed by a negotiated rulemaking committee, which is you folks. The committee will attempt to reach consensus on the proposed amendments to the current content standards. So ultimately, through all these processes, the Board of Public Education, the ones that will decide which rules are proposed and which rules are adopted. So, it will get to the point that everything you do together, that's what gets to the superintendent, which will then go to the Board of Public Ed for adoption. All these processes are laid out in Montana code, annotated. There's specific law that shows us what they are and how the negotiated role making committees will be set. Another piece that will need to come out of this is a recommendation for an economic impact study that will go back to the Superintendent of Public Instruction before it gets recommended to the Board of Public Ed they will submit each proposal, including the economic impacts added to the Education Interim Committee for review at least one month prior to the schedule committee.

DIANE G: One of the important things that really stuck out to me is the number of things that happened both prior and following the work of the negotiated rulemaking committee, as opposed to this being this one place where we do negotiated rulemaking committee and make a consensus decision about what goes ahead, that that's not the end of it.

Marie Judisch: This selection and appointment of the committee is something that OPI helps establish and facilitate along the way. We then convene and confirm who is on that committee as we try to fulfill very specific roles that are set in rule, which is why some of you are here today. The committee responsibilities right here, you can see they consider the proposed rule changes and will consult and advise the Economic Impact Survey questions. This team is the one giving guidance on that. OPI analysis and economic impact report will come out of this committee and those that recommendations will be provided to the state superintendent; and then she may make changes.

Murgel, Julie: The adoption of the administrative rules, these are any administrative rules from a state agency, which the OPI is one of them, this process is run through the Secretary of State's Office. An administrative agency, in our case, the OPI, will be submitting to the Board of Public Ed (BOPE) a set of rules that they then decide if they're going to put forward to the Secretary of State. These proposed rules get published in the MAR (Montana Administrative Register.) In order for that to go out into rulemaking, public comment is really important, and so there has to be a hearing date that gets scheduled, and that hearing date has to be scheduled at least after 20 days of when the notice goes out by the Secretary. The BOPE host the hearing to receive public comment at the same time, it's open for written public comment. They are the ones that receive the

public comment because, these are their rules. Then after that public comment period closes, they take a look at all of that and they say, okay, based upon all the public comment that we've heard, do we want to adopt these rules, make any changes to these rules based on public comment? Then that goes forward as the final set of rules that get adopted and they send an adoption notice back to the Secretary of State to publish, and then they set the timeline of when they actually will be approved and put into effect.

DIANE G: I do want to emphasize that as you go through this, the relationship between our timeline, as it fits into this much larger timeline and that the flexibility we have is more narrow than maybe what we would choose if it was just separately. Part of our work is to balance the timeline as it is just a section of the whole process.

Marie Judisch: The Office of Public Instruction are the ones that are establishing the rulemaking committee which is called the Content Standards Revision Task Force. This task force will make the initial recommended recommendations for what goes into ARM for this specific content standard revision. The Superintendent then takes it and looks at it and evaluates and then recommends someone to the negotiated rulemaking committee. For us today, that is Dr. Julie Murgel, who is serving on the committee as a negotiated rulemaking person for the Office of Public. Our negotiated role-making facilitator Diane Groves will impartially aid in the discussions and negotiations among the members of the committee. The facilitator does not have decision-making authority in this, and you will apply the general provisions of the law. The facilitator, impartially assist you, helping be that in between so that we provide the information she helps with the consensus making. She also has to approve all of our minutes, so even though we have OPI staff taking those minutes, she has to go, yes, that's exactly what was discussed so that there's complete transparency in all of those documents and records.

Marie Judisch: This district's implementation is not until July of 2025. So, a lot of work from January 23rd July 2025. It's not a short and sweet process. Our first orientation is right now, I'm going to share with you our communication plans these things are located on the OPI webpage.

DIANE G: Yes. I'm just wondering if would be helpful for these folks to know. When information that they might want to be reviewing prior to the meeting, when it gets added to the file, will they receive a separate email, or will it be up to them?

Marie Judisch: We will make sure to access everything so that you have full all the information. This information will be on our Google site. You will also note, please also note, that we will put the links to these meetings on here as well so that those are viewable, not only for the members that couldn't meet us, but for the public as well. Members will be emailed meeting minutes and recorded links once reviewed also. Diane will review notes to make sure that they are as accurate. We're to work primarily through Zoom so that we can get everybody in here. Then the concept of deliverables will be established throughout a consensus process, those things are will be established by this committee. What is actual negotiated rulemaking; guiding what is going into NCA, Montana Code Annotated. What different revisions need to go to negotiated rulemaking?

DIANE G: The meaning of consensus means we all agree that if we aren't quite there in terms of reaching a consensus, then we modify, discuss and modify so that we land in a place where people believe that we have come to the best decision that we're going to base on the common knowledge base of this particular group and the work that was done before us.

Murgel, Julie: There's a defined set definition of what consensus means in rule and then how you go about the process. The consensus piece is the most critical because that's the process in which we decide or make recommendations to the superintendent for these final rules. It's important for this group to understand something; with English language learner's standards, Montana in 2000 adopted standards, national standards, and we'll go into a little bit detail in 2004 for English learning proficiency. Content Standards, and then the National Organization, WEDA, updated that framework of standards in 2020. Montana literally adopted, if you will, the standards that have been set in the national, and then the assessments that we utilize are connected to the content standards, and we utilize the WEDA assessment to measure actual English learners proficiency. That assessment was designed originally, in its original version, on the 2004 National Standards, which Montana then adopted, into our standards. Now, given that we have a new assessment, we must ensure that those two things go together, that what we are expecting of students and how we measure them are aligned. Given that that new assessment has come out and is based upon A new set of standards. It has prompted us at the OPI to open this set of standards, to say, what do we need to do to update them? We wanted to have a group of people, independent representatives, that come together and go through this consensus making process to help determine what these content standards are, and then make those proposals to the superintendent to bring forward to the Board of Public Act. There's another part of this rulemaking process, that is critical, so we not only will be engaging in consensus making with our facilitator, we are responsible to help determine the exit of Economic impact of these standards. That's an additional piece that's really important for a negotiated rulemaking. For school districts and trustees to implement and adopt these rules, what's really going to be the impact on them in their districts? What could be the economic impact? So how much will it cost to adopt these proposed rules? How this proposed rule will affect people by, is it going to cost the agency to implement these by this amount, kind of analyze and compare the

cost and benefits of this set of new rules, and if it will be intrusive or not. There's one other critical piece; before Diane could facilitate us in the process that committee must approve her; we must proof her through consensus.

Marie Judisch: I did want to pause quick because we did have another committee member who was able to join us.

Bianka Rock Above-Hardin School District: I noticed that you put me on for to represent as the Montana Tribe, but I would like to see other natives on here on the committee if we can. Is it okay if I reach out to someone and maybe they could represent as a Montana Tribe?

Marie Judisch: Yeah. Bianka, if you're available. Call you this afternoon and we can see; we can get that list going.

Bianka Rock Above-Hardin School District: I will reach out to my friends at the other room.

Murgel, Julie: English language proficiency standards and English language learners, just so that you have a little context before you go into negotiating these rules, that you understand where they come from, who they're intended to be, to serve and where our students are in this state and the makeup. The actual set of content standards that we will be looking at live in ARM, administrative rules of Montana, under chapter 1053. That's where all our content standards live, and English language proficiency content standards live in the sub-chapter 300. They go from 301 all the way up to 311. These are a little unique compared to our content standards. The word proficiency is in here, which comes from the national standards. So, what you'll see is 1 through 5 are the content, but then you'll see 306 through 311 around proficiency. When you start talking about English language learners, it's about what is the content, what's the command of the language they need to have to understand the content? So, we're helping them grow their English language while at the same time ensuring that they're able to access math content, that they're able to access science content. What the language means for them for them to begin to understand the content, but the performance descriptors start to align with levels to say, how strong of a command of the English language do you have? What's your level of proficiency? Are you at an entering level, emerging level, developing, bridging, or reaching level? These content standards are a little bit unique because they don't just have what's the content, they have these performance indicators, which is why it's so important for the content standards and the performance standards that are measured through the assessment to be aligned. It's important to know what theme we say in English learner. Who is that? Okay, and so OPI has a definition for English learner. They are school-aged children whose English proficiency affects their academic excellence and ability to equally participate in academic programs like math, reading, language, art, and social studies. The Montana definition is based upon a federal definition for an English learner that is school-aged. Which means you're aged 3 to 21, you're enrolled or preparing to enroll in elementary or secondary school, and who was not born in the US or whose native language is a language other than English, or your school-age student, ready to enroll in elementary or secondary school, who is an American Indian or Alaska native or a native of the outlying areas. Bianka brought that we need more tribal representative, is really a key point here because our American Indian students may have level of impacted English language proficiency. With limited English language at that academic level, even though they may be English. English language learners and only English language learners. It could also be a student whose school aged ready to enroll in elementary or secondary, who's migratory, whose native language is other than English, who comes from an environment where language other than English is dominated. We do have some migratory children in Montana in the Flathead area right now, we're at Cherry Pickens season. There are places where this is a component within our school systems, and then the last piece of what defines you as an English language learner is your difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual. The challenging academic standard to achieve in the classroom or the language of instruction is English and the opportunity to participate in fully in society. The federal definition of an English language learner that we adopt here in Montana. Unique to Montana, American Indian children impacted by the heritage language of their family or community, such as Blackfeet or Crow, are a huge component of our English language learners in Montana. We also have Hauerite children who learn German, which is also you guys an oral German language. It's not even a written German dialect, which makes it unique as their first language. They learn a lot of German through songs and those pieces; they attend German school before they go to what they call English school during the day in different communities throughout our state. We have English language learners who are American-born children of immigrants who learn their native language at home from their parents or guardians and come to school and English is their second language or they may not have had any experience with English even though they were born in America. Children who come to the U.S. at student age as immigrants or refugees or as the children of international students, professors or other co other workers, we see a high percentage of children with refugee status that live in the Missoula area. These are students that we consider to be English language learners and then children who are adopted internationally by American parents also are English language learners. We have American Indian children who are considered English language learners. We have Hutterite children. We have American-born children of immigrants whose language at home and then spoken at home is something other than English. We have refugee students, we have immigrant students, and we have students who maybe have been adopted. So in Montana, we do have a lot of diversity among English language learners. What we see here is the

enrollment of English language learners, and how enrollment has started to increase. Now when you look here, we're only talking about 3% of the overall population of students. Students in Montana are also considered English language learners. So on the very far right column here, that 143,000, that represents the number of students who are identified in the state of Montana as not English language learners. Okay, so we have about 150,000 total students in the state of Montana. It's interesting here though, from 2016, 17 up to 2023, we are seeing an increase in the person who So just it. In the number of English language learners in the state of Montana. We are increasing at the same rate, the number of students overall in the state of Montana in English language learners. There's a high percentage of English language learners versus the really light color is where there's lower rates of English language learners that are represented by our Hutterite communities, our tribal communities, Bozeman area, where we see quite a few students that are parents whose home language is something other than English So, English, we see a high percentage of parents Refugee students down there as well, kind of over in the Missoula area. So, it's an interesting map. You can see there again, we're at about 2.5 overall percent of students being English language learners. Next slide, Marie. But here's the language of impact. So when you look at this diagram, it shows the composition of our English language learners in Montana by the population and the language of the So the largest majority of that almost 3 percent or 4,000 plus students of them, about 50 percent of them are Native American language speakers or Native American students who have an impact of English development in the academic component is almost 51 percent. We are talking about that Hutterite community. The German there that you see that percentage gives you an idea of the 3% of students who are English language. The highest is our Native American students, and then the second highest would be our Spanish, and then it goes to German. This is meant to give you an idea of when we're writing these standards, and we're building consensus around them of what they're meant to determine, of what's the content of the standards, what's the performance bands of them, what are we really talking about? It shows how important it is that our English language learners are identified and receive services and receive instruction on these content standards and that we're actually measuring their proficiency with English because it is what helps them in their classrooms be able to fully engage in that academic component. The percent of students that take the weed assessment and have gone through that assessment the proficiency rates overall of our English language learners is not very high. That's why it's so important to have a set of standards that we're saying this is what we need our English language learners to be receiving for them to be highly successful academically. The performance indicators in the WEDA assessment that's utilized to say how are you progressing in your English and what level are you at? It has like level 1 to 2, 2 to 2.93 to 3.9%. To learn a second language and learn the command of the English language when your first language is not English, but it's not like you go through this level one, you get through in one year or one calendar year in school or then level two, level three. Students generally progress through level one and two rather rapidly. They start to get more of that conversational English start to really understand it. Then the amount of growth that happens in the range between three to four, where they'll live in that range when we start to assess them a little bit longer because it starts to increase the amount of reading and writing command of the language that's expected. When you get over to 6.0, that's where we start to say you are bridging, you have completed all that level and that level of command of English. We start to exit students out of English language learning services, if you will, in the four range, right, in there. We don't wait until they get to that high level. The six is almost like you could be teaching English to someone else. That's like the level of language command. It's really high level, it's a world class instructional design consortium or assessment. In Montana, this is the assessment we utilize to measure English language proficiency standards. On set of standards that were updated in 2020, that I was speaking on about a little bit earlier, that triggered the need for us to come back and look at our Montana English language proficiency standards, because these are the standards that we adopted before, and that the task force is bringing forward to the negotiated rulemaking committee to say we think you should continue to utilize the national standards in Montana. So next slide, a little bit about WEDA. So, WEDA is a national organization that really advances academic language development and achievement of youth who are culturally and linguistically diverse through high-quality standards, assessment, research, and professional learning for educators. So, they not only develop and recommend standards, they'd have an assessment, there's a high level of research that this concern. I share that with you because I think it's important to know that the standards that are being recommended to this negotiated rulemaking committee have a high degree of research that's been conducted on them. And then, of course, this organization also provides some professional learning. One thing I want you to note is that English language learners, through WEDA, they started to really reference them as multi-lingual learners. So, you will see sometimes it being referenced just not as Ls or EL, but as MLs and multi-lingual learners. And it really is done because WEDA sees that as an asset-based system to describe all students who come into contact with or interact in languages in addition to English on a regular basis that they're commonly referred to as English language learners, sometimes referred to as dual language learners. Newcomers students and interrupted formal schooling, long-term English language learners, English learners with disabilities. There's like a whole lot of different pieces, just background and perspective on this is, it's an asset to have more than one language that you can speak and to be learning multilingual and to have all of that dynamics in it. So, they have started to really use the term multilingual to refer to children who have been consistently exposed to multiple languages, not just one. You might see it in reference documents or resources. You're going to get a set of recommended rules to build consensus that come from WEDA to English language development standards. These are based in that proficiency that we were talking about. They describe them in these Can-Do

Indicators start to describe what can you do in the English language in terms of four domains, speaking, reading, listening, and writing. I just wanted to be sure you had access to as you're starting to come into this negotiated rulemaking committee to say, Oh, as we're designing and talking about and building consensus around these standards. Who do they serve? Who they intended for? How do teachers utilize them? And does it really make sense for Montana to adopt the national standards for WEDA that have been researched at a really high level?

DIANE G; I make an assumption, but I want to just verify that the standards that they'll be looking at, they will have that Excel sheet, they'll have a chance to look at that in advance of the meeting. I'm not sure where that's at in terms of the process to be sent to them, but it would be good to, you know, a week really is a good timeline in terms of having stuff ahead. For them to really be able to fit that into their schedule and provide them enough time to be ready to discuss it when they come into the meeting, given that we do just have three and a half hours. The other thing is, is going through this last section and the process. The need and the value of everything that you folks from OPI provided on this, and I believe you said it was a video, just to really encourage and help those that were unable to meet us today for this orientation. It is preparing them to be ready to work as we get together next week. And so somehow to really be clear that to just be able to start, that this really is and understanding that they're going to be prior to that session.

Marie Judisch: Diane is going to put review documents and approve or make change. Then I will have a wrap up email with all this information. Everything will be on that site for public view for anyone, so not just the negotiated rulemaking committee, all the work right now is public.