

Montana Board of Public Education Executive Summary

Date: November 15-17 2023

Presentation	Proposal Notice for English Language Learners
Presenter	Marie Judisch
Position Title	Senior Manager, Teaching and Learning Office of Public Instruction
Overview	This presentation provides the Board of Public Education with an overview of the proposal notice for English Language Learners that will ultimately be published for rulemaking.
Requested Decision(s)	Informational Item
Related Issue(s)	Negotiated rulemaking; English Language Learners; content standards
Recommendation(s)	n/a



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OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA



Putting Montana Students First **A+**

Proposed Amendments to the Administrative Rules of Montana Chapter 53, English Language Proficiency Content Standards

October 3, 2023, by the Superintendent of Public Instruction

Prepared for: The Montana Board of Public Education

Prepared by:

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Overview

The Superintendent of Public Instruction launched an amendment process for the Administrative Rules of Montana (ARM) 10, Chapter 53, English Language Proficiency Content Standards ARM 10.53.301-311 English Language Proficiency Standards, in the fall of 2022. This document provides for consideration of the Montana Board of Public Education (BPE) the Superintendent's recommended amendments to Chapter 53. It includes an introduction to Montana's school content standards; a summary of the research and review activities that informed the Superintendent's consideration and deliberation with stakeholders; the Superintendent's proposed amendments, consisting of both the rationales for the amendments and their proposed specific language (i.e., "redlines"); and the results of the negotiated rulemaking committee, ensuring that an economic impact statement for the proposed amendments as required by Montana Code Annotated (MCA) § 2-4-405, were not necessary in this case.

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- See “[Putting Montana’s Students First: Montana’s Consolidated State Plan](#)”
- See <https://wida.wisc.edu/about>
- See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

Introduction

The Superintendent of Public Instruction, supported by staff of the Montana Office of Public Instruction (OPI), launched a comprehensive amendment process for ARM 10, Chapter 53, English Language Proficiency Content Standards in the fall of 2022 to better ensure Montana's school content standards provide all Montana students with access to a **quality educational program** that will develop their **full educational potential** and preserve the **cultural heritage of American Indians**¹. The content standards guide instruction on what students should be able to know and do in their learning. Per MCA § 20-7- 101, amendments to English Language Proficiency Content Standards for all schools must be adopted by the BPE upon the recommendation of the Superintendent.

Background

Under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, states must have English language proficiency standards for English learners. Standards must be derived from the four domains of speaking, listening, reading, and writing, as well as address ELs' different proficiency levels and align with the state's academic standards in content areas. States will measure student achievement toward such standards under both Title I and Title III through annual English language proficiency assessments. Montana's State [ESSA plan](#) aligns with the federal regulations and guidance put forth in serving English Language Learners in Montana. The Elementary and Secondary Education Act, ESEA, as amended by the [Every Student Succeeds Act \(ESSA\) Title III](#), is cited throughout this document, as they are still within alignment of one another in this area.

Key Points

These key-point summaries cannot reflect every fact or point of law contained within a source document.

WHAT ARE ENGLISH LANGUAGE PROFICIENCY STANDARDS?

- English language proficiency standards define progressive levels of competence in English in the four domains of listening, speaking, reading, and writing. Additionally, ELP standards should set clear benchmarks of progress that reflect differences for students entering the school at various grade levels. ESEA Section 1111(b)(1)(F).
- English language proficiency standards must be aligned to the state academic standards in reading or English/language arts, mathematics, science, and any other subject for which a state adopts standards. ESEA Section 1111(b)(1)(F); and Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act, as amended by the **Every Student Succeeds Act (ESSA)**, 116 LRP 42105 (EDU 09/23/16), B-7.
- ELP standards must reflect the language demands of each content area and research the process of language acquisition to assist teachers in moving EL

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)

- See "Putting Montana's Students First: Montana's Consolidated State Plan"

- See <https://wida.wisc.edu/about>

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students toward both ELP and academic content proficiency. Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, 116 LRP 42105 (EDU 09/23/16), B-4.

- ELP standards include several components:
 1. Standards that address the different proficiency levels of EIs. Most states and local educational agencies label each level, such as "beginning," "intermediate," and "advanced." ESEA Section 1111(b)(1)(F)(ii).
 2. A brief narrative description that suggests the defining characteristics of the level, such as "the student understands and speaks conversational and academic English with decreasing hesitancy and difficulty," and a description of what students can do in content at this level of ELP, such as read and understand simplified books of original literary works required in English/language arts at the same grade. ESEA Section 1111(b)(1)(F)(ii).
 3. An assessment score that determines the attainment of the level. ESEA Section 1111(b)(1)(F)(iii).

HOW DO ELP STANDARDS COMPARE TO READING CONTENT STANDARDS?

- While ELP standards are linked to the academic content standards in reading, the two types of standards serve different purposes. ELP standards describe and define progressive levels of competence in the acquisition of the English language for ELs. Reading or language arts standards describe what all students, including ELs, should know and be able to do in the specific academic content areas of, for example, mathematics, science, history, and reading. ESEA Section 1111(b)(1)(F) and ESEA Section 1111(b)(2).

RELATIONSHIP BETWEEN ELP STANDARDS, OBJECTIVES, AND ASSESSMENTS

- ELP standards must be aligned with state academic content and achievement standards.
- State long-term and interim goals must include increases in the percentage of ELs making progress in achieving ELP within a state-determined timeline.
- ELP assessments must be aligned with ELP standards. This is required to ensure that ELs can attain proficiency in both the English language and in reading or language arts, math, and science.

ACADEMIC ENGLISH

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- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)
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- The crossover between Title I and Title III standards comes in academic English, the specific vocabulary and methods of discourse used to access academic content in various fields, such as science or history. Students who are proficient in conversational English, typically when they reach an intermediate level of ELP, may still not meet content requirements if they are not proficient in academic English, typically at a more advanced level of ELP.
- Two consortia, **WIDA** and English Language Proficiency Assessment for the 21st Century, created ELP standards and aligned assessments for most states. Many states, including California, New York, and Texas, have developed their own ELP standards and assessments.

The amendments to ARM 10, Chapter 53 proposed in this document are focused on further defining the essential and ideal contributors to **quality schools** and supporting schools to continually improve to **put Montana students first**.

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)

- See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)

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Summary of Research and Review Activities

As guided by the rulemaking policy of OPI and summarized in Table 1 below, the Superintendent and OPI staff organized and implemented a series of formal and informal, internal, and external research and stakeholder engagement activities to facilitate the development of proposed amendments to ARM 10, Chapter 53.

Table 1: ARM 10, Chapter 53 Amendment Timeline⁶

Research Review (OPI)	Development Team Revisions (OPI)	Negotiated Rulemaking & Economic Impact (OPI)	Adoption Phase	Adoption	Begin Implementation
January 2023 through February 2023	March 2023 through April 2023	May 2023 through August 2023	September through March 2024	May 2024	July 1, 2025

The first three steps (Research, Review, Negotiated Rulemaking) are described in detail below. The remaining steps in the process are under the purview of the BPE and the Education Interim Committee of the Montana State Legislature, although OPI staff will support the BPE and Interim Committee members as they carry out their responsibilities in considering the Superintendent's proposed amendments and moving forward those recommendations that they accept.

Research Phase

Beginning in the winter of 2023, the Montana Office of Public Instruction (OPI) conducted preliminary research to guide the Chapter 53 review and revision process. The focus of this research was around the evidence-based practices and guiding principles developed by [WIDA](#). WIDA is a consortium of states dedicated to the design and implementation of high standards and equitable educational opportunities for English language learners. The current English Language Proficiency Standards were aligned to the 2012 WIDA English Language Development Standards, which were since updated in 2020 under the title of WIDA English Language Development Standards Framework, 2020 Edition.

Other inputs for this review included current Montana state laws and regulations related to English learners, such as Montana Code Annotated (2017); Administrative Rules of Montana (**Section 10, Chapters 54**); and documents related to English Language Acquisition and Language Enhancement prepared by OPI and submitted to the U.S. Department of Education as required under the federal Every Student Succeeds Act (ESSA). The OPI also did a survey of different states' strategies when it came to the English Language Proficiency Standards and alignment with the 2020 WIDA Framework

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)

- See ["Putting Montana's Students First: Montana's Consolidated State Plan"](#)

- See <https://wida.wisc.edu/about>

- See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

Review Phase

Informed by the research and opportunities for revision identified in the research phase described above, the Superintendent launched and OPI staff facilitated an informal, internal review process to review the research phase outputs and solicit from OPI staff and educators across the state feedback and suggestions to further articulate and refine the Superintendent's proposed amendments. The Superintendent convened a "English Language Proficiency Standards Revision Task Force" composed of selected Montana education stakeholders (**see Appendix A for a list of Task Force Members**) to make initial recommendations to the Superintendent. The task force initial recommendations informed the Superintendent's recommendations for the Negotiated Rulemaking Committee (NMC) commissioned by the Superintendent as required by §20-7-101, Montana Code Annotated (MCA). (see "Negotiated Rulemaking" section below).

The members of the Task Force met for three consecutive days virtual in May of 2023 and facilitated by OPI staff. Task Force members participated in varied brainstorming, reflection activities organized to surface emerging opportunities and needs in Montana schools for English Language Learners that amendments to Chapter 53 could potentially address or enhance. The Task Force generated proposed standards that were transferred to the Superintendent for review that were aligned with 2020 WIDA ELD Framework. The Task Force recommended updating the language of English Language Learner to Academic English Language and Multilingual Learner but maintain the rest of the content of the WIDA proficiency standards. They also recommended the removal of the Performance Descriptors, found in rule 10.53.306-311, with the rationale that the performance descriptors did not fit under the definition of content standards.

The Task Force submitted its final recommended revisions and rationales for them to the Superintendent for her consideration in late July of 2023. The standards were also brought to the Montana Advisory Council on Indian Education (MACIE) for feedback. The superintendent accepted the proposal of keeping alignment with the WIDA English Language Development Standards and removal of the performance descriptors from Administrative Rule.

Negotiated Rulemaking

As required by §20-7-101, Montana Code Annotated (MCA) and building on the contributions and outputs of the research and review phases, the Superintendent convened an ARM 10, Chapter 53 Negotiated Rulemaking Committee (NRC) to undertake an expanded public-engagement and consensus making process of the recommended amendments. The NRC met 4 times between August and October 2023 through virtual meetings and orientations. The committee was facilitated by Diane Groves, an impartial facilitator, in alignment with [§2-5-109](#), Montana Code Annotated (MCA) (**see Appendix B for a list of Negotiated Rulemaking Committee Members**). Consistent with Montana's public meeting laws, public comment was invited and the convenings of the committee, minutes, video recordings, and working documents, and final recommendations to the Superintendent are posted publicly on the OPI website.

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- [See ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - [See "Putting Montana's Students First: Montana's Consolidated State Plan"](#)
 - [See https://wida.wisc.edu/about](https://wida.wisc.edu/about)
 - [See https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320](https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320)

Superintendent’s Recommended Amendments to ARM 10, Chapter 53

The Superintendent’s recommended revisions to ARM 10, Chapter 53 are based on a thoughtful consideration of the myriad and intersecting conditions, inputs, challenges, and opportunities confronting public schools in Montana. They are informed by the research and stakeholder input collected through the methods described above. The following two sections provide (respectively) the high-level rationales for the Superintendent’s final recommended amendments and the proposed detailed revision language to be added to, removed from, or incorporated into ARM 10, Chapter 53. It should be noted that the recommended amendments are ultimately the Superintendent’s and reflect her prerogative and responsibility to present to the BPE those that she deems worth moving forward.

Conceptual Framework

Table 1 below provides context for the detailed amendment language presented in the next section. This context includes observations, input, and insights generated or shared by members of the School Quality Task Force and the NRC, as well as the Superintendent’s own contributions based on her contact with and deliberations with education stakeholders, students and families, and the general public. They are organized and delineated by the indicated ARM subchapters.

Table 1: Conceptual Framework Guiding the Superintendent’s Proposed Amendments to ARMs Ch. 53

ARMs Subchapter(s)	Conceptual Changes	
ARM 10.55 Subchapter 3	<ul style="list-style-type: none"> Updating the current content standards, that are aligned to the 2012 WIDA English Language Development Standards for alignment with the WIDA English Language Development Standards Framework, 2020 Edition. 	
Current Rule	Red Line Changes	Rationale
<p>10.53.301 English Language Proficiency Content Standard 1 (1) To satisfy the requirements of English language proficiency content standard 1, English language learners must communicate for social and instructional purposes within the school setting.</p>	<p>(1) To satisfy the requirements of English language proficiency content standard 1, English language learners must communicate for social and instructional purposes within the school setting.</p>	<p>Update to match the WIDA English Language Development Standards Framework, 2020 Edition.</p>
<p><u>10.53.302 ENGLISH LANGUAGE PROFICIENCY</u></p>	<p><u>10.53.302 ENGLISH LANGUAGE PROFICIENCY</u></p>	<p>Update to match the WIDA English Language Development Standards Framework, 2020 Edition</p>

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - See “[Putting Montana’s Students First: Montana’s Consolidated State Plan](#)”
 - See <https://wida.wisc.edu/about>
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<p><u>CONTENT STANDARD 2</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 2, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of language arts.</p>	<p><u>CONTENT STANDARD 2</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 2, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of language arts.</p>	
<p><u>10.53.303 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 3</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 3, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.</p>	<p><u>10.53.303 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 3</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 3, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.</p>	Update to match the WIDA English Language Development Standards Framework, 2020 Edition
<p><u>10.53.304 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 4</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 4, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of science.</p>	<p><u>10.53.304 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 4</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 4, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of science.</p>	Update to match the WIDA English Language Development Standards Framework, 2020 Edition
<p><u>10.53.305 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 5</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 5, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of social studies.</p>	<p><u>10.53.305 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 5</u></p> <p>(1) To satisfy the requirements of English language proficiency content standard 5, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of social studies.</p>	Update to match the WIDA English Language Development Standards Framework, 2020 Edition
<p><u>10.53.306 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE ENTERING LEVEL</u></p> <p>(1) At the entering level of English language proficiency, English language learners will process, understand, produce, or use:</p>	<p><u>10.53.306 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE ENTERING LEVEL</u></p> <p>(1) At the entering level of English language proficiency, English language learners will process, understand, produce, or use:</p>	No changes recommended

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)

- See “[Putting Montana’s Students First: Montana’s Consolidated State Plan](#)”

- See <https://wida.wisc.edu/about>

- See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

<p>(a) pictorial or graphic representation of the language of the content areas; (b) words, phrases, or chunks of language when presented with one-step commands; directions; WH-, choice, or yes/no questions; or statements with sensory, graphic, or interactive support; and (c) oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic, or interactive support.</p>	<p>(a) pictorial or graphic representation of the language of the content areas; (b) words, phrases, or chunks of language when presented with one-step commands; directions; WH-, choice, or yes/no questions; or statements with sensory, graphic, or interactive support; and (c) oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic, or interactive support.</p>	
<p><u>10.53.307 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE EMERGING LEVEL</u> (1) At the emerging level of English language proficiency, English language learners will process, understand, produce, or use: (a) general language related to the content areas; (b) phrases or short sentences; and (c) oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple-step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support.</p>	<p><u>10.53.307 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE EMERGING LEVEL</u> (1) At the emerging level of English language proficiency, English language learners will process, understand, produce, or use: (a) general language related to the content areas; (b) phrases or short sentences; and (c) oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple-step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support.</p>	<p>No changes recommended</p>
<p><u>10.53.308 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE DEVELOPING LEVEL</u> (1) At the developing level of English language proficiency, English language learners will process, understand, produce, or use: (a) general and some specific language of the content areas; (b) expanded sentences in oral interaction or written paragraphs; and (c) oral or written language with phonological,</p>	<p><u>10.53.308 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE DEVELOPING LEVEL</u> (1) At the developing level of English language proficiency, English language learners will process, understand, produce, or use: (a) general and some specific language of the content areas; (b) expanded sentences in oral interaction or written paragraphs; and (c) oral or written language with phonological,</p>	<p>No changes recommended</p>

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)
 - See <https://wida.wisc.edu/about>
 - See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

<p>syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative or expository descriptions with sensory, graphic, or interactive support.</p>	<p>syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative or expository descriptions with sensory, graphic, or interactive support.</p>	
<p><u>10.53.309 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE EXPANDING LEVEL</u> (1) At the expanding level of English language proficiency, English language learners will process, understand, produce or use: (a) specific and some technical language of the content areas; (b) a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs; and (c) oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support.</p>	<p><u>10.53.309 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE EXPANDING LEVEL</u> (1) At the expanding level of English language proficiency, English language learners will process, understand, produce or use: (a) specific and some technical language of the content areas; (b) a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs; and (c) oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support.</p>	<p>No changes recommended</p>
<p><u>10.53.310 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE BRIDGING LEVEL</u> (1) At the bridging level of English language proficiency, English language learners will process, understand, produce, or use: (a) specialized or technical language of the content areas; (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports; and (c) oral or written language approaching comparability to that of proficient English peers when presented with</p>	<p><u>10.53.310 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE BRIDGING LEVEL</u> (1) At the bridging level of English language proficiency, English language learners will process, understand, produce, or use: (a) specialized or technical language of the content areas; (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports; and (c) oral or written language approaching comparability to that of proficient English peers when presented with</p>	<p>No changes recommended</p>

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)
 - See <https://wida.wisc.edu/about>
 - See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

<p>grade level material.</p>	<p>grade level material.</p>	
<p><u>10.53.311 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE REACHING LEVEL</u> (1) At the reaching level of English language proficiency, English language learners will process, understand, produce, or use: (a) specialized or technical language reflective of the content areas at grade level; (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level; and (c) oral or written communication in English comparable to proficient English peers.</p>	<p><u>10.53.311 ENGLISH LANGUAGE PROFICIENCY PERFORMANCE DESCRIPTORS AT THE REACHING LEVEL</u> (1) At the reaching level of English language proficiency, English language learners will process, understand, produce, or use: (a) specialized or technical language reflective of the content areas at grade level; (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level; and (c) oral or written communication in English comparable to proficient English peers.</p>	<p>No changes recommended</p>

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
 - See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)
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APPENDIX A: ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARDS REVISION TASK FORCE

Task Force Member	Location of Representative
Dr. Rebecca Turk	Bozeman
Dr. Jionna Carjuzaa	Bozeman
Carolyn Grimaldi	Missoula
Enkhchimeg Sharav	Bozeman
Aria Peters	Missoula
Carrie Owen	Helena
Acer Pitias	Miles City

APPENDIX B: ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARDS REVISION – NEGOTIATED RULEMAKING COMMITTEE

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)
- See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)
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Negotiated Rulemaking Committee Member	Committee Member Role(s)	Location of Member
Amanda Burkhart	Parent, Taxpayer	Helena
Sue Furey	Parent, Taxpayer, Retired Teacher	Missoula
Bruce Tribbensee	Parent, Taxpayer	Missoula
Sonja Verlanic	Parent, Taxpayer	Missoula
Julie Williams	Parent, Taxpayer, Higher Ed	Livingston
Ragna Thorne Thomsen	Parent, Taxpayer, Business Owner	Missoula
Danielle Morrison	K-12 Teacher, Montana Tribe Representative	Bozeman
Kathy Milodragovich	Parent, Taxpayer, Retired Teacher, School Board Trustee	Butte
Rebecca Rappold	School Administrator, Montana Tribe Representative	Browning
Kristen Brook	K-12 Teacher	Billings
Melit Flynn	School Business Official	Shelby
Dr. Julie Murgel	Chief Program Officer, OPI	Helena

- See [ESSA Requirements under Title III – Language Instruction for English Language Learners and Immigrant Students](#)

- See [“Putting Montana’s Students First: Montana’s Consolidated State Plan”](#)

- See <https://wida.wisc.edu/about>

- See <https://opi.mt.gov/Portals/182/Page%20Files/School%20Accreditation/N%20Rulemaking%2010.55.701/Negotiated%20Rulemaking%20Process%20Overview%201-17-2019.pdf?ver=2019-01-23-133811-320>

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 10.53.301 through 10.53.305,) PROPOSED AMENDMENT
pertaining to English Language)
Proficiency Content Standards)
)

TO: All Concerned Persons

1. On [Month Day, 20##], at [Time]:00 [a.m./p.m.] the Board of Public Education will hold a public hearing in Room [###] of [Building], at [City], Montana, to consider the proposed AMENDMENT of the above-stated rule[s].

2. The Board of Public Education 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 of Public Education no later than [Time]:00 [a.m./p.m.] on [Month Day, 20##], 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.

3. The rules as proposed to be amended provides as follows, deleted matter interlined:

10.53.301 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 1

(1) To satisfy the requirements of English language proficiency content standard 1, English language learners ~~must~~ communicate for social and instructional purposes within the school setting.

10.53.302 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 2

(1) To satisfy the requirements of English language proficiency content standard 2, English language learners ~~must~~ communicate information, ideas, and concepts necessary for academic success in the content area of language arts.

10.53.303 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 3

(1) To satisfy the requirements of English language proficiency content standard 3, English language learners ~~must~~ communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.

10.53.304 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 4

(1) To satisfy the requirements of English language proficiency content standard 4, English language learners ~~must~~ communicate information, ideas, and concepts necessary for academic success in the content area of science.

10.53.305 ENGLISH LANGUAGE PROFICIENCY CONTENT STANDARD 5

(1) To satisfy the requirements of English language proficiency content standard 5, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of social studies.

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

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

REASON: The board proposes to amend these rules, which were last amended in 2011, to align with the WIDA English Language Development Framework, 202 Edition.

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) 444-0302; fax (406) 444-0847; or e-mail mflynn@mt.gov and contact the Board of Public Education no later than [Time]:00 [a.m./p.m.] on XX, XXXX

5. XXXXXX, of the Board of Public Education, has been designated to preside over and conduct this hearing.

6. The Board of Public Education 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, e-mail, 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 e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 above 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://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

MAR Notice No. [assigned by each agency]

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

/s/ [Name]

[Name]

Rule Reviewer

Dr. Tim Tharp

Board Chair

Board of Public Education

Certified to the Secretary of State [Month Day, 20##].

ECONOMIC IMPACT STATEMENT REPORT

ARM, CHAPTER 53: ENGLISH LANGUAGE PROFICIENCY STANDARDS

Prepared by the Office of Public Instruction - October 2023

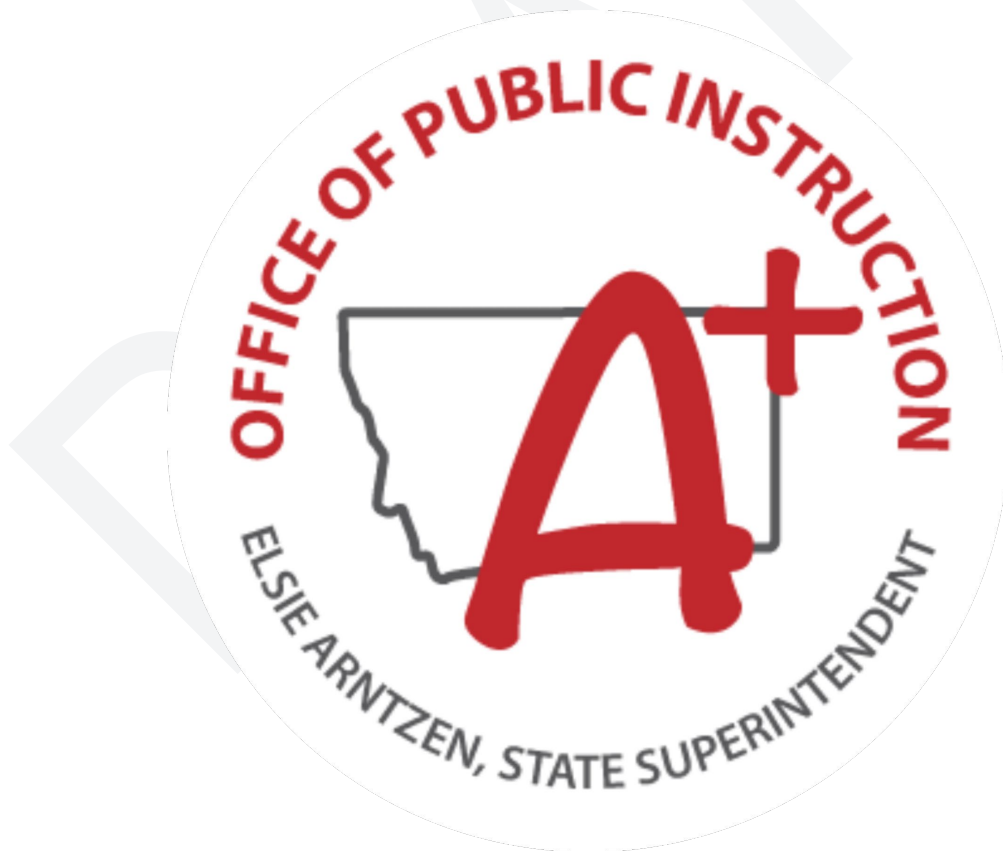


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Executive Summary

Using the negotiated rulemaking process, Superintendent of Public Instruction, Elsie Arntzen, has developed recommendations standard changes for ARM 10, Chapter 53, English Language Proficiency Standards.

The work began after authorization by the Board of Public Education (BPE) and a timeline for reviewing the English Language Proficiency Standards. Superintendent Arntzen directed an amendment process to better ensure Montana's content standards provide learner outcomes that focus on educational excellence. The outcome would ensure Montana students had access to a quality educational program that would develop their full educational potential and preserve the cultural heritages of American Indians.

The content standards, §20-7-101, MCA must be adopted by the BPE upon the recommendation of the Superintendent developed through the negotiated rulemaking process.

Introduction

The Montana Superintendent of Public Instruction initiated the process to amend the English Language Proficiency Standards (ELP) in the fall of 2022. The current ELP content standards are based on the 2012 WIDA English Development Standards, which have recently been updated under the title WIDA English Language Development Standards Framework, 2020 Edition. The WIDA ELD Standards Framework of 2012 will be officially retired; though the standards didn't change significantly, the entire framework has a great deal of revisions that educators use to guide instruction.

In Chapter 10.53.301-311 there are:

- five ELP content standards, and
- six ELP proficiency performance descriptors.

The research and review phase concluded in the spring of 2023. Then a task force, consisting of eight members, met during May 2023, to prepare recommendations for the Superintendent. The proposed standards change require the Superintendent to establish an independent NRC under § 20-7-101, MCA. Superintendent Arntzen selected twelve members to serve on the NRC reflective of the necessary role diversity outline in the statute, including the new requirement from [HB 338](#) that a representative of Montana Indian tribes be part of the negotiated rulemaking committee. This committee met from August 2023 to October 2023.

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.

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 Section 2-4-405 (2)(a).

The individuals who will be affected by the proposed English Language Proficiency Standards are those who have responsibility for instruction of English Language Learners at the local level. These responsibilities include allocating resources for curriculum development and coordination, developing and adopting curriculum, delivering curriculum in the classroom, supporting students in meeting learning goals, and paying for any changes that are required by the standards. The affected classes include school administrators, teachers, school trustees, school business officials, parents, students, and taxpayers.

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 quantifying, to the extent practicable, that impact. Refer to Section 2-4-405 (2)(b).

As there is not a significant change in the proposed rules, through consensus, the negotiated rulemaking committee concluded that the proposed rules would have no economic impact.

Cost to State Agencies

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

The Office of Public Instruction (OPI), in accordance with 20-7-101, MCA, has incurred costs associated with the negotiated rulemaking process, including contracting with a facilitator and convening the rulemaking committee. As the standards have no significant changes, there will be no additional costs needed beyond the professional development around English Language Proficiency Learners instruction that is already provided.

Montana Office of Public Instruction Economic Impact Statement
ARM 10.53 English Language Proficiency Standards

Cost 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 Section 24-405 (2)(d).

The Board of Public Education has adopted a regular cycle for review of content area standards. The purpose of the regular review of standards is to ensure that content standards reflect current knowledge and best practices for each content area. It was deemed necessary to review the English Language Proficiency Standards to follow the determined cycle as well as align with the update in the WIDA English Language Development Standards 2020 Edition, as the 2012 WIDA ELD standards will be retired. At the same time, the assessment for English Language Proficiency, Access 2.0, was also updated. Under Montana State's ESSA plan, the assessments and standards must be aligned. With insignificant changes to proposed rules, a benefit can be demonstrated ensuring alignment with most recent research in this content standard area as well as the assessment for English Language Learners proficiency.

Less Costly or Less Intrusive Methods

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

No. The process for proposing, reviewing, and adopting academic content standards is prescribed in statute in 20-7-101, MCA and in Montana Administrative Procedure Act. It is not possible to have statewide implementation of standards without formal rule adoption.

The role of the Board of Public Education is to set standards that apply to all accredited schools. The proposed rules reflect a set of best practices identified by educators that establish a minimum level of quality for all schools to meet. While there are school district costs associated with the implementation of these standards by school districts, the Office of Public Instruction will offer and coordinate professional development opportunities in a manner to reduce the burden of costs on school districts.

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 Section 2-4-405 (2)(f).

In reviewing the most recent research as it pertains to English language learners, it was decided to maintain alignment with the WIDA English Language Development Standards Framework.

Montana Office of Public Instruction Economic Impact Statement
ARM 10.53 English Language Proficiency Standards

Efficient Allocation of Public and Private Resources

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

Yes, the proposed content standards will apply to all public and any private schools seeking accreditation by the Board of Public Education.

Analysis of the ability of school districts to implement the standard with existing resources, including time.

With limited changes to the standards, the committee finds that school districts have the ability to implement these standards within their existing resources.

Conclusion

The ARM 10, Chapter 53, English Language Proficiency Standards, Negotiated Rulemaking Committee (NRC), through consensus, concluded that the proposed rules would have no economic impact.