

# **ECONOMIC IMPACT STATEMENT REPORT**

## **ARM, CHAPTER 53: ENGLISH LANGUAGE PROFICIENCY STANDARDS**

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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.

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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.

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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.