

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 11

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are found at the back of each register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Administrative Rules Bureau at (406) 444-2055.

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BEFORE THE CLASSIFICATION REVIEW COMMITTEE  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 6.6.8301,	)	AMENDMENT OF ARM 6.6.8301
concerning updating references	)	
to the NCCI Basic Manual for	)	
Workers Compensation and	)	
Employers Liability Insurance	)	NO PUBLIC HEARING
1996 ed.	)	CONTEMPLATED

TO: All Concerned Persons

1. On July 15, 2000, the Montana Classification Review Committee proposes to amend ARM 6.6.8301 updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 edition.

2. The Classification Review Committee will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Committee no later than 5:00 p.m., July 7, 2000, to advise us of the nature of the accommodation needed. Please contact Christy Weikart, State Compensation Insurance Fund, 5 South Last Chance Gulch, Helena, MT 59601; telephone (406) 444-9332; fax (406) 444-6555.

3. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 (1) The committee hereby adopts and incorporates by reference the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., as supplemented through July 1, 2000, ~~August 1, 1999~~, which establishes classifications with respect to employers electing to be bound by compensation plan No. 2 as provided in Title 39, chapter 71, part 22, MCA. A copy of the Basic Manual for Workers Compensation and Employers Liability Insurance is available for public inspection at the Office of the Commissioner of Insurance, ~~Room 270, Sam W. Mitchell Building, 126 North Sanders,~~ 840 Helena Ave., P.O. Box 4009, Helena, MT 59620-4009. Copies of the Basic Manual for Workers Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification Review Committee in care of the National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235. Persons obtaining a copy of the Basic Manual for Workers Compensation and Employers Liability Insurance must pay the committee's cost of providing such copies.

(2) Remains the same.

AUTH: 33-16-1012, MCA;  
IMP: 33-16-1012, 2-4-103, MCA

4. The proposed amendments are necessary in order to update references to the NCCI Basic Manual for Workers Compensation and Employers Liability. Changes to the NCCI Basic Manual for Workers Compensation and Employers Liability affect classifications for those employers listed below:

MT-00-01 -Item B-1362 - Code 5551 - Roofing - Amended.

Purpose: Effective July 1, 2000, the national treatment of Code 5551 will no longer include yard operations. With this change, it is no longer necessary for Montana to note its special treatment of yard operations under Code 5551. Approval of this filing will result in the deletion of this exception as printed in the Montana State pages of the Basic Manual.

MT-00-02 -Item B-1363, Codes 7403, 7405, 7423 and 7431 - AirCarrier Classifications - Amended Phraseologies.

Purpose: This filing amends the phraseology of Air Carrier - Commuter and Air Carrier - Scheduled or Supplemental to comply with recent changes made by the Federal Aviation Regulations.

MT-00-03 -Item B-1364, Basic Manual Rule IV.D.4 - Assignment of Additional Basic Classifications.

Purpose: This filing enhances the current version of the Basic Manual Rule 1) Defining certain words to provide the reader clearer meaning of the rule's intent, 2) Modifies the current financial record keeping requirements and 3) Subsection C is reworded to better state the rule's intent.

MT-00-04 -Item B-1366, Revisions to the Admiralty and Federal Employer's Liability Act Classifications.

Purpose: This filing proposes to 1) increase the standard limit of liability under part two - employers' liability insurance for admiralty law (maritime) or Federal Employers' Liability Act (FELA), 2) modify the ratemaking methodology for the admiralty classifications and 3) change the manner in which the rates/loss costs for FELA classifications are displayed.

MT-00-05 -Item Filing 08-MT-99, Classification Phraseology for Code 1016 - Coal Mining NOC & Drivers.

Purpose: The purpose of this filing is to add the phraseology for Code 1016 - Coal Mining NOC and Drivers to the Montana State pages of the Basic Manual.

5. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to Christy Weikart, c/o National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, to be received no later than July 13, 2000.

6. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Christy Weikart, Chairperson, Montana Classification Review Committee, c/o National Council on Compensation, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235. The comments must be received no later than July 13, 2000.

7. If the classification review committee of the state of Montana receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the appropriate administrative rule review committee of the legislature; from a governmental agency or subdivision; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

MT-00-01 - Ten percent of the businesses directly affected has been determined to be 50, based on approximate total of 500.

MT-00-02 - Ten percent of the businesses directly affected has been determined to be 25 based on approximate total of 250.

MT-00-03 - Ten percent of the businesses directly affected has been determined to be 100, based on approximate total of 1000.

MT-00-04 - Ten percent of the businesses directly affected has been determined to be 25, based on approximate total of 250.

MT-00-05 - Ten percent of the businesses directly affected has been determined to be 25, based on approximate total of 250.

8. The State Auditor's Office maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Classification Review Committee. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rulemaking actions of the

Classification Review Committee. Such written requests may be mailed or delivered to the State Auditor's Office, P.O. Box 4009, Helena, MT 59604, faxed to the office at (406) 444-3497, or may be made by completing a request form at any rules hearing held by the State Auditor's Office or the Classification Review Committee.

9. The bill sponsor notice requirements of 2-4-302, MCA do not apply.

CLASSIFICATION  
REVIEW COMMITTEE

By: /s/Christy Weikart  
Christy Weikart  
Chairperson

By: /s/Peter Funk  
Peter Funk  
Rule Reviewer

Certified to the Secretary of State June 5, 2000.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of a rule pertaining ) ON THE PROPOSED AMENDMENT  
to temporary approval ) OF ARM 8.28.1508 TEMPORARY  
 ) APPROVAL

TO: All Concerned Persons

1. On July 12, 2000, at 2:00 p.m., a public hearing will be held in the Division of Professional and Occupational Licensing conference room, Lower Level, Arcade Building, 111 North Jackson, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners no later than 5:00 p.m., on July 1, 2000, to advise us of the nature of the accommodation that you need. Please contact Charlene M. Norris, Board of Medical Examiners, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 444-6435; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-1667; e-mail cnorris@state.mt.us.

3. The rule proposed to be amended provides as follows: (new matter underlined, deleted matter interlined)

8.28.1508 TEMPORARY APPROVAL (1) Temporary approval of a license and/or a utilization plan may be granted by a member of the board when-

(a) an applicant has met the requirements of approval, including successful completion of ~~except having never taken~~ the examination of the national commission on certification of physician assistants, or its successors, and is scheduled for the next examination; ~~or~~

~~(b) an applicant has met all of the requirements of approval but is awaiting the next scheduled meeting of the board.~~

(2) Temporary approval is valid only ~~until the results of the examination are available or until~~ the next scheduled meeting of the board meets, ~~as the case may be, depending upon the reason for granting the temporary approval.~~

~~(3) A physician assistant who is practicing under a temporary license while awaiting certification:~~

~~(a) must be supervised directly; and~~

~~(b) may not deliver services in a remote site.~~

~~(4)~~ (3) A physician assistant-certified who is practicing under a temporary license ~~and who holds certification~~ may deliver services in an remote site

supervision after complying with ARM 8.28.1506(2)(a) and remote site supervision guidelines as follows:

(a) a physician assistant-certified is eligible to apply for remote site supervision in an emergency room setting after one year (full-time equivalent) of relevant clinical experience as a practicing physician assistant; and

(b) a physician assistant-certified is eligible to apply for remote site supervision in a non-emergency room setting after six months of relevant clinical experience (full-time equivalent) as a practicing physician assistant. For example, if the site is primary care, then the physician assistant needs no less than six months (full-time equivalent) of documented primary care experience.

(5) will remain the same but be renumbered (4).

~~(6)~~ (5) The physician assistant-certified and primary supervising physician must be interviewed by one board member for temporary approval.

Auth: Sec. 37-20-201, 37-20-202, MCA

IMP: Sec. 37-20-203, 37-20-402, MCA

REASON: The proposed rule, which will affect all physician assistants-certified who apply for temporary license approval by the Board of Medical Examiners, is necessary to ensure that the applicant has attained the minimum level of competence. The Physician Assistant Committee has determined that only the names of qualified applicants should be given to the Board for temporary license approval. The Committee believes that it is difficult to measure the qualifications of an applicant who has not passed the national examination. Thus, in light of the number of applicants and standard of care issues over the past few years, the Board and the Committee agree that successful completion of the national examination is a necessary prerequisite to temporary license approval.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Medical Examiners, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667 or by e-mail to cnorris@state.mt.us, and must be received no later than 5:00 p.m., July 13, 2000.

5. Charlene M. Norris, attorney, has been designated to preside over and conduct this hearing.

6. The Board of Medical Examiners maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their names added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Medical Examiners administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Medical Examiners, 111 North Jackson, P.O. Box

200513, Helena, Montana 59620-0513, faxed to the office at (406) 444-1667, e-mailed to cnorris@state.mt.us or may be made by completing a request form at any rules hearing held by the Board.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF MEDICAL EXAMINERS  
LAWRENCE R. McEVROY, JR., MD

By:

/s/ ANNIE M.BARTOS  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

By:

/s/ ANNIE M.BARTOS  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, June 5, 2000.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING
proposed adoption,	)	ON THE PROPOSED ADOPTION,
amendment, and repeal	)	AMENDMENT, AND REPEAL
of rules relating to	)	OF RULES RELATING TO
teacher certification	)	TEACHER CERTIFICATION

TO: All Concerned Persons

1. On July 7, 2000, at 9:00 a.m. or as soon thereafter as it may be heard, a public hearing will be held at the Smith School Library, 2320 5th Avenue, Helena, Montana, to consider the adoption, amendment and repeal of rules relating to teacher certification.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on June 22, 2000, to advise us of the nature of the accommodation that you need. Please contact Dr. Wayne Buchanan, Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0684. A TDD will be available upon request.

3. Statement of Reasonable Necessity: The Board of Public Education, in keeping with its powers and duties (20-2-121(1), MCA), conducts a review of professional educator preparation programs found in the Administrative Rules of Montana, Title 10, Chapter 58, on a cycle complimentary to the five-year review cycle for approval of those Montana institutions offering approved programs for the preparation of teachers, specialists and administrators for Montana's schools. The current review, begun in October, 1998, and concluded with the submission of recommendations from the Certification Standards and Practices Advisory Council, has resulted in the following proposals for adoption, amendment and repeal of rules. These changes will update expectations of units of higher education and their individual programs which submit requests for review to gain or retain the approval by the Board of Public Education for the period 2001 through 2005.

4. The proposed new rules provide as follows:

RULE I CONCEPTUAL FRAMEWORK(S) (1) Each unit shall operate from the basis of a well-defined conceptual framework(s). A conceptual framework(s) establishes the shared vision for a unit's efforts in preparing educators to work in P-12 schools. It provides direction for programs,

courses, teaching, candidate performance, scholarship, service, and unit accountability. The conceptual framework(s) distinguishes among the graduates of one institution from those of another.

(a) Faculty members in the unit are expected to collaborate with members of their professional community in developing a conceptual framework(s) that establishes the vision for the unit and its programs. At its discretion, the unit may operate with a single framework for all programs or a different framework for each or some of its programs.

(b) The conceptual framework(s) provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation.

(c) It makes explicit the professional commitments and dispositions that support it, including the commitment to acquire and use knowledge on behalf of P-12 students.

(d) It reflects the unit's commitment to diversity and the preparation of educators who help all students learn.

(e) It reflects the unit's commitment to the integration of technology to enhance candidate and student learning.

(f) The conceptual framework(s) also provides a context for aligning professional and state standards with candidate proficiencies expected by the unit and programs for the preparation of educators.

(2) The conceptual framework(s) provides the following structural elements:

(a) the mission of the institution and unit;

(b) the unit's philosophy, purposes, professional commitments and dispositions;

(c) knowledge bases including theories, research, the wisdom of practice, and education policies;

(d) performance expectations for candidates, aligning them with professional, state, and institutional standards; and

(e) the system by which candidate performance is regularly assessed.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

#### RULE II CANDIDATE KNOWLEDGE, SKILLS, AND DISPOSITIONS

(1) Candidates preparing to work in schools as teachers or other professional school personnel know and demonstrate the content, pedagogical, and professional knowledge, skills, and dispositions necessary to help all students learn. Assessments indicate that candidates meet professional, state, and institutional standards.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

RULE III ASSESSMENT SYSTEM AND UNIT EVALUATION (1) The unit has an assessment system that collects and analyzes data on the applicant qualifications, the candidate and graduate

performance, and unit operations to evaluate and improve the unit and its programs.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

RULE IV FIELD EXPERIENCES AND CLINICAL PRACTICES

(1) The unit and its school partners design, implement, and evaluate field experiences and clinical practice so that teacher candidates and other school personnel develop and demonstrate the knowledge, skills, and dispositions necessary to help all students learn.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

RULE V DIVERSITY (1) The unit designs, implements, and evaluates curriculum and experiences for candidates to acquire and apply the knowledge, skills, and dispositions necessary to help all students learn. These experiences include working with diverse higher education and school faculty, diverse candidates, and diverse students in P-12 schools.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

RULE VI FACULTY QUALIFICATIONS, PERFORMANCE, AND DEVELOPMENT (1) Faculty are qualified and model best professional practices in scholarship, service, and teaching, including the assessment of their own effectiveness as related to candidate performance; they also collaborate with colleagues in the disciplines and schools. The unit systematically evaluates faculty performance and facilitates professional development.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

RULE VII UNIT GOVERNANCE AND RESOURCES (1) The unit has the leadership, authority, budget, personnel, facilities, and resources, including information technology resources, for the preparation of candidates to meet professional, state, and institutional standards.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

RULE VIII GENERAL EDUCATION (1) General education refers to those studies that familiarize the learner with the main disciplines of formalized learning and the contribution of traditional cultures.

(a) The general education program shall reflect an understanding of gender equity and multiculturalism of a local, national and global perspective.

(b) This program shall be a well planned sequence of courses including both theoretical and practical knowledge and including studies in communications, mathematics, the sciences, the social sciences, humanities and the arts.

(c) Evidence shall be provided of an understanding of the role of general education in the professional work of teachers and shall demonstrate the integration of general education throughout the professional educator preparation program.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

RULE IX PROFESSIONAL EDUCATION (1) Professional education refers to those studies which include the foundations of education and the methods and materials of teaching, with supervised laboratory experiences designed to provide competencies required in the education professions.

(a) In addition to the competencies and knowledge prescribed by national content area standards, general education standards, and professional standards as defined by the profession, candidates should take coursework that equips them with knowledge and skills in the following:

(i) the health and safety of children and adolescents;

(ii) the process of human growth, development, and learning, and the ability to apply this knowledge to the teaching of all students;

(iii) the foundations underlying the development and organization of education in the United States;

(iv) the organization of public education, including its purposes, administrative organization, financial aspects, board functions and operations;

(v) the legal aspects of teaching in Montana schools including identifying and reporting child abuse; professional ethics, conduct, rights and responsibilities; and the structure and financial basis of the Montana school system;

(vi) the legal, practical and philosophical basis of education equity and opportunity in Montana schools;

(vii) the variety of effective methods of discipline and classroom management including the ability to structure environments to promote appropriate social and learning interactions;

(viii) the ability to work effectively with parents in planning and conducting the education and socialization of children;

(ix) the ability and willingness to analyze teaching so that teaching skills continually improve;

(x) the ability to understand and respect the broad range of human potential and cultural expression, and to incorporate that knowledge in a sensitive and humane manner to promote understanding and concord among people of differing economic, social, cultural, racial, ethnic, gender, and religious backgrounds; and

(xi) the ability to orchestrate learning communities that are characterized by an ethic of collaboration, respectfulness, and mutual interest in personal development and learning.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

RULE X ASSESSMENT OF ADVANCED PROGRAMS (1) Advanced programs shall meet or exceed standards of performance equivalent to those established for national professional education accreditation for candidate competence and program quality. Experienced teachers in graduate programs should build upon and extend their prior knowledge and experiences to improve student learning in classrooms and their own teaching.

(a) They further develop their knowledge, skills, and dispositions to meet standards equivalent to the propositions of the national board for professional teaching standards for the advanced certification of teachers.

(b) These candidates should demonstrate:

(i) their commitment to students and their learning;

(ii) their content knowledge and ability to facilitate students' learning the content;

(iii) their ability to manage and monitor student learning;

(iv) their ability to think systematically about their practice and learn from experience; and

(v) their involvement as members of learning communities.

(2) Candidates preparing to work in schools as computing specialists, educational communications and technology specialists, curriculum and instruction specialists, principals, reading specialists or supervisors, school administrators, school counselors, school media specialists, school psychologists, school superintendents, and other professional school roles are expected to demonstrate the knowledge, skills, and dispositions necessary to meet professional, state, and institutional standards.

(a) Candidates in these graduate programs also develop their ability to apply in their professional roles research, research methods, and knowledge of learning and practices that support learning.

(3) Candidates preparing for support roles in schools (e.g., educational leaders, reading specialists, school psychologists, and school library media specialists) demonstrate the knowledge, dispositions, and performance identified by the profession and reflected in national and state standards and assessments for the field.

(a) These candidates are aware of the scope and purposes of the assessments used by the unit and its programs, as well as how, when, and against what criteria, their knowledge and skills are evaluated throughout their preparation.

(b) The unit uses multiple assessments to determine what candidates know and are able to do.

(c) It develops and assesses performance in well-planned and sequenced field experiences and in clinical practice where knowledge, disposition, skills and effect on student learning are observed and evaluated.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

5. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.58.102 PROCESS LEADING TO APPROVAL OF TEACHER EDUCATION PROFESSIONAL EDUCATOR PREPARATION PROGRAMS (1) The board of public education shall adopt clear procedures for implementing the process of approving ~~teacher education professional educator preparation~~ programs.

(2) The process leading to approval of ~~teacher education professional educator preparation~~ programs shall be carried out by visiting teams appointed by ~~the board of public education, with the assistance of~~ the office of public instruction, under procedures established by the board of public education. These teams members shall be broadly representative of the educational community.

(a) remains the same.

(i) Trainees Team members shall be recommended from higher education and public schools by administrators, supervisors, professional organizations and educational boards and agencies.

(ii) Those accepted as ~~trainees for training as team members~~ shall have a minimum of five years of teaching or professional education experience.

(b) through (d) remain the same.

(3) Members of the board of public education shall be invited to participate as observers at each unit's program reviews.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.103 VISITATIONS (1) All ~~teacher education professional educator preparation~~ programs shall be visited for approval every five years or on an adjusted schedule based upon coordination with national accreditation or upon request of an institution.

(2) and (3) remain the same.

(4) Institutions are required to engage in an ongoing self-study of ~~teacher education professional educator preparation~~ programs.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.104 APPROVED PROGRAMS (1) The office of public instruction shall issue lists of institutions whose programs

have met the board of public education's standards for teacher education professional educator preparation. Pursuant to section 20-4-121, MCA, these lists shall also include all programs accredited by regional and national accreditation agencies, with an identification of the accreditation agency. Each institution shall give this information to the office of public instruction no later than December 1 of each year. Lists shall indicate the programs approved and the initial and expiration dates of such approval. These lists shall be made available to institutions, school personnel offices, counselors, and others within the state upon request and as exchanges with education agencies in other states.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.201 PURPOSES AND OBJECTIVES (1) The catalogue of an institution offering teacher education professional educator preparation shall include:

(a) through (e) remain the same.

~~(2) Teacher preparation programs shall consider the judgment of:~~

~~(a) faculty members~~

~~(b) students~~

~~(c) graduates~~

~~(d) lay citizens~~

~~(e) schools and~~

~~(f) professional education organizations.~~

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.202 ORGANIZATION (1) ~~Out-of-state~~ All institutions offering teacher education professional educator preparation programs in Montana shall meet these criteria ~~equivalent to those of Montana institutions:~~

(a) remains the same.

(i) There shall be clear evidence in the board's records that, in the discharge of its functions, it recognizes and fulfills its responsibility to teacher education professional educator preparation.

(ii) remains the same.

(b) Under the direction of a president or an otherwise designated chief administrative officer, adequate provision shall be made for competent personnel to perform all administrative functions affecting teacher education professional educator preparation.

(i) An organizational chart of the institution shall be available, and evidence shall support the suitability of the organization for teacher education professional educator preparation, the competency of the personnel, and the manner in which functions are performed.

(ii) remains the same.

(c) ~~Financial resources for the accomplishment of announced purposes must be available, and current income for both public and private institutions must enable~~ be adequate for an institution to carry on its proposed work. In determining the financial condition of an institution, emphasis shall must be given to the income available for teacher education professional educator preparation purposes and the manner in which that income is expended.

(i) remains the same.

(ii) The institution shall provide financial reports that clearly reveal the relative expenditures for instruction, administration, maintenance, equipment, supplies, library, student activities, capital outlay, and debt service for the ~~teacher education professional educator preparation~~ program as compared to other programs of the institution.

(iii) remains the same.

(d) remains the same.

(e) Out-of-state institutions shall meet criteria and accreditation standards equivalent to those required of in-state institutions.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.203 STUDENT ADMISSION, RETENTION, AND EXIT POLICIES AND PRACTICES (1) The institution shall provide orderly procedures for obtaining and maintaining information about admission to ~~teacher professional~~ education, for assessing the progress of students through their course of studies, and for evaluating the success of its graduates after they have left the institution; these assessments shall be used in a systematic cycle of program review and revision.

(2) Specific admission standards and procedures governing a student's acceptance into the ~~regular teacher education professional educator preparation~~ program shall be published (including the time and, if possible, alternative times for admission). Specific admission requirements shall be included in the descriptions of experimental or special programs.

(3) ~~The institution shall have a well-developed plan for the evaluation of student performance in its teacher education program. Measures of academic ability, observation by faculty (in courses, laboratories, and field experiences), and other modes of appraisal shall be used to assess specific strengths and weaknesses of students, their retention status while within the teacher education program, and their readiness to assume the professional role for which they are being prepared~~ Admission to teacher preparation will be through a multiple assessment process to include the successful completion of a test of basic skills with minimum scores set by the board of public education.

(4) ~~The institution shall have well-defined evaluation procedures to assess the quality of its graduates when they have completed their preservice programs and have applied for~~

~~a recommendation to become certified. Students must show increased human sensitivity including multicultural awareness, specified levels of competence in teaching skills and related knowledge, competence in teaching reading skills in each specific content area, and other predetermined qualifications as a basis for an institutional recommendation for entry into the profession. Students shall be apprised of such evaluation procedures and qualifications. Retention in the program will depend upon ongoing assessment of students' progress toward program goals and outcomes. Each institution of higher education will have published specific benchmarks to determine individual student continuation in the program and placement for student teaching.~~

(5) Exit from the professional educator preparation program will include performance based assessments of institutional goals and outcomes consistent with ARM 10.58.501. The institution shall have well-defined evaluation procedures to assess the quality of its graduates when they have completed their pre-service programs and have applied for a recommendation to become certified. Students shall be apprised of such evaluation procedures and qualifications.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.204 STUDENT PERSONNEL SERVICES (1) The institution shall have a well-organized, ongoing student career counseling program with a placement service that effectively assists graduates in finding positions.

(2) through (5) remain the same.

(6) The institution shall periodically survey its graduates in ~~teacher education~~ professional educator preparation in order to gather data on the effectiveness of its student personnel services.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

~~10.58.501 GENERAL REQUIREMENTS~~ (1) ~~Each teaching area or field of specialization shall consist of a carefully planned program of courses and experiences. The program shall be designed to produce the skills experienced practitioners identify as necessary for successful teaching at the appropriate grade levels (elementary, secondary or K-12).~~

~~(2) Each teaching area will provide the opportunity for prospective teachers to have contact with appropriate K-12 teachers and classrooms on an ongoing basis throughout their teacher preparation.~~

~~(3) Prospective teachers shall be provided opportunities to engage in instructional planning and delivery including practice in selecting, designing, organizing and employing objectives, strategies, evaluation techniques, and materials suitable for K-12 students.~~

~~(4) Prospective teachers shall:~~

~~(a) recognize that all students are worthy of a teacher's attention;~~

~~(b) use the curriculum to help students become familiar with and tolerant of diverse peoples and cultures;~~

~~(c) have the willingness to adapt objectives, methods and materials for instruction to match student's needs.~~

(1) In the belief that all children deserve the opportunity to learn rigorous content and achieve high standards, all programs for the preparation of candidates for specific endorsement areas shall assure the preparing teacher:

(a) understands the central concepts, tools of inquiry, and structure of the discipline(s) he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students;

(b) understands how children learn and develop and can provide learning opportunities that support their intellectual, social, and personal development;

(c) understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners;

(d) understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills;

(e) uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation;

(f) uses knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom;

(g) plans instruction based on knowledge of subject matter, students, the community, and curriculum goals;

(h) understands and uses formal and informal assessment strategies to ensure the continuous intellectual, social, and physical development of the learner;

(i) emulates the reflective practitioner who continually evaluates the effects of his or her choices and actions on others (students, families, and other professionals in the learning community), and who actively seeks out opportunities to grow professionally; and

(j) fosters relationships with school colleagues, families, and agencies in the larger community to support students' learning and well-being.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.502 AGRICULTURAL EDUCATION (1) The program shall provide opportunities for the prospective teacher to understand and practice the competencies, skills, knowledge, and abilities to teach the following: Candidates for agricultural education teacher certification shall have one year (2000 hours) of practical farm or agricultural-related

experience within five years prior to completion of the program.

~~(a) biological, physical and applied sciences as they relate to practical solutions and problem solving in agriculture;~~

~~(b) environmental, and natural resource management planning and development;~~

~~(c) basic knowledge and technical experience in plant science, animal science, horticulture, forestry, agricultural business management, agricultural business analysis, agricultural equipment and supplies, agricultural sales and service, agricultural production, marketing, agricultural mechanics and technology and computer application in agricultural;~~

~~(d) information about agricultural professional organizations;~~

~~(e) careers available in the agriculture industry;~~

(2) The program shall assure that students have knowledge and experience in All candidates for agricultural education teacher certification shall demonstrate competence in the following areas. The candidate for agricultural education teacher:

(a) working with students and adults in supervised agricultural experience programs; demonstrates essential skills and knowledge including the scientific/technical, safety and career information in the following areas:

(i) agricultural, natural and environmental resource science;

(ii) agricultural business management and entrepreneurship;

(iii) horticultural science;

(iv) animal science;

(v) crop science;

(vi) soil science;

(vii) food science;

(viii) agriculture mechanical technology;

(ix) biotechnology; and

(x) computer applications in agriculture;

(b) using agricultural student organizations to teach leadership, citizenship, personal development, goal setting, parliamentary procedure and cooperative group efforts. demonstrates a philosophy of vocational education, which reflects the unique student/community and industry interaction and includes the biological, physical, and applied sciences, personal leadership, and school-to-career components which comprise a comprehensive agricultural education program;

(c) develops a comprehensive instructional program based on identified agriculture industry demographic and technological advances, while recognizing the social, economic, and demographic diversity of the community in conjunction with a partnership of students, community, business, industry, families and an appointed advisory committee;

(d) develops as an integral part of the agricultural education program and the agriculture education student organization, future farmers of America (FFA), personal and leadership competencies such as citizenship, personal development, goal setting, parliamentary procedure, and teamwork;

(e) demonstrates the necessary skills and abilities to implement and manage student supervised agricultural experience programs including:

- (i) accounting practices;
- (ii) career experiences;
- (iii) entrepreneurial activities;
- (iv) student portfolio development;
- (v) on-site instruction; and
- (vi) job-related skills;

(f) demonstrates the necessary skills and abilities to develop, utilize and manage dedicated educational facilities with current equipment, resources, library, media, electronic technology, and maintain a safe environment during classroom, laboratory, leadership, and supervised agricultural experiences (facilities are related to instructional areas mentioned in (1) above);

(g) is able to develop and demonstrate the scientific process as part of critical thinking and problem-solving effort in the preparation of research experiences in the classroom, laboratory, greenhouse, leadership, and supervised agricultural experiences; and

(h) meets the diverse needs of students by applying and integrating the state's learning goals, agricultural workplace competencies and essential academic learning requirements in program implementation and assessment.

~~(3) It is required that students have one year (2000 hours) of practical farm or other agricultural-related experience within five years prior to completion of the program~~ A listing of essential indicators for each sub-standard and specified methods of performance assessment will be developed and available for self-monitoring and program review, and as student information on program expectations. This process may result in individual candidate portfolios which demonstrate the level of individual success and, cumulatively, to demonstrate the success of the preparation program.

AUTH: 20-1-114, MCA

IMP: 20-2-121, MCA

10.58.503 ART K-12 (1) For the prospective teacher the program shall:

~~(1)(a)~~ (a) develop competence and a working vocabulary in the following:

~~(a)(i)~~ (i) art production: through developing the ability to present imaginative and original ideas and feelings by creating expressive images in a concentration of one or more of the visual art forms;

~~(b)(ii) art history and heritage; through developing the ability to understand and appreciate works of art from different cultures, places, and times;~~

~~(c)(iii) art criticism; through developing the ability to analyze and evaluate the structure, meaning and significance of works of art and to make reasoned interpretations and judgements about them their meaning; and~~

~~(d)(iv) aesthetics; through developing the ability to inquire into understanding perceive and understand through subjective explorations of the nature, beauty, and experience of art, which allows one to formulate informed opinions about art and to articulate them using appropriate vocabulary;~~

~~(2)(b) develop in the studio setting the ability to produce original and expressive art forms in a variety of two- and three-dimensional media, which may include but not be limited to ceramics, drawing, painting, printmaking fibers, graphics communication, sculpture, photography jewelry, metalwork, multimedia, painting, photography, printmaking, sculpture, and creative craft areas of woodworking, fibers, metalwork, jewelry, and ceramics;~~

~~(3)(c) provide develop the understanding of and the ability skills needed to develop sequential visual arts curriculum with a scope and sequence articulated K-12 that assures pupil development and competence in a variety of media make use of new and emerging technologies in relationship to the study and production of art;~~

~~(4)(d) develop an understanding of the health and safety aspects of studio work, including materials, tools, equipment, classroom design and procedures comprehend and recognize copyright and patent laws in relation to original art works and reproductions;~~

~~(5)(e) develop the understanding and ability needed to make use of new and emerging technologies in relationship to the study and making of art provide the understanding of and the ability to develop sequential visual arts curricula with a mission and scope that assures student development and competence in a variety of media;~~

~~(6)(f) develop an understanding of and ability to develop and use appropriate strategies for assessing student progress and accomplishments in learning the visual arts, such as, portfolio review, critical analyses, interviews, group and individual performance tasks, research exercises, and essays about aesthetics and art history acquire an understanding of:~~

~~(i) the health and safety aspects of studio work, including materials, tools, equipment, classroom design, and procedures; and~~

~~(ii) budgeting and purchasing;~~

~~(7)(g) develop an understanding of and ability to place knowledge from the discipline of art into the larger context of concepts about the world as described by other disciplines such as the sciences, history, and language arts, as well as the performing arts and humanities; and acquire an understanding of and ability to develop and use appropriate strategies for assessing student progress and accomplishments~~

in the visual arts, such as portfolio review, interviews, group and individual performance tasks, and research and writing about aesthetics, criticism, art heritage and art production;

~~(8)(h) develop the understanding and ability necessary to advise and encourage students about higher education and career opportunities related to the study and production of art and art related fields.~~ understand and connect art with other disciplines; and

(i) develop the ability to advise and encourage students about higher education and career opportunities related to the study and production of art and art related fields.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

#### 10.58.505 BUSINESS AND INFORMATION TECHNOLOGY EDUCATION

(1) The business and information technology education program shall provide the prospective teacher with the ability to:

~~(1)(a) present and apply the principles and procedures of information processing including word processing, data bases, electronic spreadsheets, integrated software applications, telecommunications, desktop publishing/graphics, and other current technologies used by business~~ understand and use a variety of collaborative efforts to enhance the curricula including, but not limited to advisory committees, business partnerships, tech prep, school to work, applied academics, career planning, cooperative education, and curriculum integration;

~~(2)(b) present and apply the principles and procedures of multi-media~~ organize and advise a vocational student organization such as distributive education clubs of America (DECA) or business professionals of America (BPA);

~~(3)(c) present and apply the principles and procedures of operating systems management and network management~~ promote and model the lifelong business learner by involvement in a variety of professional activities;

~~(4)(d) understand and present the fundamental concepts of accounting~~ communicate to all publics and understand the use of follow-up studies of graduates for the purpose of curriculum development and enhancement;

~~(5)(e) present proper keyboarding techniques and develop student keyboarding skills~~ facilitate the learning of constantly-changing subject matter in a dynamic learning environment with diverse students;

~~(6)(f) understand, use, and present the basic concepts of effective oral and written communications including development of effective listening skills and selection of proper media for business communications~~ assess student progress to alter and enhance the learning environment to optimize student success;

~~(7)(g) understand and present the legal framework for personal, business, and social interactions~~ understand and

apply the philosophy and objectives of career and technical education;

(8)(h) identify and present the elements of the business document cycle for electronic office systems demonstrate effective classroom management techniques and modify the curriculum to meet a variety of student needs;

(9)(i) understand and present effective techniques for managing employee work stations, personnel relations, and the budgeting of time and resources present and apply the principles and procedures of operating systems management, network management, system maintenance and troubleshooting;

(10)(j) identify the economic events and issues that impact businesses and individuals on a national and international level identify the methods for selection and application of the tools of technology as they relate to personal and business decision making;

(11)(k) understand, use, and present the elements and techniques for evaluating systems of business hardware and software demonstrate and apply the use of current and emerging technologies used by business, industry, and education;

(12)(l) identify and present opportunities in marketing, merchandising, and management understand, use, and present the basic concepts of effective oral and written communications including development of effective listening skills and selection of proper media of business communications;

(13)(m) understand and present the basics of a free enterprise system understand and present ethical and social responsibilities related to business and the legal framework for personal, business, and social interactions;

(14)(n) understand the philosophy and objectives of vocational education and occupational technology, and apply them in classroom activities identify and present the skills needed to successfully obtain and maintain employment;

(15)(o) understand and use the process for developing, adopting, adapting, and revising vocational programs and curricula, including the use of advisory committees, business partnerships and classroom management techniques identify careers and opportunities in business and related occupational fields, and assess the interests, aptitudes, personal qualities, and other information necessary for students to make informed career choices;

(16)(p) plan and administer a cooperative education program complete a related occupational experience or internship in education;

(17)(q) organize and advise a vocational student organization understand and present effective techniques for managing employee work stations, personnel relations, and the budgeting of time and resources;

(18)(r) identify careers and opportunities in business and related occupational fields, and assess the interests, aptitudes, personal qualities, and other information necessary for students to make informed career choices identify and apply marketing and merchandising concepts, and management fundamentals;

~~(19)(s) identify and present the skills needed to successfully obtain and maintain employment~~ develop the ability to organize, manage and synthesize information to make wise business decisions;

~~(20)(t) conduct studies of the occupational outcomes of former students which provide current occupational information for classroom use obtained from follow-up studies~~ understand and present effective techniques, for business problem solving;

~~(21)(u) complete or augment an appropriately successful related occupational experience or internship~~ identify and apply interpersonal, teamwork, and leadership skills necessary to successfully function in multicultural business and social settings;

~~(22)(v) understand and present effective techniques for business problem solving; and~~ facilitate research activities in domestic and international business;

~~(23)(w) understand and present the basic concept of personal finance and consumer skills. present and apply the principles of the United States economic system and its role in the global economy;~~

(x) understand and present the basics of a free enterprise system, as well as other economic systems;

(y) understand and apply analytical tools needed to make informed personal and societal decisions regarding short-term and long-term economic issues;

(z) present and apply the basic concepts of personal consumer economic skills, social and government responsibility, and business practices;

(aa) understand and present the role of entrepreneurship in our economy and the process of starting and maintaining a business;

(ab) understand and present accounting procedures to make decisions about planning, organizing, and allocating resources;

(ac) apply the appropriate mathematical functions to solve a variety of business problems; and

(ad) present the different functional areas of business as interrelated parts rather than distinct and separate entities.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.507 DRAMA (1) For the prospective drama teacher the program shall-

(1) provide a structural framework which demonstrates:

(a) through (d) remain the same.

(2) The program shall provide an academic strand which includes:

(a) and (b) remain the same.

(c) an understanding of the educational function of theater in the school setting, helping students develop life skills and better understand themselves, others and the world.

(3) Teacher candidates will be provide provided experience with performance, in order to develop:

(a) through (d) remain the same.

(4) Preparing teachers develop the ability to interact with the community, in order to:

(a) through (d) remain the same.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.508 ELEMENTARY ~~For the prospective teacher the program shall:~~

~~(1) prepare teacher candidates to understand the role of elementary school teachers, the various elementary school programs and organizations, and the role of parents and all members of the community in the school program;~~

~~(2) include study and experiences throughout the professional studies sequence which link human development, from prenatal through adult years with an emphasis on the school years, to the elementary school curriculum and instruction. Teacher candidates shall:~~

~~(a) understand the integration of physical, social, emotional, cognitive and health characteristics and needs from prenatal through adult stages;~~

~~(b) study student development through direct, guided observation, focused inquiry through data collection; and systematic analysis, self-study of interaction with children, etc.; and~~

~~(c) study the full range of variations in physical, environmental and cognitive development and acquire a knowledge for meeting students' individual needs;~~

~~(3) include studies and experiences in the sociological and the behavioral sciences which emphasize the interaction of children with their environment and the roles of parents and families to include:~~

~~(a) knowledge of parenting styles and the effect of those styles on the child;~~

~~(b) knowledge of a variety of family structures and settings, and possibilities and limitations of parents and teachers; and~~

~~(c) knowledge of family dynamics — functional/ dysfunctional models;~~

~~(4) study curriculum development to:~~

~~(a) define and assess learner goals and expectations;~~

~~(b) focus on individual learning needs;~~

~~(c) provide sequential and developmental learner goals;~~

~~(d) include content, skills and thinking;~~

~~(e) select materials and resources; and~~

~~(f) develop assessment processes that are consistent with the curricular goals;~~

~~(5) provide opportunities to:~~

~~(a) organize and effectively manage varied learning groups utilizing an interdisciplinary approach which is~~

~~appropriate to the needs and/or interests of the student and the goals of the lesson;~~

~~(b) select and use various models for teaching about controversial, problematic and value-oriented issues; and~~

~~(c) systematic observation and practice of activities that stimulate reflective and critical thinking, problem-solving and decision-making skills within and across disciplines;~~

~~(6) include opportunities to study, analyze and practice effective models of classroom management in campus and field-based settings and to engage in a gradual increase in responsibility;~~

~~(7) knowledge of a variety of assessment practices to:~~

~~(a) select methods of assessment appropriate to each of the disciplines and to the age, development and characteristics of students;~~

~~(b) interpret and communicate assessment by observing and recording results accurately and ethically; and~~

~~(c) integrate information gained from assessments into instructional plans;~~

~~(8) provide knowledge of ethnic, linguistic and cultural backgrounds and gender biases and their effects on children, families and society;~~

~~(9) provide knowledge of library/media use as essential elements in learning to enable students to:~~

~~(a) read, listen and view critically;~~

~~(b) learn effective ways to find information and motivate;~~

~~(c) organize, analyze and interpret information;~~

~~(d) integrate information across content areas; and~~

~~(e) reach conclusions;~~

~~(10) provide sufficient preparation in the content/program areas normally found in the elementary and preschool curriculum, including:~~

~~(a) art--specifically the ability to:~~

~~(i) develop competence and a working vocabulary in art production: the ability to present ideas and feelings by creating expressive images in one or more of the visual art forms;~~

~~(ii) develop competence and a working vocabulary in art history: the ability to understand and appreciate works of art from different cultures, places, and times;~~

~~(iii) develop competence and a working vocabulary in art criticism: the ability to analyze and evaluate the structure, meaning, and significance of works of art and to make reasoned interpretations and judgements about them;~~

~~(iv) develop competence and a working vocabulary in aesthetics: the ability to inquire into understanding the nature, beauty, and experience of art, which allows one to formulate opinions about art and to articulate them using appropriate vocabulary;~~

~~(v) develop an understanding of and the ability to develop sequential visual arts curriculum with scope and~~

~~sequence articulated K-8 that assures pupil development and competence in a variety of media;~~

~~(vi) develop an understanding of the health and safety aspects of studio work, including materials, tools, equipment, classroom design, and procedures;~~

~~(vii) develop the ability to identify and expand upon associations among the visual arts and other academic disciplines;~~

~~(viii) develop an understanding and appreciation of other fine arts such as, dance, film, music, theater, and literature; and~~

~~(ix) develop an understanding and appreciation of the contribution visual arts experiences make to the development of the whole person and to the total learning experience;~~

~~(b) music—specifically the ability to:~~

~~(i) develop competence and a working vocabulary in creation and performance, music history, music criticism and aesthetics;~~

~~(ii) develop an understanding of and produce a sequential music curriculum with scope and sequence articulated K-12 that assures pupil development and competence in a variety of media;~~

~~(iii) develop an understanding of the health and safety aspects of music production, including materials, tools, equipment, classroom design, and procedures; and~~

~~(iv) develop an understanding and appreciation of the contribution musical experiences make to the development of the whole person and to the total learning experience;~~

~~(c) social studies—specifically programs should prepare teacher candidates to translate knowledge and data-gathering processes from history and the social sciences into appropriate and meaningful social studies experiences for students. Programs include study of and experiences with:~~

~~(i) the selection, integration, and translation of knowledge and methodology from history and the social science disciplines to knowledge, process and activities appropriate to students. The social science disciplines include anthropology, economics, geography, government, psychology, and sociology;~~

~~(ii) strategies for teaching students to use a wide variety of data sources, including direct observation, artifacts, graphics, literature, art, and multimedia technology;~~

~~(iii) democratic processes, including civic participation, and strategies for teaching students about democratic institutions and processes, within the context of a multicultural society;~~

~~(iv) the development of strategies to promote global and multicultural perspectives;~~

~~(v) strategies for teaching students to recognize the significant contributions of Native American people, their culture, and unique history to Montana and American society and history; and~~

~~(vi) guided and independent field experiences such as classroom observations, microteaching, and student teaching, in which elementary school teacher candidates apply general and unique elementary social instructional strategies, including inquiry;~~

~~(d) language arts--specifically provide programs in student literacy development designed to help teachers create experiences for their students through the integration of reading, writing, thinking, viewing, listening and speaking. Programs include study, application and experiences with:~~

~~(i) emergent literacy concepts;~~

~~(ii) the cognitive and linguistic foundations of literacy development for students at all levels;~~

~~(iii) the writing process~~

~~(iv) ways of promoting vocabulary growth for students;~~

~~(v) the flexible use of a variety of strategies for recognizing words in print;~~

~~(vi) teaching the language conventions needed to compose and comprehend oral and written texts (e.g., text structure, punctuation, spelling), in a process which focuses on the communication of ideas;~~

~~(vii) the strategies readers use to discover meaning from print and to monitor their own comprehension;~~

~~(viii) strategies and materials in a variety of formats which enable students to become efficient and analytical consumers of information;~~

~~(ix) the relationship of reading, writing, listening, thinking and speaking processes to all areas of the elementary curriculum;~~

~~(x) appropriate responses to differences among language learners (e.g., linguistic, sociocultural, intellectual, physical);~~

~~(xi) a variety of assessment techniques and instruments to assess the literacy development of students;~~

~~(xii) communication to parents of developmentally appropriate language activities which could be used at home to reinforce the school program;~~

~~(xiii) speaking and writing which vary in form, subject, purpose, audience, point of view, tone and style;~~

~~(xiv) strategies to promote reading, writing and oral language for personal growth, enjoyment, information and lifelong learning; and~~

~~(xv) the literature of childhood including:~~

~~(A) knowledge and application of a range of books, fiction and non-fiction in all content areas;~~

~~(B) knowledge and application of a variety of strategies for sharing literature with students;~~

~~(C) knowledge and application of varied strategies to guide students in responding to books in a variety of ways;~~

~~(D) knowledge and application of a wide variety of fiction and non-fiction which represent diverse cultures of Montana, the U.S. and the world; and~~

~~(E) knowledge of the importance of reading aloud to all learners;~~

~~(xvi) knowledge and application of text and materials to stimulate interest, promote reading growth, foster appreciation of quality literature and increase the motivation of learners to read widely and independently for information and for pleasure;~~

~~(xvii) promotion of creative thinking and expression, through storytelling, drama, choral/oral reading, imaginative writing, etc.; and~~

~~(xviii) criteria to evaluate and select appropriate materials and strategies for teaching reading, writing, researching, thinking, viewing, listening and speaking in the integrated curriculum;~~

~~(e) mathematics--specifically, the program shall include:~~

~~(i) experiences in which they:~~

~~(A) become confident in their ability to construct mathematical ideas, exercise mathematical reasoning: inductive and deductive;~~

~~(B) use various strategies to solve problems;~~

~~(C) explore the connections that exist within mathematics and between mathematics and other disciplines;~~

~~(D) develop skills in written, visual and oral communication of mathematical concepts and technical information;~~

~~(E) construct, interpret, test and revise models used in solving real-world problems;~~

~~(F) explore the dynamic nature of mathematics throughout history and its increasingly significant role in social, cultural and economic development;~~

~~(G) use multiple means of oral, written and visual assessment that are representative of instructional materials and strategies;~~

~~(H) create a learning environment that provides and structures the time necessary to explore sound mathematics, grapple with significant ideas and problems, and take intellectual risks;~~

~~(I) experience and can apply the integrated and hands-on applications of appropriate technology specific to each of the standards areas;~~

~~(J) explore definitions, conjectures and theorems which are applications based and example generated;~~

~~(ii) the nature and use of number experiences in which they:~~

~~(A) develop a practical, concrete sense of numbers;~~

~~(B) use physical materials and models to explore fundamental properties of number systems (naturals, integers, rational, reals);~~

~~(C) analyze and compare features and basic computational techniques in selecting numeration systems in use today and in the past;~~

~~(D) use estimation and mental arithmetic, calculators, computers, paper-and-pencil algorithms, and manipulative materials in solving a wide variety of problems;~~

- ~~(E) investigate number sequences, patterns and functional relationships;~~
- ~~(F) develop conjectures and intuitive proofs of properties in number;~~
- ~~(G) learn to use appropriate technology effectively, including dealing with questions of computational efficiency and complexity; and~~
- ~~(H) become familiar with complex numbers;~~
- ~~(iii) geometry, spatial sense and measurement experiences in which they:~~
  - ~~(A) use a variety of tools, physical models and appropriate technology to develop an understanding of Euclidean geometric concepts and relationships and their use in describing the world in which we live;~~
  - ~~(B) investigate properties and relationships of shape, size and summetry in two- and three dimensional space;~~
  - ~~(C) explore concepts of motion geometry in two- and three dimensional space; and~~
  - ~~(D) become familiar with Euclidean and other geometries;~~
- ~~(iv) patterns and functions experiences in which they:~~
  - ~~(A) recognize the study of patterns as an underlying fundamental theme in mathematics;~~
  - ~~(B) create and use pictures, charts, graphs and appropriate technology to recognize and describe mathematical relationships;~~
  - ~~(C) discover and analyze functional relationships which arise from diverse problem situations;~~
  - ~~(D) develop the use of variables and other algebraic notation as an efficient and natural way to describe relationships;~~
  - ~~(E) use concrete examples to explore selected algebraic structures; and~~
  - ~~(F) provide an informal intuitive understanding of sequences and series;~~
- ~~(v) probability and statistics experiences in which they:~~
  - ~~(A) collect, organize, display and interpret data;~~
  - ~~(B) formulate convincing arguments and make inferences and informed decisions based on statistical methods;~~
  - ~~(C) explore empirical probability and relate it to basic theoretical probability;~~
  - ~~(D) plan and conduct experiments and simulations;~~
  - ~~(E) develop counting and other techniques useful in determining theoretical probabilities; and~~
  - ~~(F) analyze and critique the inappropriate use of statistics;~~
- ~~(f) health enhancement (physical education and health)-- specifically, the ability to:~~
  - ~~(i) implement methods and materials that promote healthy behaviors via movement experiences and health concepts which include but are not limited to:~~
    - ~~(A) personal health and fitness;~~
    - ~~(B) prevention and safety education;~~
    - ~~(C) nutrition;~~

- ~~(D) consumer, community and environmental health;~~
- ~~(E) mental and emotional health;~~
- ~~(F) family life and human sexuality;~~
- ~~(G) coping skills;~~
- ~~(ii) understand basic motor development and its sequential application to specific movement patterns, including locomotor, nonlocomotor, manipulative, rhythm/dance, movement exploration, Native American games and activities, outdoor education, games and sport skills;~~
- ~~(iii) select and use appropriate techniques to assess the effectiveness of the health enhancement program;~~
- ~~(g) science--specifically, the program shall:~~
  - ~~(i) provide the competence to understand science content in laboratory and field-oriented science including study in life science, physical science, and earth science disciplines;~~
  - ~~(ii) provide competence in the teaching of science processes, content safety and attitudes;~~
  - ~~(iii) require completion of extensive preparation in elementary science methods schedules after the science content courses have been completed and prior to student teaching. The preparation shall include experiences with hands-on activities to promote process skill development, the selection of appropriate science content, development of techniques for evaluating pupil progress, the design of classroom environments that promote positive attitudes, the selection and use of a variety of instructional strategies and materials, and skills and abilities necessary to promote logical, critical and creative thinking;~~
  - ~~(iv) develop a professional orientation by including experiences that instill positive attitudes toward science and science teaching and foster an appreciation for the value of science in the total curriculum and in the lives of children; and~~
  - ~~(v) provide background in the integration of science with other content to illustrate the combinations of knowledge needed to understand and deal positively with our environment;~~
- ~~(h) traffic and safety education--specifically provide programs including bicycle and pedestrian safety, passenger and pupil transportation safety, basic first aid, disaster preparedness, fire safety principles and exit drills, and water, home and recreational safety. These programs include the study of and experiences with:~~
  - ~~(i) the most common child behaviors/characteristics that lead to injury;~~
  - ~~(ii) the most common accident types (conflict areas) that children are involved with;~~
  - ~~(iii) the countermeasures to eliminate or reduce the incident of accidents (conflict): education, engineering/environmental changes and enforcement/policy activities;~~
  - ~~(iv) developing and implementing prevention action plans;~~
  - ~~(v) current literature which includes studies of injury statistics;~~
  - ~~(vi) promoting healthy decision-making skills;~~

~~(vii) ways to communicate with parents concerning the risk of injury; and~~

~~(viii) the liability issues related to student injury.~~

(1) Candidates for elementary teacher certification shall demonstrate the following knowledge and skills:

(a) Development, learning and motivation knowledge and skills shall be demonstrated by candidates who know, understand, and use the major concepts, principles, theories, and research related to the development of children and young adolescents to construct learning opportunities that support individual students' development, acquisition of knowledge, and motivation.

(b) Curriculum knowledge and skills shall be demonstrated by candidates who know, understand, and use the central concepts as outlined in Montana's student content and performance standards, tools of inquiry, and structures of content for students across grades K-8 and can engage students in meaningful learning experiences that develop students' competence in subject matter and skills for various developmental levels. Candidates shall:

(i) demonstrate a high level of competence in the use of English language arts and they know, understand, and use concepts from reading, language, literature and child development to teach reading, writing, speaking, listening, and thinking skills, and to help students successfully apply their developing skills to many different situations, materials, and ideas;

(ii) know, understand, and use the fundamental concepts in the subject matter of science, including physical, life, and earth and space sciences, as well as concepts in science and technology, science in personal and social perspectives, the history and nature of science, the unifying concepts of science, and the inquiry processes scientists use in discovery of new knowledge to build a base for scientific literacy;

(iii) know, understand, and use the major concepts, procedures, and reasoning processes of mathematics that define number systems and number sense, geometry, measurement, statistics and probability, and algebra, in order to foster student understanding and use of patterns, quantities, and spatial relationships that can represent phenomena, solve problems, and deal with data;

(iv) know, understand, and use the major concepts and modes of inquiry from the social studies, the integrated study of history, geography, the social sciences (such as anthropology, archaeology, economics, political science, psychology, and sociology), and other related areas (such as humanities, law, philosophy, religion, mathematics, science, and technology), to promote students' abilities to make informed decisions as citizens of a culturally diverse democratic society and interdependent world;

(v) know, understand, and use--as appropriate to their own understanding and skills--the content, functions, and achievements of dance, music, theater, and the several visual

arts as primary media for communication, inquiry, and insight among students;

(vi) know, understand, and use the comprehensive nature of students' physical, mental, and social well-being to create opportunities for student development and practice of skills that contribute to health enhancement; and

(vii) know, understand, and use interdisciplinary connections to integrate subject matter contents, employing inclusive ideas and issues that engage students' ideas, interests, concerns and experiences.

(c) Instructional knowledge and skills shall be demonstrated by candidates able to plan and implement instruction based on knowledge of individual students, learning theory, subject matter, curricular goals, and community:

(i) understand how students differ in their development and approaches to learning, and create instructional opportunities that are adapted to diverse learners;

(ii) understand and use a variety of teaching routines and strategies that encourage students' development of critical thinking, problem solving, and performance skills;

(iii) use their knowledge and understanding of individual and group motivation and behavior among students to foster active engagement in learning, self motivation, and positive interaction and to create supportive learning environments; and

(iv) use their knowledge and understanding of effective verbal, nonverbal, and media communication techniques to foster inquiry, collaboration, and supportive interaction.

(d) Assessment knowledge and skills shall be demonstrated by candidates who know, understand, and use formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social-emotional, and physical development of each student.

(e) Professionalism knowledge and skills shall be demonstrated by candidates who understand and exhibit practices and behaviors of a professional educator.

Candidates:

(i) are aware of and reflect on their practice in light of research on teaching and resources available for professional learning; they continually evaluate the effects of their professional decisions and actions, revising practices appropriately and actively seeking out opportunities to grow professionally;

(ii) know the importance of establishing and maintaining a positive collaborative relationship with families to promote the intellectual, social-emotional, and physical growth of children; and

(iii) foster relationships with school colleagues and others in the community to develop an infrastructure of support for students' learning and well-being.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.509 ENGLISH/LANGUAGE ARTS (1) For the prospective English/language arts teacher the program shall:  
~~(1)~~ provide a structural framework which demonstrates:  
(a) through (d) remain the same.  
(2) In addition, the program shall provide understandings of English/language arts content, including:  
(a) through (g) remain the same.  
(3) The program shall provide a pedagogy for English/language arts, which includes:  
(a) and (b) remain the same.  
(4) Preparation programs shall develop positive attitudes for English/language arts which:  
(a) and (b) remain the same.  
(5) Each program shall provide field-based experiences in which students:  
(a) through (c) remain the same.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.510 STUDENTS WITH DISABILITIES K-12 (1) The following standard pertains to programs for preparing teachers of students with disabilities--early intervention through grade 12. This standard, applicable to all areas of special education, is designed to prepare an individual to provide a range of educational services for students with disabilities. This standard refers to students who have cognitive delay, hearing impairment, deafness, speech/language impairment, visual impairment, emotional disturbance, orthopedic impairment, other health impairments, learning disability, deaf-blindness, ~~pre-school~~ child with disability, autism, and/or traumatic brain injury. The standard represents a common set of expectations across all areas for the preparation of teachers serving students with disabilities. The program shall require demonstrated competence in the following areas:

~~(1)(a) competence in working with groups of students and individuals within groups and in field experiences and student teaching practicum with students with special needs;~~ In philosophical, historical, and legal foundations of special education, students will exhibit an understanding of:

(i) national, state, and local laws, administrative policies, and procedures affecting persons with disabilities. Students will be able to:

(A) describe major components of the Individuals with Disabilities Education Act (IDEA);

(B) describe major components of Section 504 of the Rehabilitation Act and The Americans with Disabilities Act (ADA);

(C) demonstrate use of the Montana Special Education Reference Manual (MSERM) and Montana Technical Assistance Documents as resources to identify accurate policy and procedure information; and

(D) use state forms in the special education process.

(ii) models, theories, and philosophies that provide the basis for past and current special education practice.

Students will be able to:

(A) demonstrate knowledge of basic models and theories in the major disability areas;

(B) describe the past and current philosophical issues in special education;

(C) describe the historical treatment of persons with disabilities;

(D) describe the impact of culture on identification and services to persons with disabilities; and

(E) articulate personal philosophy of special education including its relationship to/with general education.

~~(2)(b) competence in reviewing current research and knowledge in describing the characteristics of exceptionality and its effect on how students learn;~~ In characteristics of learners of all ages, students will exhibit an understanding of:

(i) characteristics of exceptionalities and their effects on students' abilities to learn. Students will be able to:

(A) identify the 13 legal categories and other recognized categories (i.e., ADHD and FAE/FAS) of disability and identification criteria for each category at both the federal and state levels;

(B) recognize individual variations within each major disability category;

(C) demonstrate knowledge of typical and atypical development of children; and

(D) describe the educational impact of major types of disabilities so that appropriate supports and accommodations can be provided.

(ii) characteristics and effects on learning and life of the child and the family including environment, cultural, linguistic, socioeconomic, medical and health, gender, and other factors. Students will be able to:

(A) discuss multiple external factors that will influence individual student's life and learning;

(B) discuss the concept and the impact of intra-individual differences on individual student's life and learning; and

(C) describe the effects of various medications on the educational, cognitive, physical, social, and emotional behavior of individuals with exceptionalities.

~~(3)(c) competence in an understanding of national, state, and local laws, policies, and procedures affecting persons with disabilities;~~ In assessment, evaluation and program development:

(i) students will exhibit an understanding of the evaluation/eligibility process. Students will be able to:

(A) describe the steps of the evaluation/eligibility process;

(B) demonstrate knowledge of routine screening procedures;

(C) describe the purpose, roles and strategies generated through the pre-referral and referral process;

(D) demonstrate familiarity with the forms used in the evaluation/eligibility process;

(E) demonstrate an understanding of the multidisciplinary team concept;

(F) demonstrate the understanding and ability to coordinate yearly and three-year evaluations; and

(G) create and maintain student records.

(ii) students will develop, select, administer and interpret formal and informal assessment techniques and instruments. Students will be able to:

(A) describe strengths and limitations of the most commonly used assessment tools across the disability categories;

(B) select, use and interpret various formal and informal assessment instruments and results (e.g., grade scores versus standard scores, percentile, ranks, age/grade equivalents and stanines);

(C) implement a functional assessment and curriculum based assessment;

(D) describe the discriminatory and ethical issues surrounding assessment;

(E) conduct a family/home environment and person-centered assessment;

(F) gather background information regarding academic, medical and family history;

(G) gather and compile relevant information from the student, family and others that reflects their interests and goals for post-school employment and/or education;

(H) use one of many available methods to determine parent priorities for their child's education as part of the assessment and program planning process; and

(I) demonstrate an understanding of assessments used in general education.

(iii) students will convert assessment information into appropriate educational program plan and placement recommendation. Students will be able to:

(A) demonstrate an understanding of the continuum of service options and the legal requirement for placement in the least restrictive environment;

(B) demonstrate ability to translate assessment data into implications for educational programming and placement;

(C) demonstrate ability to translate assessment data into an individualized educational program (IEP) including adaptations needed to support students in the least restrictive environment;

(D) develop present level of performance, long term goals, and short term objectives as part of the development of an IEP;

(E) assess progress in all areas, being able to:

(I) develop data collection processes;

(II) display and communicate data; and  
(III) use data for decision making;  
(F) develop a transition plan that insures that school activities focus on identified post-school goals;  
(G) develop short term objectives that include conditions, observable behavior, criteria for success, evaluation procedures and schedules; and  
(H) use a variety of ways to monitor progress in the IEP.

~~(4)(d) competence in the development, selection, administration, and interpretation of formal and informal screening and assessment techniques and instruments to assess a student's educational development (academic, cognitive, communicative, emotional, behavioral, physical, career/vocational, and social), to include accomplishment and documentation of pre-referral interventions; For curriculum and instructional methods, students will:~~

(i) identify, evaluate, select, adapt and use curriculum materials to develop motor, cognitive, academic, social, language, affective, vocational, and functional life skills for individual students based on their needs. Students will be able to select, develop and use a variety of curricula for meeting the needs of students with diverse abilities;

(ii) be able to work as a partner with general education teachers to support students with identified disabilities in general education classrooms to the maximum extent possible. Students will be able to:

(A) collaborate with the general education teacher to plan instruction for the regular classroom in a way that allows for instruction to be differentiated to accommodate students with diverse needs;

(B) collaborate with the general education teacher to co-teach appropriate subjects and lessons of the general education curriculum, ensuring that the needs of students with disabilities are being met;

(C) provide information to the general education teacher about adaptations and modifications that are needed on an ongoing basis by individual students with disabilities; and

(D) collaborate with the general education teacher to ensure that the progress of students with disabilities is evaluated.

(iii) demonstrate an ability to translate the IEP into daily lesson planning;

(iv) demonstrate an awareness of and ability to use and provide access to assistive technology;

(v) demonstrate an understanding of facilitating major educational transitions from preschool to adult life.

~~(5)(e) knowledge of the child within the context of the family and the cultural, socioeconomic, linguistic and environmental factors impacting the family; In planning and managing the teaching and learning environment, students will:~~

(i) demonstrate competence in individual and group management techniques using techniques based upon humanistic, behavioral, and cognitive psychological theories;

(ii) demonstrate ability to effectively structure education activities that involve heterogeneous groups of students;

(iii) demonstrate ability to establish and maintain physically and psychologically safe and healthy learning environments that promote development and learning, value diversity and encourage self-advocacy and increased independence;

(iv) use strategies to coordinate, plan, supervise, and monitor the work of paraprofessionals, volunteers, parents, peer tutors and other related service providers to support the needs of students with disabilities in a variety of school and non-school settings;

(v) demonstrate an awareness of and ability to use technological advances to facilitate accessing information, record keeping, and instruction;

(vi) be able to design, structure and manage daily classroom routines, including transition time, effectively for students, other staff, and the general classroom; and

(vii) utilize structured and non-structured approaches to create opportunities for students with disabilities to interact with their typical peers in respected, age-appropriate roles and activities.

~~(6)(f) competence in converting assessment information into functional long-term goals and short-term objectives (individual education plan--IEP) designed to meet the needs of a student with a specific disability including recommendations relating to placement in the appropriate, least restrictive environment;~~ In supporting students with challenging behaviors, students will:

(i) describe a variety of psychological perspectives of individual student behaviors;

(ii) demonstrate an understanding of the applicable laws, rules and regulations, procedural safeguards and ethical concerns when addressing the behaviors of individuals with exceptional needs;

(iii) demonstrate ability to identify, evaluate, select, adapt, and use a variety of techniques to prevent problem behavior and promote appropriate student behavior (e.g., social skills, modifying learning environments, cognitive strategies, behavior techniques including reinforcement strategies);

(iv) be able to write behavioral objectives and positive behavior intervention plans for individual students. Students will be able to:

(A) conduct a functional behavior assessment;

(B) write positive behavior intervention plans; and

(C) maintain necessary documentation.

(v) demonstrate competence in using strategies for crisis prevention/intervention;

(vi) demonstrate an understanding of attitudes and behaviors that positively or negatively influence behavior of individuals with exceptional learning needs; and

(vii) describe the importance of considering cultural and family diversity in addressing student behaviors.

~~(7)(g) competence in developing, implementing and evaluating the IEP using appropriate curriculum, instructional techniques/methods, selecting and applying appropriate ongoing measurement techniques, media/materials, and supportive personnel; In communication and collaborative partnerships, students will:~~

(i) demonstrate competence in the ability to work ethically and constructively with school personnel. Students will be able to:

(A) utilize a variety of models for collaboration and co-teaching in classroom settings;

(B) demonstrate competence in identifying, selecting, accessing and using school and community resources;

(C) work collaboratively with administrators, general education teachers, paraeducators, volunteers, peer tutors and other related service providers in the classroom;

(D) collaborate with general classroom teachers and other school and community personnel in integrating students into various learning environments.

(ii) demonstrate competence in the ability to work ethically and constructively with parents and families of children. Students will be able to:

(A) demonstrate an understanding and sensitivity to concerns of parents of individuals with exceptional learning needs;

(B) demonstrate an ability to be responsive to familial and cultural differences;

(C) encourage and assist families to become active participants in the educational team; and

(D) provide parents with a variety of options for communication and involvement that respects their individual priorities and circumstances.

(iii) demonstrate competence in the ability to work ethically and constructively with community agency personnel;

(iv) demonstrate a knowledge and understanding of ethical practices for confidential communication to others about individuals with exceptional learning needs;

(v) demonstrate competence in oral and written communication with parents, families, and other professionals;

(vi) demonstrate understanding of rights to privacy, confidentiality, and respect for differences among all persons interacting with individuals with disabilities; and

(vii) identify the various community agencies and adult service providers that may play a role in providing supports for a student with a disability and his/her family.

~~(8)(h) competence in the development, implementation, and evaluation of a variety of logically ordered instructional approaches to learning for students with disabilities that address their academic, communication, social, cognitive, behavioral, career/vocational, life skill, leisure skill, play skill and physical needs including the effects of medication; In professional and ethical practices, students will:~~

(i) demonstrate an understanding of personal cultural biases and teaching style differences that affect one's teaching;

(ii) describe the importance of the teacher serving as a role model;

(iii) develop skills to be advocates for students and families;

(iv) model life-long habits to stay current in the field through accessing current literature and research;

(v) be able to recognize signs of emotional distress, child abuse, and neglect in students and follow legal procedures for reporting known or suspected abuse or neglect to appropriate authorities;

(vi) be able to recognize the impact of diversity in all its forms;

(vii) participate actively in professional organizations and adhere to a professional code of ethical conduct;

(viii) be able to comply with local, state, provincial and federal monitoring and evaluation requirements;

(ix) use copyrighted educational materials in an ethical manner; and

(x) describe the various roles that teachers may have as part of a school-wide change or reform initiative.

~~(9) competence in identifying, selecting, adapting, and using commercially and teacher-made media and materials including the most current technology for improving and strengthening programs for students with disabilities;~~

~~(10) competence in making appropriate adaptations in the environment, equipment, and/or devices needed to organize a variety of individual and small group learning activities;~~

~~(11) competence in individual and group management techniques using a variety of techniques based upon behavioral, cognitive, and humanistic psychological theories;~~

~~(12) competence in the ability to work ethically and constructively with pupils, professional peers, teachers, parents/families, administrators and other concerned persons and organizations, and to work cooperatively and collaboratively with professional peers within various teaching environments;~~

~~(13) competence in identifying, selecting, and using school and community resources; and~~

~~(14) competence in supporting effective transitions from early intervention programs into local education agencies (LEAs) from elementary into secondary programs and from LEAs into post-secondary situations.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.511 SECOND LANGUAGES (1) For the prospective teacher seeking endorsement to teach any second language, preparation shall be in a specific language program leading to teacher preparation and shall provide:

(1) through (5) remain the same, but are renumbered (a) through (e).

~~(6)~~(f) a working social and professional competence in cultural skills (reflecting the international character of present-day economic ties among countries), including:

(i) the ability to participate in social situations and those within one's vocation;

(ii) handle unfamiliar situations with ease and sensitivity, including those involving common taboos or other controversial subjects; and

(iii) comprehend most nonverbal responses, including some culture-related humor;

(7) and (8) remain the same, but are renumbered (g) and (h).

~~(9)~~(i) an understanding of the differences between the sound systems, forms, and structures phonological, grammatical and semantic systems of the second language and those of English and the ability to apply this understanding to modern second language teaching;

~~(10)~~(j) a knowledge of the present-day objectives of second language teaching as communication, and an understanding of the methods and techniques for attaining these objectives, and the ability to evaluate the professional literature of second language teaching;

~~(11)~~(k) a knowledge of the use of special techniques, such as educational media, the internet and electronic mail, and the relation of second language study to other curricular areas, and the ability to evaluate the professional literature of second language teaching;

(l) a demonstration of language proficiency in the target language resulting from the achievement of an appropriate score (at a specific level determined by the degree granting college or university) on an internationally recognized proficiency examination;

~~(12)~~(m) preparation of teachers of classical languages through adherence to the preceding standards, with special emphasis on appreciation of the language and gaining control of its sounds, structure, and vocabulary rather than on conversational objectives; and

(n) for Native American languages competence in the language as attested by the appropriate tribal authority; and

(13) remains the same, but is renumbered (o).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.512 GUIDANCE AND COUNSELING K-12 (1) For the prospective counselor the program shall provide:

(1) and (2) remain the same, but are renumbered (a) and (b).

~~(3)~~(c) opportunities to understand the history, philosophy, theories, trends, organization, time management, and professional activities related to the practice of school counseling K-12;

~~(4)~~(d) opportunities to demonstrate competence in developing relationships with community, public, private, medical, employment, and educational agencies and other services for referral and collaborative service delivery;

~~(5)~~(e) opportunities to understand individual growth and development across the life-span within family and social environments including ~~the dynamics of human behavior and of human development theory and research~~ theories of learning and personality development, human behavior (understanding of developmental crises, disability, addictive behavior, psychopathology and environmental factors that affect both normal and abnormal behavior);

(6) remains the same, but is renumbered (f).

~~(7)~~(g) opportunities to understand and appreciate ~~societal forces and cultural diversity such as socio-economic, religious, ethnic, and racial groups~~ sociocultural, demographic, and lifestyle diversity that include attitudes and behavior based on such factors as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, family patterns, socioeconomic status and intellectual ability;

(h) opportunities to understand the coordination of counseling program components as they relate to the total school community in coordination efforts with various individuals and agencies, methods of integrating the guidance curriculum into the total school curriculum, using guidance and counseling activities to enhance a positive school climate, and developing methods of planning and presenting guidance-related educational programs for school personnel and parents;

(8) remains the same, but is renumbered (i).

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(f)~~(vi) drug and alcohol prevention/intervention programs, anger management, violence prevention/intervention, suicide, eating disorders, child abuse and neglect, teenage pregnancy, human sexuality, family relations, grief/separation/loss, student drop-outs, gender-equity, and crisis intervention; and

(g) remains the same, but is renumbered (vii).

(9) and (10) remain the same, but are renumbered (j) and (k).

~~(11)~~(l) opportunities to demonstrate competence in the knowledge of ~~legal and ethical issues of school counseling policies, laws, legislation, ethical issues that affect school counseling and knowledge of the ethical standards and guidelines of the American school counseling association~~ (ASCA);

~~(12)~~(m) opportunities to demonstrate competence in career counseling, including career development theories, ~~written materials, technologically-assisted information, assessment and decision-making methods;~~ and decision-making models; information resources (career, avocational, and labor market); computer-based information systems; interrelationships among

work, family, and other life roles; assessment instruments; career and educational placement, follow-up and evaluation;  
(13) remains the same, but is renumbered (n).

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.513 HEALTH (1) For the prospective teacher the program shall provide a broad understanding of basic knowledge and understanding of the concepts that promote comprehensive health, the benefits of leading a healthy lifestyle and health enhancement and shall further provide:

~~(1)~~(a) the ability to advocate for, plan, organize, assess and implement a comprehensive school health education program including:

~~(a)~~(i) the school health curriculum, including goals and objectives, based on content standards and planned learner activities and integration integrated with related disciplines, to include:

~~(i)~~(A) personal health and principles of health-related physical fitness;

~~(ii)~~(B) accident prevention and safety education;

(iii) through (vi) remain the same, but are renumbered (C) through (F).

~~(vii)~~(G) chronic and communicable disease prevention including HIV/AIDS prevention;

(viii) through (x) remain the same, but are renumbered (H) through (J).

~~(xi)~~(K) student and program assessment based on performance standards and program evaluation which includes consideration of content standards and student achievement;

(b) remains the same, but is renumbered (ii).

(2) remains the same, but is renumbered (b).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(c)~~(iii) the educational, environmental motivational, and organizational strategies used to involve staff in health promotion and wellness; and

~~(d)~~(iv) medical ethical issues as they relate to the availability of technology and procedures for society at large surrounding individual and family health decision-making;

(3) remains the same, but is renumbered (c).

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(f)~~(vi) ethical critical thinking and decision making;

(g) and (h) remain the same, but are renumbered (vii) and (viii).

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.514 HOME ECONOMICS FAMILY AND CONSUMER SCIENCES  
~~For the prospective teacher the program shall provide:~~

~~(1) information about the impact of society on family interaction and child development which includes interpersonal relationships, cultural patterns, and community diversity; The program shall provide opportunities for the prospective teacher to develop the knowledge, skills, attitudes, and behaviors needed for preparing grades 5-12 students to:~~

~~(a) address problems regarding the impact of society on diverse family, community and work interaction and environments;~~

~~(b) appreciate human worth across the lifespan and accept responsibility for one's success in family and work life;~~

~~(c) analyze the multiplicity of factors involved in selection, use, and care of clothing and textiles for personal and family needs;~~

~~(d) manage resources and make decisions to meet the developmental needs of individuals and families with regard to the shelter, safety, nurturing, and environmental aspects of housing and technology/equipment;~~

~~(e) promote optimal nutrition and wellness across the lifespan through practical experiences with selecting, planning, preparing, serving and allocating resources for meals and building endurance, strength, and flexibility activities into the schedules of individuals and families which reflect their culture, as well as the variety provided through other cultures;~~

~~(f) function effectively throughout the lifecycle as providers and consumers of goods and services related to individuals and families in the home and workplace;~~

~~(g) demonstrate responsible actions and decision-making as leaders in family, community and work settings through the use of future homemakers of America/home economics related occupations (FHA/HERO) as a youth leadership development structure and process; and~~

~~(h) exhibit strategies for balancing personal, home, family and work life through exploration of careers and development of skills for seeking and maintaining employment.~~

~~(2) an understanding of the multiplicity of factors involved in selection, use, and care of clothing and textiles for personal and family needs; The program shall provide opportunities for the prospective teacher to develop the knowledge, skills, attitudes, and behaviors to:~~

~~(a) plan, develop, teach, supervise and evaluate programs in family and consumer sciences education;~~

~~(b) apply a variety of teaching strategies to integrate academics and reinforce workplace competencies experiences through the involvement of community agencies/businesses/parents in the curriculum; and~~

~~(c) apply family and consumer sciences education to daily life with respect to the study of social, behavioral and natural sciences.~~

~~(3) emphasis on the importance of value judgments and decisions about shelters, furnishing, and equipment for individual and family needs;~~

~~(4) knowledge and experience for selecting, planning, preparing, and serving foods that meet the nutritional, cultural and socio-economic needs of various individuals and families;~~

~~(5) knowledge and experience for consumer health and family resource management that meet goals at the various stages of life;~~

~~(6) knowledge in planning, developing, teaching, supervising, and evaluating programs in consumer homemaking and occupational home economics;~~

~~(7) an opportunity for interdisciplinary and multi-agency approaches to the preparation of home economics teachers;~~

~~(8) study in the humanities and the social, behavioral, and natural sciences;~~

~~(9) the ability to use home economics youth organizations as a means to teach leadership skills through public speaking, parliamentary procedures, and cooperative group efforts; and~~

~~(10) emphasis on career exploration and orientation to work.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.515 INDUSTRIAL/TECHNOLOGY EDUCATION (1) For the prospective teacher the program shall:

~~(1)(a) provide a curriculum that is consistent with current national standards for curricular design and:~~

~~(a)(i) be based on a sound mission statement with stated goals and objectives that reflect the intent of industrial/technology education programs, as defined guided by the national professional organizations for technology education;~~

~~(b)(ii) based on an organized set of concepts, processes and systems that are technological in nature; and will be consistent with Montana school accreditation standards;~~

~~(c)(iii) reflected in curricular design, course outlines, instructional strategies and evaluation of student work will consider local school standards and curricula as are expressed through advisory input from the public school sector;~~

~~(iv) follow an organized set of concepts, processes and systems that are technological in nature; and~~

~~(v) will be reflected in curricular design, course outlines, instructional strategies and evaluation of student work;~~

~~(2)(b) contain courses in math, science and related areas in the general education component to provide the necessary depth and breadth in content for students to succeed in the technology education program be based on a published philosophical statement and defined set of concepts, which will include appropriate objectives and competencies. Such statements shall be known to students as they matriculate into the program;~~

~~(3) require appropriate studies in the area in which the graduate will teach, including:~~

~~(a) fundamental knowledge about the development of technology, its effects on people, the environment and society;~~

~~(b) information about industry's organization, personnel systems, techniques, resources, products and social impacts;~~

~~(c) instructional content drawn from the following content organizers:~~

~~(i) communication technology: using resources to transfer information and to extend human potential;~~

~~(ii) construction technology: using resources to build structures or construct work on site;~~

~~(iii) manufacturing technology: using resources to extract and convert raw/ recycled materials into industrial and consumer goods; and~~

~~(iv) transportation technology: using transportation technologies to maintain contact and exchange among individuals and societal units through the movement of material/goods and people;~~

~~(d) identification of a level and scope of skills in the use of tools, instruments and machines necessary for successful teaching;~~

~~(e) assistance to students in developing insight and understanding in the application of technological concepts, processes and systems;~~

~~(f) assistance to students in utilizing tools, materials, machines, processes, and technical concepts, safely and efficiently;~~

~~(g) help for students to develop skills, creative abilities, positive self-concepts and individual potentials relating to technology;~~

~~(h) problem-solving and decision-making abilities involving human and material resources and technological processes and systems;~~

~~(i) activity-oriented laboratory instruction that reinforces abstract concepts with concrete experiences;~~

~~(j) emphasis on "know-how" and "ability to do" in carrying out technology activities;~~

~~(k) knowledge and skills regarding how technological systems function, and the attitudes to evaluate those systems;~~

~~(l) the ability of students to understand past, present or future technological systems by applying knowledge and skills developed in the study of other systems;~~

~~(m) the ability to apply other areas of knowledge (e.g., mathematics, science, history) to technology and its use in solving individual and social problems; and~~

~~(n) information to students on the relationship between technology education and vocational education and its role in providing middle and high school students with career awareness and exploratory activities that enhance success in advanced specialized courses;~~

(c) be based on content selected for relevance to the public school curriculum. Content may be orientated toward

technology education (TE) or industrial technology (IT), providing that orientation is consistent with the stated program philosophy;

~~(4) provide courses/experiences so that the graduate can perform the following tasks in developing, managing, and evaluating a technology education program in schools:~~

~~(a) develop a strategic plan that includes a mission statement, rationale for updating, goals and objectives, action steps, and a program evaluation strategy;~~

~~(b) base the program on the goals and objectives within the four content organizers (construction technology, manufacturing technology, communication technology, and transportation technology);~~

~~(c) structure an educational environment in the classroom and laboratory that enhances student learning;~~

~~(d) select appropriate instructional strategies for individual and group instruction;~~

~~(e) successfully provide all elements of laboratory management (e.g., maintaining inventory, filing, requisitioning equipment and materials, maintenance, budgeting);~~

~~(f) develop lesson plans, organize materials and present psychomotor, affective, and cognitive instruction;~~

~~(g) establish student expectations and develop/implement a behavior policy;~~

~~(h) establish and maintain a student association within the program;~~

~~(i) promote and articulate technology education to internal and external publics;~~

~~(j) develop and coordinate an external advisory committee for the program;~~

~~(k) establish a professional development plan for continued personal growth;~~

~~(l) identify program standards, with reference to state and national norms, and use the standards to evaluate and improve the program;~~

~~(m) function as a committed participant in professional activities both as a contributor and recipient; and~~

~~(n) gain access to services and financial resources available from state and federal agencies, and operate within applicable laws and regulations governing education.~~

(d) require appropriate studies in the content area(s) in which the graduate will teach, including:

(i) fundamental knowledge about the development of technology, its effects on people, the environment and society;

(ii) information about industry's organization, personnel systems, techniques, resources, products and social impacts;

(iii) instructional content drawn from the following content organizers:

(A) communication technology, which includes information-related technology that uses resources to transfer information and to extend human potential;

(B) construction technology, which includes physical-related technology that uses resources to build structures or construct work on site;

(C) manufacturing technology, which includes physical-related technology using resources to extract and convert raw/recycled materials into industrial and consumer goods;

(D) transportation technology, which includes physical-related technology using transportation technologies to maintain contact and exchange among individuals and societal units through the movement of material, goods and people; and

(E) other organizers as stated in program design;

(iv) identification of a level and scope of entry level skills in the use of tools, instruments and machines necessary for successful teaching;

(v) emphasis on quality workmanship;

(vi) assistance to students in developing insight and understanding in the application of technological concepts, processes and systems;

(vii) development of skills in utilizing tools, materials, machines, processes, and technical concepts relative to content organizers, safely and efficiently;

(viii) help for students to develop skills, creative abilities, and positive self-concepts and individual potentials relating to technology;

(ix) problem-solving and decision-making abilities involving human and material resources and technological processes and systems;

(x) activity-oriented laboratory instruction that reinforces abstract concepts with concrete experiences;

(xi) emphasis on "know-how" and "ability-to-do" in carrying out technology activities;

(xii) knowledge and skills regarding how technological systems function, and the attitudes to evaluate those systems;

(xiii) the ability of students to understand past, present or future technological systems by applying knowledge and skills developed in the study of other systems;

(xiv) the ability to apply other areas of knowledge (e.g., mathematics, science, history) to technology and its use in solving individual and social problems;

(xv) information on the relationship between technology education and vocational education and its role in providing middle and high school students with career awareness and exploratory activities that enhance success in advanced specialized courses; and

(xvi) manipulative skills development of value to the individual students;

(e) provide courses and experiences so that the graduate can perform the following tasks in developing, managing, and evaluating an industrial/technology education program in schools:

(i) develop a strategic plan that includes a mission statement, rationale for updating, goals and objectives, action steps, and a program evaluation strategy;

(ii) focus instruction on the technological systems of communication, construction, manufacturing, transportation and other content organizers around which the program may be based;

(iii) structure an educational environment in the classroom and laboratory that enhances student learning;

(iv) select appropriate instructional strategies for individual and group instruction;

(v) successfully provide all elements of laboratory management (e.g., maintaining inventory, filing, requisitioning equipment and materials, maintenance, budgeting);

(vi) develop lesson plans, organize materials and present psychomotor, affective, and cognitive instruction;

(vii) establish student expectations, and develop and implement a behavior policy;

(viii) establish and maintain a student association within the program;

(ix) promote and articulate industrial/technology education to internal and external publics;

(x) develop and coordinate an external advisory committee for the program;

(xi) establish a professional development plan for continued personal growth;

(xii) identify program standards, with reference to state and national norms, and use the standards to evaluate and improve the program;

(xiii) function as a committed participant in professional activities both as a contributor and recipient;

(xiv) gain access to services and financial resources available from state and federal agencies, and operate within applicable laws and regulations governing education;

(xv) develops students' abilities to search, access, retrieve, synthesize and apply information; and

(xvi) provide opportunities for students with work-related experience useful for employment entry after graduation.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.516 JOURNALISM (1) For the prospective teacher the program shall-

(1) provide a structural framework which demonstrates:

(a) through (d) remain the same.

(2) The program shall provide understanding of journalism as a subject, including:

(a) through (f) remain the same.

(3) provide opportunities in both print and nonprint formats shall be provided for the prospective teacher to practice, model, and help students to use a composition process which involves:

(a) through (c) remain the same.

(4) The program provides opportunities in both print and nonprint formats for the prospective teacher to practice, model, and help students to:

(a) through (c) remain the same.

(5) There shall be provided a pedagogy for journalism which includes practice in:

(a) through (c) remain the same.

(6) The program shall develop positive attitudes for teaching journalism, including:

(a) and (b) remain the same.

AUTH: 20-2-112, MCA

IMP: 20-2-121, MCA

10.58.517 LIBRARY MEDIA K-12 (1) The program designed to produce ~~an information specialist, teacher and instructional consultant~~ a library media specialist shall provide:

(1) remains the same, but is renumbered (a).

~~(a)(i) teaching the ability to teach the use of information, media (including use of computer software and electronic resources), reference, research, literature and production skills as basic components of lifelong, independent learning in a manner which is integrated into the school curriculum;~~

~~(b)(ii) integrating library and information skills into the curriculum planning and implementing uses of technology in teaching and learning;~~

~~(c)(iii) participating with teachers and administrators in design and development of the a curriculum in which information literacy becomes a coherent thread across all subjects and grade levels;~~

~~(d)(iv) working collaboratively with teachers to develop and implement programs and units serving as an instructional partner with all members of the learning community to meet learner goals within and beyond the curriculum; and~~

~~(e)(v) assisting in selection, and use and production of appropriate media to achieve specific instructional objectives and learner outcomes; and~~

~~(f) applying instructional design principles in producing and adapting materials;~~

(2) remains the same, but is renumbered (b).

(a) remains the same, but is renumbered (i).

~~(b)(ii) formulating the budget and developing funding proposals assessing needs and setting goals, objectives and priorities while supporting the mission of the school;~~

~~(c)(iii) assessing needs formulating budgets and developing funding proposals as part of short and long range planning;~~

~~(d)(iv) setting goals, objectives and priorities establishing and implementing policies and procedures;~~

~~(e) establishing policies and procedures;~~

(f) remains the same, but is renumbered (v).

~~(g)(vi) developing job descriptions and relationships and supervising and training personnel; and~~  
~~(h) developing job descriptions; and~~  
(i)(vii) participating in a supervised practicum experience comparable in length and emphasis to the student teaching experience;

(3) remains the same, but is renumbered (c).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(e)(iii) community resources, networks and resource sharing; and~~

(d)(iv) data-bases electronic resources, including internet and CD ROM's to locate and retrieve information; and

(v) educational applications of computer programs such as word processing, databases, spreadsheets and multi-media authoring;

~~(4)(d) skills in selection, acquisition and organization of resources and media including the use of:~~

(a)(i) evaluative selection aids for print/nonprint media (including electronic resources) and equipment, plus standard and current review sources;

(b) remains the same, but is renumbered (ii).

~~(e)(iii) standardized library procedures to include such as cataloging, indexing, processing, filing and records management;~~

(d)(iv) basic principles of collection development and maintenance including library policies, accession, deselection, inventory, shelving, storage, and security; and

~~(e)(v) development of local and state networking for the purpose of resource sharing to include interlibrary loans, cooperative collections and catalog development, plus and~~  
electronic resources and networks;

(5) remains the same, but is renumbered (e).

~~(a)(i) using computers and other technology in the instructional programs;~~

(b)(ii) operating common audio, projection, video and computer equipment using computers and other technology for management of the library media center, including electronic circulation and cataloging programs;

~~(e)(iii) producing basic nonprint media operation of audio, projection, video and computer equipment which is commonly used in schools;~~

(d)(iv) planning use of facilities and equipment; and producing basic nonprint media;

~~(e)(v) using computers and other technology for the library media center planning use of facilities and equipment; and~~

(vi) creating a climate in the library media center which fosters a positive attitude to questioning and active learning;

(6) remains the same, but is renumbered (f).

(a) remains the same, but is renumbered (i).

(i)(A) keeping current with curricular and technological advances research, trends and issues;

(ii) remains the same, but is renumbered (B).

(C) knowledge of current research on learning and teaching and its application in a school setting;

(b) remains the same, but is renumbered (ii).

~~(i)~~(A) adhering to the librarian's American library association's (ALA) code of ethics;

~~(ii)~~(B) being familiar familiarity with laws and regulations pertinent to library media programs such as those concerning copyright, and confidentiality, and intellectual freedom;

(C) familiarity with ALA documents such as the Library Bill of Rights and its various interpretations; and

(D) achieving a broad knowledge of curriculum contents, development and evaluation in K-12 settings;

(g) skills in instructional leadership to include:

(i) promoting development of curriculum which shows the relationship between information-based learning and skills students need for the future;

(ii) planning and implementing professional development activities for teachers designed to increase awareness, familiarity and integration of various educational resources (both traditional and electronic);

(iii) identifying legislation and policy at the local, state and national levels that affect the school library media program and taking appropriate and professional action; and

(iv) communicating effectively with students, faculty, staff, administrators, parents, other colleagues and the general public, to develop and promote a library media program which effectively promotes informational literacy.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.518 MATHEMATICS (1) For the prospective teacher the program shall:

(1) remains the same, but is renumbered (a).

(a) through (h) remain the same, but are renumbered (i) through (viii).

~~(i)~~(ix) experience and apply the integrated and hands-on applications of appropriate technology specific to each of the standards areas; and

~~(j)~~(x) explore definitions, conjectures and theorems which are applications based and example generated use theoretical and empirical techniques to explore definitions, conjectures and theorems; and

(xi) recognize the study of patterns as an underlying fundamental theme in mathematics;

(2) remains the same, but is renumbered (b).

~~(a)~~(i) explore and discuss the properties, relations, and applications, of real and complex numbers in diverse settings;

(b) through (d) remain the same, but are renumbered (ii) through (iv).

(c) include algebra and algebraic structures experiences in which learners:

- (i) examine the theoretical underpinnings of algebra;
- (ii) develop an ability to reason with and about algebraic representations;
- (iii) develop formal algebraic structures through patterning and other informal methods;
- (iv) make and test conjectures using algebraic methods;
- (v) use algebra to represent and reason about real-world problems;
- (vi) explore the connections between algebra and other subjects; and
- (vii) use concrete examples to explore algebraic structures;

(3) remains the same, but is renumbered (d).

(a) through (c) remain the same, but are renumbered (i) through (iii).

~~(d)~~(iv) explore spatial relationships; and

~~(e)~~(v) make and test conjectures supported by exploration;

(vi) construct proofs of mathematical statements; and

(vii) explore the use of geometry as a tool for modeling real-world problems;

(4) remains the same, but is renumbered (e).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(c)~~(iii) investigate and discuss a variety of functions in areas such as mathematics, business and the physical, biological, behavioral and social sciences; and

(d) remains the same, but is renumbered (iv).

~~(e) use concrete examples to explore algebraic structures; and~~

~~(f) recognize the study of patterns as an underlying fundamental theme in mathematics;~~

(5) remains the same, but is renumbered (f).

(a) through (e) remain the same, but are renumbered (i) through (v).

(6) remains the same, but is renumbered (g).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(c)~~(iii) explore both intuitively and ~~in-depth~~ theoretically the concepts of limit, continuity, differentiation, integration and other continuous processes; and

(d) remains the same, but is renumbered (iv).

(7) remains the same, but is renumbered (h).

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(8)~~(i) provide mathematical structures experiences include experiences with other advanced mathematical structures (e.g., linear algebra, differential equations) in which they:

(a) remains the same, but is renumbered (i).

~~(b)~~(ii) investigate different observed patterns and properties that can be represented by the same mathematical structures; and

(e)(iii) explore the processes involved in building new structures from given structures; and  
(iv) explore theoretical aspects of these mathematical structures.

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.519 MUSIC K-12 (1) For the prospective teacher the program shall develop:

(1) ~~a comprehensive knowledge of musical notation and language;~~ (a) produce the knowledge, skills and abilities related to curriculum and program administration to enable to candidate to:

(i) develop sequential music curriculum with a scope and sequence articulated that assures pupil development and competence;

(ii) apply current methodologies to the development of materials appropriate to various levels of elementary, middle and secondary music education;

(iii) formulate and articulate a philosophy on music education which may serve as a basis for implementing a K-12 music program;

(iv) develop and use appropriate strategies for assessing student progress and accomplishments in learning music, such as performance portfolio, reviews, critical analyses, group and individual performance tasks and research exercises;

(v) plan music performances and productions;

(vi) effectively use promotion, publicity and public relations to develop community understanding and confidence in the music education program;

(vii) advise and encourage students about higher education and career opportunities related to the study and performance of music and music related fields; and

(viii) demonstrate an appreciation for the role technology plays in contemporary music education.

(2)(b) ~~aural perception to distinguish tonal and temporal relationships;~~ produce candidates prepared in performing and demonstrating music skills including:

(i) proficiency on keyboard and fretted instruments in order to use the instruments for demonstration and accompaniment;

(ii) individual performance ability to perform solo and small to large ensemble repertoire at a high artistic level;

(iii) the ability to perform in both vocal and instrumental ensembles;

(iv) demonstration of competence in performing and teaching voice, winds, string and percussion instruments in order to conduct choral and instrumental ensembles;

(v) skill at guiding various vocal and instrumental laboratory experiences; and

(vi) the ability to develop and use the child's singing voice in elementary music education.

~~(3)(c) an understanding of the materials of music (including melody, harmony, rhythm, tempo, dynamics, form, style and notation); produce candidates capable of demonstrating skills in composition and improvisation to include:~~

~~(i) the ability to guide elementary and secondary students into creative and/or improvisational experiences and performances; and~~

~~(ii) sufficient knowledge to select and adapt (arrange and/or transpose) music from a variety of sources to meet the needs and proficiencies of school performing ensembles and classroom situations.~~

~~(4)(d) the ability to use the materials of music in aural and visual analysis; produce candidates proficient in reading and notating music to include:~~

~~(i) a comprehensive knowledge of musical notation and language; and~~

~~(ii) a comprehensive knowledge and skill in conducting, score reading and rehearsal techniques for choral and instrumental ensembles.~~

~~(5)(e) comprehensive knowledge and skill in conducting, score reading and rehearsal techniques for choral and instrumental ensembles; produce candidates prepared in musical analysis and evaluation to include:~~

~~(i) aural perception to distinguish tonal and temporal relationships;~~

~~(ii) an understanding of the materials of music, including melody, harmony, rhythm, tempo, dynamics, form and style;~~

~~(iii) the ability to use the materials of music in aural and visual analysis;~~

~~(iv) knowledge to select appropriate solo/ensemble literature to be used in general music, vocal/choral and instrumental classes at the elementary, middle and secondary levels; and~~

~~(v) an awareness of skill in the use of current and diverse music technologies and an understanding of acoustics and the physics of sound.~~

~~(6)(f) knowledge to select and adapt (arrange and/or transpose) music from a variety of sources to meet the needs and proficiencies of school performing ensembles and classroom situations; produce candidates capable of relating music to history, culture and other disciplines to include:~~

~~(i) the ability to stylistically identify and place music in an historical period;~~

~~(ii) knowledge and appreciation of past and present world music cultures;~~

~~(iii) knowledge of the historical relationship of music to other performing and visual arts;~~

~~(iv) an understanding of the aesthetic, philosophical and psychological aspects of music, and music's contribution to the individual and society; and~~

~~(v) knowledge of the relationship of music to other disciplines outside the arts.~~

- ~~(7) the ability to guide elementary and secondary students into creative and/or improvisational experiences and performances;~~
- ~~(8) develop an understanding of and the ability to develop sequential music curriculum with a scope and sequence articulated K-12 that assures pupil development and competence;~~
- ~~(9) develop an understanding and ability to develop and use appropriate strategies for assessing student progress and accomplishments in learning music, such as, performance portfolio, reviews, critical analyses, group and individual performance tasks and research exercises;~~
- ~~(10) proficiency on keyboard and fretted instruments in order to use the instruments for demonstration and accompaniment;~~
- ~~(11) individual performance ability to perform solo and small to large ensemble repertoire at a high artistic level;~~
- ~~(12) the ability to stylistically identify and place music in an historical period;~~
- ~~(13) the ability to perform in both vocal and instrumental ensembles;~~
- ~~(14) knowledge and appreciation of past and present world music cultures;~~
- ~~(15) knowledge of the historical relationship of music to other performing and visual arts;~~
- ~~(16) an understanding of the aesthetic, philosophical and psychological aspects of music, and music's contribution to the individual and society;~~
- ~~(17) an ability to formulate a philosophy or music education which may serve as a basis for implementing a K-12 music program;~~
- ~~(18) demonstrate competence in performing and teaching not only in voice but also winds, string and percussion instruments in order to conduct choral and instrumental ensembles;~~
- ~~(19) the ability to plan music performances and productions;~~
- ~~(20) skills for guiding various vocal and instrumental laboratory experiences;~~
- ~~(21) an awareness of an appreciation for the role technology plays in contemporary music education;~~
- ~~(22) knowledge of current methods and materials appropriate for elementary music education;~~
- ~~(23) the ability to develop and use the child's singing voice in elementary music education;~~
- ~~(24) knowledge to select appropriate solo/ensemble literature to be used in general music, vocal/choral and instrumental classes at the elementary and secondary levels;~~
- ~~(25) an awareness of skill in the use of current and diverse music technologies and an understanding of acoustics and the physics of sound;~~
- ~~(26) skills to effectively use promotion, publicity and public relations to develop community understanding and confidence in the music education program; and~~

~~(27) develop an understanding and ability to advise and encourage students about higher education and career opportunities related to the study and performance of music and music related fields.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.520 PHYSICAL EDUCATION AND HEALTH K-12 (1) For the prospective teacher the program shall provide a broad understanding of the concepts that promote comprehensive health, the benefits of leading a healthy lifestyle and the health enhancement program and further shall:

~~(1)(a)~~ provide competence for the delivery and evaluation of planned learning activities which are developmental, and sequential, and are based on content standards in the areas of:

(a) remains the same, but is renumbered (i).

(i) remains the same, but is renumbered (A).

~~(ii)(B)~~ the physical, social and emotional dimensions of alcohol, tobacco and other drugs use;

~~(iii)(C)~~ the physical and emotional aspects of human sexuality;

~~(iv)(D)~~ chronic and communicable diseases, including HIV and STDs, body defenses, and immunization programs and disease prevention;

~~(v)(E)~~ consumer health including the evaluation of health products and services and the role of critical thinking and decision-making to enhance health;

~~(vi)(F)~~ the study of human anatomy and physiology, exercise physiology, and movement and exercise analysis and the principles involved in learning and developing motor skills and fitness;

(vii) remains the same, but is renumbered (G).

~~(viii)(H)~~ conditioning methods and techniques applying the overload principle as they relate to physical growth and maturation understanding the principles and components of health-related physical fitness; and

~~(ix)~~ role modeling as it pertains to a healthy life style and its impact on society;

(x) remains the same, but is renumbered (I).

(b) remains the same, but is renumbered (ii).

~~(i)(A)~~ community and environmental health, including sanitation and pollution;

(ii) remains the same, but is renumbered (B).

~~(iii)(C)~~ consumer health education, including the ethical use of benefit plans and health care services;

~~(iv)(D)~~ medical ethical issues as they relate to the availability of technology and procedures for society at large; and

~~(v)(E)~~ medical health problems that may be of special significance to a specific gender or culture;

(2) remains the same, but is renumbered (b).

~~(3)(c)~~ provide an exposure to activities a variety of movement forms in the psychomotor domain including:

~~(a)(i)~~ fundamental manipulative, locomotor, nonlocomotor, motor skills and exercises;

(b) remains the same, but is renumbered (ii).

~~(e)(iii)~~ individual and dual lifetime sports;

~~(d)(iv)~~ lead-up games, team sports and games;

(e) through (g) remain the same, but are renumbered (v) through (vii).

~~(h)(viii)~~ Native American Indian and other ethnic games and activities;

(4) remains the same, but is renumbered (d).

(a) through (c) remain the same, but are renumbered (i) through (iii).

~~(d)(iv)~~ good public relations communication skills in interpreting advocating for the importance of the health enhancement curriculum to other school personnel, parents, community agencies and public;

~~(e)(v)~~ aspects of liability potential and insurance or other forms of risk sharing or pooling; and

~~(f)(vi)~~ student assessment and program assessment evaluation;

(5) remains the same, but is renumbered (e).

(a) through (c) remain the same, but are renumbered (i) through (iii).

(6) remains the same, but is renumbered (f).

(7) remains the same, but is renumbered (g).

~~(a)(i)~~ first aid and emergency care including required certification in first aid and CPR; and

(b) remains the same, but is renumbered (ii).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.521 READING SPECIALISTS K-12: (1) For the prospective reading specialist the program shall provide in-depth level of understanding, knowledge and application of:

(1) remains the same, but is renumbered (a).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(e)(iii)~~ recognition of the need to plan instruction based on the reading and literacy strengths of individual learners rather than on emphasizing weaknesses; and

~~(d)(iv)~~ a wide variety of genre integrated into the curriculum, including quality literature and the diversity of expository materials appropriate to the age and developmental levels of learners; and

(v) research on reading which includes a range of methodologies (e.g., ethnographic, descriptive, experimental and historical);

~~(2)(b)~~ understanding of the nature of the learner and the learning process with specific applications to reading;

~~(a)(i)~~ recognizes knowledge of the importance of embedding effective reading instruction within a meaningful

context (i.e., the development of content and knowledge) for the purposes of completing specific authentic tasks, for personal growth, and for pleasure;

(b) remains the same, but is renumbered (ii).

(i) through (iv) remain the same, but are renumbered (A) through (D).

(3) remains the same, but is renumbered (c).

(a) through (d) remain the same, but are renumbered (i) through (iv).

~~(e)~~(v) knowledge of strategies to help students monitor, apply, and comprehend word recognition strategies, and learn and apply reading comprehension strategies in the content area; and

(f) remains the same, but is renumbered (vi).

(4) remains the same, but is renumbered (d).

(a) and (b) remain the same, but are renumbered (i) and (ii).

(5) remains the same, but is renumbered (e).

(a) and (b) remain the same, but are renumbered (i) and (ii).

(6) remains the same, but is renumbered (f).

(a) through (f) remain the same, but are renumbered (i) through (vi).

(7) remains the same, but is renumbered (g).

(a) remains the same, but is renumbered (i).

~~(b)~~(ii) engender collegiality with other literacy professionals through regular conversations, discussions, and consultations about learners, literacy theory, and instruction; and

~~(c)~~(iii) promote and facilitate teacher- and classroom-based research; and

(iv) understand and use multiple indicators of professional growth;

~~(8)~~(h) development, management, and evaluation of literature-based holistic researched-based effective reading/literacy approaches that:

~~(a)~~(i) recognize the importance of implementing reading/literacy programs designed to meet the needs of readers and writers;

(b) through (h) remain the same, but are renumbered (ii) through (viii).

(9) remains the same, but is renumbered (i).

(a) through (c) remain the same, but are renumbered (i) through (iii).

~~(d)~~(iv) communicating information and translating latest research about programs and data about reading to the media, policy makers, and the general public;

(10) remains the same, but is renumbered (j).

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(11)~~(k) professional literacy organizations which provide information, research and resources to the reading professional (i.e., international reading association, state and local reading organizations).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.522 SCIENCE (1) ~~The comprehensive broadfield~~ major shall include a concentration in one of the endorsable disciplines that is coupled with balanced study in three other endorsable science disciplines. Science disciplines selected shall adhere to a scope and sequence approach which ensures a thorough grounding in the basic philosophy, theory, concepts and skill associated with the ~~discipline~~ National Science Education Standards. Curricula leading to a certificate in a science area must meet ~~ARM 10.58.522(2), generally, and the provisions of (3) through (8), of that section specifically.~~

(2) ~~Common standards. For the prospective teacher the~~ program shall provide:

(a) ~~provide a thorough preparation in inquiry based learning course work in more than one or more of the sciences, as well as supplementary study in closely related areas. This preparation shall include:~~

(i) both breadth and depth of knowledge in science as reflected by the National Science Education Standards;

(ii) competency in basic mathematics, statistics, and technological applications including computer applications to science teaching; and

(iii) remains the same.

(b) provide the experience ability through guided and facilitated learning to interpret and communicate science research to others;

(c) provide instruction which models learning environments with extended time, appropriate space, and resources with equipment and technology typically found in the contemporary secondary classroom; and

(d) provide an understanding and experience of how to develop and maintain the highest levels of safety in classrooms, stockrooms, laboratories, and other areas related to instruction in science;

(e) experiences in formative and summative assessment techniques which model a variety of authentic and equitable assessment strategies that ensure the continuous intellectual, social and personal development of the learner in all aspects of science; and

(f) experiences in understanding science which model an interdisciplinary approach.

(3) ~~The Pphysical science. For the prospective teacher~~ the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change, constancy, measurement, evolution and equilibrium, form and function;

(b) engage prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

(a) through (c) remain the same, but are renumbered (c) through (e).

~~(d)~~(f) require study course work in biology and/or earth science, emphasizing the interrelationships among the sciences and their relationships to physical science; and

(e) remains the same, but is renumbered (g).

(4) ~~The Earth science.~~ For the prospective teacher the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) engage prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

(a) through (f) remain the same, but are renumbered (c) through (h).

(5) ~~The Bbiology.~~ For the prospective teacher the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) engages prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

~~(a)~~(c) include study and experiences emphasizing living organisms including laboratory and field studies promoting investigation, inquiry, applications of biology in ~~society~~ social and historical perspectives, and the use of experimental methods;

(b) and (c) remain the same, but are renumbered (d) and (e).

~~(d)~~(f) include course work in physics, chemistry or earth science emphasizing the interrelationships among the sciences;

~~(e)~~(g) provide opportunities to study the relationships between biology and ~~technology~~ molecular genetics and the impacts of biology/technology upon humans and their environment including ethical implications; and

(f) remains the same, but is renumbered (h).

(6) ~~The Cchemistry.~~ For the prospective teacher the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) engage prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

(a) and (b) remain the same, but are renumbered (c) and (d).

~~(e)~~(e) include course work in physics, biology, or earth science emphasizing the interrelationships among the sciences;

(d) through (f) remain the same, but are renumbered (f) through (h).

(7) ~~The Pphysics.~~ For the prospective teacher the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) engages prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

(a) and (b) remain the same, but are renumbered (c) and (d).

~~(e)~~(e) include course work in biology, chemistry or earth science emphasizing interrelationships among the sciences;

(d) through (f) remain the same, but are renumbered (f) through (h).

(8) ~~The Bbroadfield science.~~ For the prospective teacher the program shall:

(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) engage prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;

(a) and (b) remain the same, but are renumbered (c) and (d).

~~(e)~~(e) include the study of mathematics, including a working knowledge of calculus and statistics;

(d) through (i) remain the same, but are renumbered (f) through (k).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.523 SOCIAL STUDIES (1) The For the prospective social studies program teacher the program may follow the subject-major/minor pattern or the broadfield comprehensive major pattern. Subject-major/minor endorsement programs include are limited to economics, geography, government, history, psychology, and sociology. The comprehensive major program leads toward a "broadfield" social studies endorsement and may include courses in any of the above endorsement programs plus anthropology includes course work in history and government and at least one additional field of study chosen from economics, geography, psychology, or sociology.

(1)(a) Common standards: Instruction is provided in each of the following areas of professional study For the prospective teacher in each identified area the program shall:

(a)(i) social studies teaching methods that require completion of a course dealing specifically with the social studies curriculum and with a wide range of methods and

resources for the instruction of that curriculum to middle and high school students;

- ~~(i) prepare teacher candidates to select, integrate and translate knowledge and methodology from social studies disciplines appropriate to the school level;~~
- ~~(ii) include experiences in curriculum design for different settings; and~~
- ~~(iii) address the multicultural aspects of social studies teaching;~~

~~(b)(ii) communication skills required in social studies to include: require completion of multiple clinical experiences that begin early in the professional program and culminate in a student teaching experience lasting at least ten weeks and supervised by qualified professionals; and~~

- ~~(i) reading, writing, listening, speaking; and~~
- ~~(ii) use of technology;~~

~~(c)(iii) early systematic school experiences in a range of school settings and with a variety of students of varying cultural, socioeconomic, racial, religious, and/or ethnic backgrounds, including students with special needs; provide instruction by faculty in all components of the program with expertise in their fields of specialization.~~

~~(d) cross-cultural perspectives and gender studies; and~~

~~(e) problem solving, critical thinking, and application skills.~~

~~(2)(b) Program options: The broadfield social studies endorsement program shall require completion of a minimum of:~~

~~(a)(i) Comprehensive major: The comprehensive major leads to a "broadfield" social studies endorsement and shall include a concentration in at least one of the endorsable disciplines that is coupled with balanced study in three other endorsable social studies disciplines. This option may include courses in any of the endorsement programs plus anthropology. The comprehensive major shall include coursework in the following disciplines: 24 semester credits in history;~~

~~(i) history (American history, western civilization, world history, and non-western history);~~

~~(ii) government;~~

~~(iii) geography, world geography, and cultures;~~

~~(iv) economics; and~~

~~(v) behavioral sciences: anthropology, psychology, or sociology;~~

~~(b)(ii) Specific major or minor: Curricula leading to a teaching endorsement in a discrete social studies discipline (economics, geography, government, history, psychology and sociology) must meet (1) and the appropriate sub-standards (3) through (8). 15 semester credits in government; and~~

~~(iii) 12 semester credits in one of the following areas of study:~~

~~(A) economics;~~

~~(B) geography;~~

~~(C) psychology; or~~

~~(D) sociology.~~

~~(3)(c) The Economics endorsement: The program shall require demonstrated competence in systematic study of:~~

~~(a)(i) the understanding of basic economic problems confronting societies and the examination of the ways in which economic systems seek to resolve the three basic economic problems of choice (determining what, how, and for whom to produce) created by scarcity and environmental impact economic theory;~~

~~(b)(ii) the nature of comparative economic systems the basic economic problems confronting societies and the examination of the ways in which economic systems seek to resolve the three basic economic problems of choice (i.e., determining what, how, and for whom to produce) that are created by scarcity and environmental impact;~~

~~(c)(iii) the analysis of basic economic goals for society, (such as freedom of choice, ethics, efficiency, equity, full employment, price stability, growth and security) the basic economic goals for society, including freedom of choice, ethical action, efficiency, equity, full employment, price stability, growth, and security;~~

~~(d)(iv) the nature of international economic system including: the nature of comparative economic systems, including:~~

~~(A) the organization and importance of the international economic system;~~

~~(B) the distribution of wealth and resources on a global scale;~~

~~(C) the struggle of the "developing nations" to attain economic independence and a better standard of living for their citizens;~~

~~(D) the role of the transnational corporation in changing rules of exchange; and~~

~~(E) the influence of political events on the international economic order.~~

~~(i) the organization and importance of the international economic system;~~

~~(ii) the distribution of wealth and resources on a global scale;~~

~~(iii) the struggle of the "developing nations" to attain economic independence and a better standard of living for their citizens;~~

~~(iv) the role of the transnational corporation in changing rules of exchange; and~~

~~(v) the influence of political events on the international economic order.~~

~~(4)(d) The Geography endorsement: The program shall require demonstrated competence in systematic study of:~~

~~(a)(i) biophysical geography (such as solid earth, atmosphere, oceans, landforms, soils, biogeography), human geography (such as cultural, social, historical, political and economic) and familiarity with maps and other tools of geographical investigation or presentation; and the geographic themes of location (absolute and relative), place (physical and human characteristics), human-environment interaction~~

(relationships within places), movement (of people, goods, and ideas), and regions (how they form and change);

(b)(ii) the following themes: physical geography including solid earth, atmosphere, oceans, landforms, soils, and biogeography;

(i) location (absolute and relative);

(ii) place (biophysical and human characteristics);

(iii) human-environment interactions (relationships within places);

(iv) movement (mobility of people, goods and ideas); and

(v) regions (how they form and change).

(iii) human geography, including cultural, social, historical, political, and economic concerns; and

(iv) the use of maps and other tools of geographical investigation or presentation.

(5)(e) The Ggovernment endorsement:—The program shall require demonstrated competence in systematic study of:

(a)(i) the nature of individual dignity, popular sovereignty, political power and political authority;

(b)(ii) the understanding of American democracy not only as a tri-partite form of government, but as a philosophy based on moral principles and values as a form of government based on federalism, separation of powers, checks and balances, civil rights and liberties, elected representation, and popular participation;

(c)(iii) the organization, powers, and practices politics of the national, state, tribal and local units of American government;

(d)(iv) the impact role of public opinion, elections, interest groups, and political parties on leaders in building compromise and policy making;

(e)(v) the American political system compared with other forms of government and politics of other countries of the world and of American Indian tribes; and

(f) remains the same, but is renumbered (vi).

(6)(f) The Hhistory endorsement:—The program shall require demonstrated competence in systematic study of:

(a)(i) the knowledge of the origin, and historical development, and ramifications of world cultures to include United States, western and non-western and third world cultures: present local, national, and world affairs;

(i) chronological study that provides comprehensive coverage of a particular area;

(ii) regional study that examines the history of a single country; and

(iii) topical courses that focus on a specialized theme, e.g., American Indians and major world religions; and

(b)(ii) economic, political and social background of contemporary American life in a world setting. the skills of chronological thinking, analysis of evidence, and interpretation of the historical record; and

(iii) the cultural, economic, political, scientific/ technological, and social activity of humans in the analysis of contemporary issues and problems.

~~(7)(g) The Ppsychology endorsement:~~—The program shall require ~~demonstrated competence in the systematic study of:~~

~~(a)(i) the understanding of basic psychological theories including developmental, personality, learning, motivation, cognition, biological/physiological, social behavior and psychological disorders~~ the basic psychological theories including developmental, personality, learning, motivation, cognition, biological/physiological, social behavior, and psychological disorders;

~~(b)(ii) the applying of the processes of scientific inquiry and descriptive statistics to questions concerning human behavior;~~

~~(c)(iii) identifying and reflecting on the behaviors which are most effective in coping with stresses in life and in improving interpersonal relationships;~~

~~(d)(iv) understanding human development in terms of physiological, social, and environmental influences throughout the lifespan; and~~

~~(e)(v) identifying and applying the theories and factors which contribute to psychological dysfunction of individuals and families.~~

~~(8)(h) The Ssociology endorsement:~~—The program shall require ~~demonstrated competence in systematic study of:~~

~~(a)(i) the knowledge of diverse peoples and behavior~~ the basic structure and history of the world's social systems;

~~(b)(ii) the factors influence of behavior of peoples and the influence of environmental factors on their cultural values which hold groups together or which change and weaken them; and~~

~~(c)(iii) the nature and history of the world's social systems.~~ application of knowledge and techniques to practical problems in the every day world of individuals, groups, organizations, and government; and

~~(iv) the importance of cultural diversity in contemporary society.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.524 COMMUNICATION (1) For the prospective educator in the field of interpersonal ~~(or speech)~~ and/or speech communication, the program shall:

(1) remains the same, but is renumbered (a).

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(c)(iii) the effort to integrate on-campus content and methods and field experiences in an appropriate K-12 classrooms throughout the program; and~~

(d) remains the same, but is renumbered (iv).

~~(2)(b) provide understandings of and performance proficiency with interpersonal communication environment. Content to include:~~ respect to the following areas:

(a) remains the same, but is renumbered (i).

~~(b)(ii) theory of human communication which shall include the following:~~

(i) and (ii) remain the same, but are renumbered (A) and (B).

~~(iii)(C) platform speaking nonverbal communication; and~~  
~~(iv)(D) persuasion; language, including social and cultural factors affecting language use;~~

~~(v) argumentation;~~

~~(vi) oral interpretation;~~

~~(vii) small group communication;~~

~~(viii) media communication;~~

~~(ix) listening; and~~

~~(x) nonverbal communication;~~

(iii) context (practices) of human communication, including the following:

(A) public speaking;

(B) rhetoric;

(C) argumentation;

(D) persuasion;

(E) oral interpretation;

(F) interpersonal, small group, organizational communication;

(G) cross-cultural communication;

(H) mass media and society; and

(I) listening;

~~(e)(iv) diagnostic techniques, progress assessment, and prescriptions for improving students' formal and informal communication skills, as appropriate to situations, purposes, audiences, forms, and styles;~~

~~(d) various personal, social and communication purposes of language, such as cultural language differences;~~

~~(e) special language characteristics and speech patterns;~~

(3) remains the same, but is renumbered (c).

(a) through (c) remain the same, but are renumbered (i) through (iii).

(4) remains the same, but is renumbered (d).

(a) remains the same, but is renumbered (i).

~~(b)(ii) the commitment to professional growth; and~~

~~(c)(iii) enhance pupil awareness of pupil the various social and cultural backgrounds affecting symbolic cognition.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.525 TRADES AND INDUSTRY (1) For the prospective teacher the program shall provide:

~~(1)(a) academic preparation in the appropriate technologies and skills and in methods of instruction to meet the needs of students at the levels taught; a curriculum that considers current design and implementation practices from the following sources:~~

(i) national professional organizations;

(ii) Montana school accreditation standards;

- (iii) local public school standards and curricula;
- (iv) industrial standards;
- (v) advisory boards of industrial leaders; and
- (vi) reflected in curricular design, course outline, instructional strategies and evaluation of student work;
- ~~(2)(b) specific training in the safe use of equipment and industrial safety, in general courses in applied mathematics, science, communication and related areas in general education components to provide depth and breadth of content; and~~
- ~~(3)(c) an awareness of the rules and regulations dealing with vocational certification, education and funding; and appropriate studies in the areas in which the graduate will teach including:~~
  - (i) safety in the work place;
  - (ii) fundamental knowledge about technology and its application to trades and industry;
  - (iii) information about industry's organization, personnel systems, techniques, resources, products and social impacts;
  - (iv) skills in developing and using trades and industry youth organizations as a means of promoting positive personal traits and teaching leadership skills;
  - (v) specific training in the safe use of equipment in each trade and industry area studied;
  - (vi) awareness in cooperation with the private sector in forming partnerships, advisory boards, job shadowing, and involving the trades and industry world into the curriculum;
  - (vii) provide for the planning, maintenance, and management of laboratory facilities;
  - (viii) provide gender equitable opportunities;
  - (ix) prepare students for post-secondary education, depending on personal goals; and
  - (x) an awareness of the rules and regulations dealing with vocational certification, education, and funding.
- ~~(4) skills necessary for the use of trades and industry youth organizations as a means of promoting positive personal traits and teaching leadership skills.~~

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

- 10.58.526 TRAFFIC EDUCATION (1) For the prospective teacher the program shall:
- ~~(1)(a) provide an understanding of the state requirements to be eligible as an approved teacher of for approval of a traffic education program, i.e., school and teacher, student age, scheduling, program length, and liability;~~
  - (2)(b) assure that the prospective teacher possesses a valid driver's license provide an understanding of the state requirements to be eligible as an approved teacher of traffic education, i.e., teaching certificate, driver's license, driving record, and specific coursework;
  - ~~(3)(c) develop an understanding of the basic principles of motor vehicle systems, dynamics, purchase, maintenance,~~

insurance and operation provide an understanding of the state requirements regarding vehicle usage, i.e., required and recommended equipment, maintenance, identification, vehicle use and restrictions, licensing, and insuring;

(4)(d) develop an understanding of the safe interaction of all elements of the highway transportation system, i.e., pedestrians, bicyclists, passengers, motorcyclists, drivers, vehicles and roadways provide an understanding of the general administrative procedures and policies required for conducting an approved traffic education program, i.e., approval and reimbursement forms;

(5)(e) provide opportunities for student teaching experiences in classroom and behind-the-wheel situations under the direct supervision of a qualified teacher develop an understanding of the driver licensing process and the responsibilities associated with having that license;

(6)(f) develop an understanding of the Uniform Vehicle Code, motor vehicle laws of Montana and due process provide for a working knowledge and administration of the cooperative driver testing program leading to instructor certification;

(7)(g) provide for the study of physiological and psychological influences of alcohol and other drugs as they relate to use of the highway transportation system provide for a working knowledge of perceptual and physical screening techniques;

(8)(h) provide for the study of accident facts, causation and current injury prevention strategies develop an understanding of the Uniform Vehicle Code, motor vehicle laws of Montana, and due process;

(9)(i) provide current information on appropriate resources and how to establish an effective support network develop an understanding of the consequences resulting from violations, i.e., driving record, loss of driving privilege, higher insurance premiums, license retesting;

(10)(j) develop an awareness of the importance of positive attitudes toward safe driving develop the ability to assist students in examining and clarifying their beliefs, attitudes, and values as they relate to general safety;

(11)(k) develop skills for giving emergency medical care, including first aid and CPR certification develop an awareness of the importance of positive attitudes toward safe driving, i.e., mental, social and physical tasks performed through a decision-making process;

(12)(l) develop the ability to assist pupils in examining and clarifying their beliefs, attitudes, and values as they relate to safety; develop an understanding of the safe interaction of all elements of the highway transportation system, i.e., pedestrians, bicyclists, passengers, motorcyclists, drivers, vehicles and roadways;

(13)(m) provide specific knowledge of administrative procedures, practices, and policies required for organizing and operating an approved traffic education program develop an understanding of the responsibilities of vehicle ownership, i.e., basic mechanical operation, maintenance, and insuring;

~~(14)(n) develop the ability to identify, assess and implement teaching trends, materials and methods which will help assure continued program enhancement~~ develop an understanding of vehicle dynamics as they relate to operator control and the effects of occupant restraint systems;

~~(15)(o) provide the study of visual perceptual skill development, i.e., IPDE process, Smith System and defensive driving principles~~ provide for the study of current traffic education issues, i.e., parent involvement, zone control, reference points, aggressive driving, and graduated driver licensing;

~~(p) provide opportunities for student teaching experiences in classroom and behind-the-wheel situations under the direct supervision of a qualified teacher;~~

~~(16)(q) develop an awareness of the need to provide a variety of appropriate driving experiences~~ enhanced and situations through an assortment of teaching and learning methods and activities;

~~(17)(r) provide opportunities to demonstrate sequential driving their personal skills in the repeated safe operation of a motor vehicle, i.e., controlled but varied situations and environments under a wide variety of traffic situations and environments;~~

~~(18) provide opportunities to experience and develop an understanding of driving skills required to successfully handle adverse and emergency situations;~~

~~(19)(s) develop an understanding of, and provide tools for, student and program assessment~~ provide knowledge, application, and evaluation of specific student competencies, i.e., vehicle control, roadway markings, maneuvers, intersections, and highways;

~~(20)(t) develop an understanding of techniques and strategies to integrate traffic education into the K-12 curriculum~~ develop an awareness of specific competencies as defined by recognized agencies and organizations, i.e., office of public instruction, and American driver and traffic safety education association;

~~(21)(u) develop skills and techniques, and provide potential equipment, to assist learning for students with special needs; and provide for the study of visual perceptual skill development, i.e., IPDE process, Smith system, and defensive driving principles;~~

~~(22)(v) encourage professional growth through continuing education and involvement in appropriate professional organizations~~ provide opportunities to experience and develop an understanding of driving skills required to successfully handle adverse and emergency situations;

~~(w) provide for the study of accident facts, causation, and current injury prevention strategies;~~

~~(x) provide for the study of the physiological and psychological influences of alcohol and drug abuse as they relate to use of the highway transportation system;~~

~~(y) provide skills and techniques and strategies to integrate traffic education into the K-12 curriculum;~~

(z) develop skills and techniques, and provide potential equipment, to assist learning for students with special needs;

(aa) develop an understanding of techniques and strategies to integrate traffic education into the K-12 curriculum;

(ab) develop the ability to identify and implement teaching trends and materials which will help assure continued program enhancement;

(ac) develop an understanding of, and provide tools for, student and program assessment;

(ad) provide current information on appropriate resources and how to establish an effective support network; and

(ae) encourage professional growth through continuing education and involvement in appropriate professional organizations.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.527 AREAS OF PERMISSIVE SPECIAL COMPETENCY

(1) and (2) remain the same.

(3) Permissive special competency standards(s) programs for early childhood are limited to an "add-on" to elementary endorsement, may be offered as a minor to elementary education or as an approved program for the addition of early childhood education, and is designed for prospective teachers of children ages eight and under. The program shall provide coursework and experience in the following areas:

(a) the early childhood program is offered as an "add-on" to the elementary program. It may be offered as a minor to elementary education or as an approved program for the addition of early childhood to a program. Regarding child development and learning, programs prepare early childhood professionals who:

(i) demonstrate understanding of the conditions that affect children's development and learning including risk factors, developmental variations, and developmental patterns of specific disabilities;

(ii) create and modify environments and experiences to meet the individual needs of all children including children with disabilities, developmental delays, and special abilities;

(iii) affirm and respect the differences in all children including culturally and linguistically diverse children, support home language preservation, and promote anti-bias approaches through the creation of learning environments and experiences;

(iv) describe influences on children's development and learning including socio-cultural and political contexts, economic backgrounds, sex roles, parenting styles, siblings, birth order, temperament, child care, schooling, prenatal variables, and recognize that children are best understood in the contexts of family, culture, and community; and

(v) articulate an understanding of developmental stages processes, theories of development and learning and their implications for developmentally appropriate practice.

~~(b) for the prospective teacher of school children, ages eight and under, the program shall:~~

~~(i) provide coursework and/or experience which prepare the student to meet the needs of family, educators and the general public through the ability to:~~

~~(A) explain to parents and other concerned individuals the fundamentals of child growth, development, and learning; articulate the rationale for developmentally appropriate education programs for young children and the need for community support for such programs;~~

~~(B) identify services that provide information and support for families and children and the role of related disciplines in supporting young children and their families;~~

~~(C) explain roles of parents as primary caregivers and informal teachers of young children, understand the importance of parents' expectations for their children, and acknowledge the collaborative role of parents and teachers in early childhood programs;~~

~~(D) communicate how children affect and are affected by parents, siblings, extended family and community;~~

~~(E) work cooperatively and supportively with families, especially those that have special educational needs, including those in which English is not the dominant language;~~

~~(F) include families in assessing a child's development, report assessment results in a clear and supportive manner to family members and other appropriate professionals, and identify strengths and needs when setting goals;~~

~~(ii) provide knowledge and/or experiences necessary for the student to assist all children including those with disabilities, and their parents through the ability to:~~

~~(A) participate in and assist other professionals in family centered assessments and in developing and implementing individualized service and educational plans for young children;~~

~~(B) adapt curriculum content to meet the needs of all young children, including those who may have a disability, be at risk for developmental delay or may be gifted;~~

~~(C) articulate the rationale for early intervention services;~~

~~(D) identify available special education community services for the young child, including prevention, early intervention, integration into mainstream environment, and referral to specialized programs;~~

~~(iii) provide the basis for assisting with health and safety related areas including:~~

~~(A) basic health, nutrition, and safety management procedures for infants, toddlers, and young children as well as basic health and safety management procedures regarding childhood illness and communicable disease;~~

~~(B) appropriate health appraisal and referral procedures to appropriate community health and social services when necessary;~~

~~(C) identification of hazards, assessment of risks and appropriate corrective steps in early childhood settings;~~

~~(D) assistance to young children in developing decision-making and interpersonal skills to promote good health and personal safety;~~

~~(iv) provide field experiences and professional internships in which:~~

~~(A) theory and practice are integrated through field work in conjunction with coursework and professional consultation, (at least part of the experience must be with children under five);~~

~~(B) the student assumes the full range of teaching duties in exemplary early childhood settings;~~

~~(v) provide the ability to respond professionally to:~~

~~(A) the interpretation of historical, philosophical, and social foundations of early childhood education their effect on current practices and future trends;~~

~~(B) current issues which affect children, families, and programs for young children and the early childhood profession;~~

~~(C) value issues and the need for incorporating codes of ethics in professional practice;~~

~~(D) working cooperatively with professionals (including volunteers) to maintain a safe and developmentally appropriate environment;~~

~~(E) career-long growth and development;~~

~~(F) signs of emotional distress, child abuse and neglect and reporting to appropriate authorities;~~

~~(vi) provide the ability to analyze and evaluate developmental theories and implications to:~~

~~(A) integrate various developmental domains, learning styles and learning modalities;~~

~~(B) include theories of development, learning and assessment in planning appropriate programs, environments and interactions;~~

~~(C) develop and implement an integrated curriculum using play, themes and projects focusing on children's developmental needs and interests;~~

~~(D) integrate multicultural/anti-bias themes, literature and experiences in all curriculum areas;~~

~~(E) observe and record young children's behavior and conduct an accurate and meaningful assessment;~~

~~(F) apply knowledge of utility and limitations of all forms of assessment administered to young children;~~

~~(G) create and manage a learning environment that emphasizes direct experience, active manipulation of concrete materials, child choice and decision-making, exploration of the environment and interaction with others;~~

~~(H) use developmentally appropriate methods that include play, open-ended questioning, group discussion, problem solving, cooperative learning and inquiry experiences~~

~~to help young children in solving problems, making decisions, and becoming independent learners and developing intellectual curiosity;~~

~~(I) use group individual guidance and problem solving techniques to nurture pro-social interactions among children, to encourage interpersonal problem solving and to develop self control and positive self esteem.~~

(b) Regarding ability to establish and maintain physically and psychologically safe and healthy learning environments for children, programs prepare early childhood professionals who:

(i) provide basic health, nutrition and safety management procedures for infants, toddlers, and young children as well as basic health and safety management and procedures regarding childhood illness and communicable disease;

(ii) provide appropriate health appraisals and referral procedures to appropriate community health and social services when necessary;

(iii) identify hazards, assess risks, and provide appropriate corrective steps in early childhood settings;

(iv) assist young children in developing decision-making and interpersonal skills to promote good health and personal safety;

(v) demonstrate an understanding of the influence of the physical setting, schedule, routines and transitions on children and use these experiences to promote children's development and learning;

(vi) demonstrate an understanding of the developmental consequences of stress and trauma, protective factors and resilience, and the development of mental health and the importance of supportive relationships; and

(vii) recognize signs of emotional distress, child abuse, and neglect in young children and understand their responsibility and the procedures for reporting known or suspected abuse or neglect to appropriate authorities.

(c) Regarding curriculum development and implementation, programs prepare early childhood professionals who:

(i) develop and implement an integrated curriculum based upon themes, topics and projects that are relevant, meaningful and conceptually sound and which take into account culturally valued content and children's home environment;

(ii) integrate multicultural/anti-bias themes, literature, and experiences in all curriculum areas;

(iii) use developmentally appropriate methods that include play, open-ended questioning, group discussion, problem solving, cooperative learning, and inquiry experiences to help young children in problem-solving, decision making, and to become independent learners and develop intellectual curiosity;

(iv) create and manage a learning environment that emphasizes direct experience, active manipulation of concrete materials, child choice and decision-making, exploration of the environment and interaction with others;

(v) demonstrate current knowledge of and ability to develop and implement meaningful, integrated learning experiences, using the central concepts and tools of inquiry in curriculum and content areas including language and literacy, mathematics, science, health, safety, nutrition, social studies, art, music, technology, drama and movement; and

(vi) plan and implement developmentally appropriate curriculum and instructional practices based on knowledge of individual children, the community, and state and national curriculum standards.

(d) Regarding guidance, programs prepare early childhood professionals who:

(i) exhibit knowledge of indirect guidance techniques and their effect upon children including appropriate scheduling, room arrangement, activities, materials, and transitions;

(ii) modifying situations to prevent problems and modeling appropriate behavior;

(iii) use direct group and individual guidance techniques with an emphasis on children learning and gaining in self-discipline, e.g., messages, reflecting feelings, natural and logical consequences, redirection, and problem solving; and

(iv) establish a pro-social environment which is characterized by mutual trust, respect, and cooperation and which encourages interpersonal problem-solving, development of self-control and enhancement of self-esteem.

(e) Regarding assessment and evaluation, programs prepare early childhood professionals who:

(i) use informal and formal assessment strategies as an on-going integral part of planning and individualizing curriculum and teaching practices, such as:

(A) observe, record and assess young children's development and learning and engage children in self-assessment for the purpose of planning appropriate programs, environments, and interactions and adapting for individual differences;

(B) develop and use authentic, performance-based assessments of children's learning to assist in planning and to communicate with children and parents;

(C) participate and assist other professionals in conducting family-centered assessments; and

(D) communicate assessment results and integrate assessment results from others as an active participant in the development and implementation of individualized education plan (IEP) and individual family service plan (IFSP) goals for children with special developmental and learning needs;

(ii) develop and use formative and summative program evaluation to ensure comprehensive quality of the total environment for children, families and the community.

(f) Regarding disabilities, programs prepare early childhood professionals who:

(i) adapt strategies and environments to meet the specific needs of all children including those with disabilities, developmental delays, or special abilities;

(ii) participate in and assist other professionals in family-centered assessments and in developing and implementing individualized service and educational plans for young children;

(iii) articulate the rationale for early intervention services; and

(iv) identify available community services for the young child and their family.

(g) Regarding families and community relations, programs prepare early childhood professionals who:

(i) explain to parents and other concerned individuals the fundamentals of child growth and development and learning;

(ii) articulate the rationale for developmentally appropriate education programs for young children and the need for community support for such programs;

(iii) identify services that provide information and support for families and children and the role of related disciplines in supporting young children and their families;

(iv) explain roles of parents as primary caregivers and informal teachers of young children, understand the importance of parents' expectations for their children, and acknowledge the collaborative role of parents and teachers in early childhood programs;

(v) apply family systems theory, knowledge of the dynamics, roles and relationships within families and communities;

(vi) demonstrate sensitivity to differences in family structures and social and cultural backgrounds; and

(vii) establish and maintain positive, collaborative relationships with families, such as:

(A) respect parents' choices and goals for children and communicate effectively with parents about curriculum and children's progress;

(B) involve families in assessing and planning for individual children, including children with disabilities, developmental delays, or special abilities; and

(C) support parents in making decisions related to their child's development and parenting.

(h) Regarding professionalism, programs prepare early childhood professionals who:

(i) reflect on their practice, articulate a philosophy and rationale for decisions, continually self-assess and evaluate the effects of their choices and actions on others (young children, parents, and other professionals) as a basis for program planning and modification and continuing professional development;

(ii) interpret historical, philosophical, and social foundations of early childhood education and their effect on current practices and future trends;

(iii) demonstrate an understanding of conditions of children, families, and professionals; current issues and

trends; legal issues; and legislation and other public policies affecting children, families, and programs for young children and the early childhood profession;

(iv) work collaboratively with professionals (including volunteers) to maintain a safe and developmentally appropriate environment;

(v) serve as advocates on behalf of young children and their families, improved quality of programs and services for young children, and enhanced professional status and working conditions for early childhood educators;

(vi) demonstrate awareness of and commitment to the profession's code of ethical conduct;

(vii) demonstrate an understanding of basic principles of administration, organization, and operation of early childhood programs including supervision of staff and volunteers and program evaluation; and

(viii) actively seek out opportunities to grow professionally by locating and using appropriate professional literature, organizations, resources, and experiences to inform and improve practice.

(i) Regarding field experiences and professional internships, programs prepare early childhood professionals who:

(i) observe and participate under the supervision of qualified professionals in a variety of exemplary settings in which young children are served (such as public and private centers, schools, and community agencies);

(ii) work effectively over time with children of diverse ages (infants, toddlers, preschoolers, or primary school-aged), with children with diverse abilities, with children reflecting culturally and linguistically diverse family systems;

(iii) demonstrate the ability to work effectively during full-time (usually at least 300 clock hours-supervised student teaching) and/or practice experiences in at least two different exemplary settings, serving children of two different age groups (infant/toddler, preprimary, or primary age) and with varying abilities; and

(iv) analyze and evaluate field experiences, including supervised experience in working with parents, and supervised experience in working with interdisciplinary teams of professionals.

(4) For pPermissive special competency standards for gifted children students K-12+

(a) the program shall prepare the prospective teacher to serve the educational needs of gifted (high ability/high potential) students by providing:

(i) through (vii) remain the same but are renumbered (a) through (g).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.528 COMPUTER SCIENCE (1) A computer science teaching endorsement prepares an instructor to teach courses where computers, and related forms of technology, are the object(s) and focus of instruction. Computer science teachers must be prepared to teach computer science, including programming and literacy courses, and be prepared to adapt to the rapid changes in the field of computing; therefore, for the prospective teacher the program shall:

(1) remains the same, but is renumbered (a).

~~(2)(b)~~ include algorithm design, ~~algorithm~~ analysis, ~~algorithm~~ and implementation in a programming language, and data structures, and abstract data types covering:

~~(a)(i)~~ problem solving techniques and strategies ~~(as in divide and conquer) in depth;~~

~~(b)(ii)~~ algorithm design methodologies ~~(such as top-down) in depth;~~

~~(c)(iii)~~ algorithm verification techniques to include ~~pre-conditions, post-conditions, and loop invariant assertions;~~

~~(d)(iv)~~ algorithm analysis ~~(as in time and space complexity) in depth;~~

~~(e)(v)~~ data structures and abstract data types ~~(such as stacks, graphs, hash tables, etc.) in depth;~~

~~(f)(vi)~~ at least two programming languages, including object-oriented programming and/or other current programming trends such as pascal and C, in depth; and

~~(g)(vii)~~ program testing, ~~as in applying a program to data sets to establish correctness on those data sets;~~

(3) remains the same, but is renumbered (c).

(a) through (i) remain the same, but are renumbered (i) through (ix).

~~(4)(d)~~ introduce the theoretical foundations of computer science, including provide a broad knowledge and development of computer science through:

~~(a)(i)~~ computability; team software development; and

~~(b)(ii)~~ intractability; and demonstrated written and oral communication skills;

~~(c)~~ tractability;

(5) remains the same, but is renumbered (e).

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(f)(vi)~~ practical, hands-on experience with widespread software applications, including:

~~(i)(A)~~ database productivity tools;

~~(ii)(B)~~ communications and (networking);

~~(iii)(C)~~ spreadsheet multimedia/authoring tools;

~~(iv)(D)~~ word processing instructional software; and

(v) remains the same, but is renumbered (E).

(6) remains the same, but is renumbered (f).

~~(a)(i)~~ computer hardware and software management such as hardware setup, software installation, and user and network level hardware and software trouble-shooting and maintenance;

~~(b)~~ hands-on experience with classroom management software;

(c) and (d) remain the same, but are renumbered (ii) and (iii).

~~(e)(iv) hands-on use of both hardware, software, and operating systems common in schools, such as macintosh, IBM-PC and compatible, DOS, OS/2, windows, and other current systems; and~~

(f) remains the same, but is renumbered (v).

~~(g)(vi) include trends in computing curricula (example: the ACM model high school curriculum recommendations).~~

AUTH: 20-4-102, MCA

IMP: 20-4-103, MCA

10.58.701 SUPERVISORS (1) For the prospective supervisor the program shall provide:

(1) through (3) remain the same, but are renumbered (a) through (c).

~~(4)(d) skill in understanding principles and practices in curriculum and assessment development and interpreting them to others~~ planning and implementing an instructional management system which includes learning objectives, curriculum design, and instructional strategies and techniques that encourage high levels of achievement. This competency shall include:

(i) curriculum design and instructional delivery strategies;

(ii) instructional and motivational psychology;

(iii) alternative methods of monitoring and evaluating student achievement;

(iv) management of change to enhance the mastery of educational goals;

(v) applications of computer management to instructional programs and administrative aids;

(vi) use of instructional time and resources; and

(vii) cost effectiveness and program budgeting;

(5) and (6) remain the same, but are renumbered (e) and (f).

(7) remains the same, but is renumbered (g).

(a) through (e) remain the same, but are renumbered (i) through (v).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.704 SCHOOL PRINCIPALS AND SUPERINTENDENTS

(1) For the prospective administrator the program shall include assure knowledge and skills of instruction leading toward competency in:

~~(1)(a)~~ (a) designing, implementing and evaluating a school climate improvement program which includes mutual efforts by trustees, staff, parents, community members, and students to formulate and attain school goals. This competency shall include knowledge and skills in the following:

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(f) improving the quality of relationships among staff and students to enhance learning;~~

(g) and (h) remain the same, but are renumbered (vi) and (vii).

~~(2)(b) political theory and application of applying political skills in building local, state, and national support for education. This competency shall include knowledge and skills in the following:~~

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(c)(iii) political strategies to pass bond, tax, gain authorization for voted levies, building reserve funds, bond issues and other referenda;~~

(d) remains the same, but is renumbered (iv).

~~(e) climate assessment methods and skills;~~

(f) and (g) remain the same, but are renumbered (v) and (vi).

~~(3)(c) developing a systematic school curriculum that assures both extensive cultural enrichment activities and mastery of fundamental as well as progressively more complex skills required in advanced problem solving, creative and technological activities, creative and technological activities, and mastery of problem solving. This shall include knowledge and skills in the following:~~

~~(a)(i) planning/future methods to anticipate occupational trends and their educational implications;~~

(b) and (c) remain the same, but are renumbered (ii) and (iii).

~~(d)(iv) development and application of valid and reliable performance indicators for instructional outcomes, including alternative methods of assessment;~~

~~(e)(v) use of computers and other technologists instructional aids appropriate technologies; and~~

~~(f)(vi) development and use of available cultural and community resources.~~

~~(4)(d) planning and implementing an instructional management system which includes learning objectives, curriculum design, and instructional strategies and techniques that encourage high levels of achievement. This competency shall include knowledge and skills in the following:~~

(a) remains the same, but is renumbered (i).

~~(b)(ii) instructional and motivational psychology; and~~

~~(c) alternative methods of monitoring and evaluation student achievement;~~

~~(d)(iii) management of change to enhance the mastery of educational goals;~~

~~(e) applications of computer management to instructional programs and administrative aids;~~

~~(f) use of instructional time and resources; and~~

~~(g) cost effectiveness and program budgeting.~~

~~(5)(e) designing staff development and evaluation systems to enhance effectiveness of educational personnel. This competency shall include knowledge and skills in the following:~~

(a) through (d) remain the same, but are renumbered (i) through (iv).

~~(e)(v)~~ assessment of individual and institutional sources of stress and development of methods for ~~reducing~~ managing that stress.

~~(6)(f)~~ allocating human, material, and financial resources to efficiently, ~~and in an accountable manner,~~ accountably assure ensure successful student learning. This competency shall include knowledge and skills in the following:

(a) through (e) remain the same, but are renumbered (i) through (v).

~~(f) a working understanding of the federal government and effective use of federal education programs; and~~

~~(g)(vi) discovering developing grant opportunities and developing effective grant writing skills; and~~

(vii) cost effectiveness and program budgeting.

~~(7)(g)~~ conducting research and using research finding in decision-making to improve long-range planning, school operations, and student learning. This competency shall include knowledge and skills in the following:

(a) through (d) remain the same, but are renumbered (i) through (iv).

~~(8)(h)~~ understanding special education and ~~students with disabilities~~ programs, Section 504 of the Rehabilitation Act, and the processes necessary for the management of such programs. The competency shall include knowledge and skills in the following:

~~(a)(i) intervention programming pre-referral and referral procedures;~~

~~(b)(ii) referral procedures intervention and inclusion programming; and~~

~~(c) child study teams (CSTs);~~

~~(d) individual education plans (IEPs);~~

~~(e)(iii) parental involvement; and participation, their roles and rights.~~

~~(f) 504 of the Physical Disabilities Act.~~

(i) understand the purposes of, as well as the differences and interrelationships among, federal programs to include but not be limited to, elementary and secondary education act programs, Carl Perkins programs, Individuals with Disabilities Education Act part B and preschool, bilingual education, federal impact aid, USDA school food service programs, and subsequent variations. The competency shall include knowledge and skills in the following:

(i) finance, matching funds and maintenance of effort;

(ii) application, budgeting and evaluation procedures;

(iii) program administration;

(iv) program and fiscal accounting;

(v) reporting requirements;

(vi) legal issues; and

(vii) consortium formation.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.707 SCHOOL PSYCHOLOGIST ~~For the prospective school psychologist the advanced program shall:~~

~~(1) include program requirements which:~~

~~(a) provide full-time faculty who have an advanced degree in psychology, education, or a related discipline or have training and experience deemed equivalent. At least one faculty member shall possess experience as a school psychologist;~~

~~(b) provide specific criteria for evaluation of candidates to ensure that they possess the personal and ethical characteristics and academic competencies appropriate to the requirements of their future roles as practicing school psychologists;~~

~~(c) consist of a minimum of three years of full-time academic study or the equivalent beyond the baccalaureate degree, including at least 60 graduate semester hours or the equivalent, and shall culminate in institutional documentation;~~

~~(d) limit the number of credit hours acquired through courses, seminars and other learning experiences not open exclusively to graduate students to no more than one-third of the student's program;~~

~~(e) exclude credit for undergraduate study, study which is remedial, or study which is designed to remove deficiencies in meeting requirements for program admission;~~

~~(f) include at least one academic year of supervised internship experience consisting of a minimum of 1200 clock hours, at least 600 hours of which must be in a school setting;~~

~~(g) have no more than 12 graduate semester hours awarded as credit for the supervised internship experience counted toward the required minimum of 60 graduate semester hours;~~

~~(h) includes full-time continuous residency or an alternate planned experience required for all candidates (programs allowing alternate planned experiences as a substitute for full-time residency must demonstrate how those experiences are equivalent to those commonly associated with residency requirements for the degree);~~

(1) As a specialty within the profession of psychology, school psychology is founded in respect for the dignity and worth of each individual and in a commitment to furthered understanding of human behavior for the purpose of promoting human welfare.

(a) A commitment to understanding and responsiveness to human diversity is articulated and practiced throughout all aspects of the program, including admissions, faculty, coursework, practica and internship experiences.

(b) The program fosters a commitment to enhancing the strengths of critical socialization institutions such as families and schools through the delivery of school psychological services that are sensitive to the unique needs

of systems and organizations, as well as effective in promoting mental health and the acquisition of competencies.

~~(2) include content in school psychology which:~~

~~(a) shall be based on explicitly specified objectives that reflect the program's conception of the professional roles for which the school psychology trainee is being prepared;~~

~~(i) there shall be a direct and obvious relationship between those objectives and the components of the curriculum (foundation areas in which all school psychology trainees must be prepared are presented in(2)(d));~~

~~(ii) the curriculum shall differentiate the level of preparation for doctoral study as being advanced in breadth and/or depth beyond that for master's, postmaster's and specialist study;~~

~~(b) promotes understanding of, respect for, and responsiveness to cultural diversity through multicultural education for all school psychology trainees;~~

~~(c) promotes understanding of and responsiveness to the special needs of exceptional persons in all school psychology trainees;~~

~~(d) insures the substantial preparation of all school psychology trainees in each of the following areas through courses, course content or other appropriate means:~~

~~(i) psychological foundations;~~

~~(ii) biological bases of behavior;~~

~~(iii) cultural diversity;~~

~~(iv) child and adolescent development (normal and abnormal);~~

~~(v) human exceptionalities;~~

~~(vi) human learning;~~

~~(vii) social bases of behavior;~~

~~(ix) education of exceptional learners;~~

~~(x) instructional and remedial techniques;~~

~~(xi) organization and operation of schools;~~

~~(xii) assessment;~~

~~(xiii) interventions (direct and indirect);~~

~~(xiv) consultation;~~

~~(xv) counseling;~~

~~(xvi) behavior management;~~

~~(xvii) statistics and research design;~~

~~(xviii) professional school psychology;~~

~~(xix) history and foundations of school psychology;~~

~~(xx) legal and ethical issues;~~

~~(xxi) professional issues and standards; and~~

~~(xxii) roles and functions of the school psychologist;~~

(2) The essential knowledge base for the professional practice of school psychology encompasses psychological foundations, educational foundations, interventions and problem solving, statistics and research methodologies, and professional school psychology.

(a) The program employs a systematic process that ensures that all students have a foundation in the knowledge

base for the discipline of psychology. That knowledge base shall include:

- (i) biological bases of behavior;
- (ii) human learning;
- (iii) social and cultural bases of behavior;
- (iv) child and adolescent development; and
- (v) individual differences.

(b) The program employs a systematic process that ensures that all students have a foundation in the knowledge base for education. That knowledge base shall include:

- (i) instructional design; and
- (ii) organization and operation of schools.

(c) The program employs a systematic process that ensures that all students possess the knowledge and professional expertise to collaborate with families and school- and community-based professionals in designing, implementing, and evaluating interventions that effectively respond to the educational and mental health needs of children and youth. Areas of knowledge and practice shall include:

- (i) assessment;
- (ii) direct interventions, both individual and group; and
- (iii) indirect interventions.

(d) The program employs a systematic process that ensures that all students are competent consumers of research and new knowledge, and are able to use diverse methodologies to evaluate professional practices and/or programs. That knowledge base shall include:

- (i) research and evaluation methods;
- (ii) statistics; and
- (iii) measurement.

(e) The program employs a systematic process that ensures that all students have a knowledge base specific to the professional specialty of school psychology. That knowledge base shall include:

- (i) history and foundations of school psychology;
- (ii) legal and ethical issues;
- (iii) professional issues and standards;
- (iv) alternative models for the delivery of school

psychological services;

- (v) emergent technologies; and
- (vi) roles and functions of the school psychologist.

~~(3) include orientation to the educational process through:~~

~~(a) employment of a systematic and reasoned sequential plan to orient school psychology students to the educational institutions they will ultimately serve;~~

~~(b) providing students with a planned program of directed observations and participation in educational settings;~~

~~(c) acquainting students with roles, responsibilities, and functions of other pupil service personnel, including the operation of interdisciplinary teams;~~

~~(d) familiarization of students with available school and community resources;~~

(3) Practica are an essential component in the professional preparation of school psychologists. The program provides a sequence of closely supervised practica experiences through which students practice and are evaluated regarding their mastery of distinct skills consistent with the goals and objectives of the program.

(a) Practica experiences shall include:

(i) orientation to the educational process;

(ii) assessment for intervention;

(iii) direct intervention; and

(iv) indirect intervention.

(b) Practica experiences shall be distinct from and occur prior to the internship;

(c) Practica occur at time(s), are in settings, and are of sufficient length to be appropriate to the specific training objectives of the program;

(d) There is a direct and obvious relationship between practica experiences and the objectives for which the practica are intended;

(e) Practica experiences occur under conditions of supervision appropriate to the specific training objectives of the program;

(f) Practica experiences are provided appropriate recognition through the awarding of academic credit;

(g) Practica experiences occur with university involvement appropriate to the specific training objectives of the program;

(h) The quality of practica experiences is systematically evaluated in a manner consistent with the specific training objectives of the program;

(i) Practica experiences are conducted in accordance with current legal-ethical standards for the profession;

(j) The practica shall acquaint students with roles, responsibilities, and functions of other pupil service personnel, including the operation of interdisciplinary teams; and

(k) Practica experiences shall familiarize students with available school and community resources.

~~(4) include practica experiences which:~~

~~(a) are distinct from and occur prior to the internship;~~

~~(b) occur at the time(s) appropriate to the specific training objectives of the program;~~

~~(c) shall be of sufficient length of time to be appropriate to the specific training objectives of the program;~~

~~(d) shall show a direct and obvious relationship between the practica experiences and the objectives for which the practica are intended;~~

~~(e) shall occur under conditions of supervision appropriate to the specific training objectives of the program;~~

~~(f) shall be provided appropriate recognition through the awarding of academic credit;~~

~~(g) shall be provided in settings supportive of the specific training objectives of the program;~~

~~(h) shall occur with university involvement appropriate to the specific training objectives of the program;~~

~~(i) shall be systematically evaluated in a manner consistent with the specific training objectives of the program;~~

~~(j) shall be conducted in a manner consistent with current legal-ethical guidelines in the profession;~~

(4) The internship is the culminating experience in school psychology graduate preparation. A comprehensive internship experience is provided through which all students are required to demonstrate, under supervision, their ability to integrate knowledge and skills in providing a broad range of school psychological services. The internship experience reflects the following characteristics:

(a) The internship experience is provided at or near the end of the formal training period;

(b) The internship experience occurs on a full-time basis over a period of one academic year, or on a half-time basis over a period of two consecutive academic years;

(c) The internship experience is designed according to a written plan that provides the student opportunities to gain experience in the delivery of a broad range of school psychological services;

(d) The internship experience occurs in a setting appropriate to the specific training objectives of the program;

(e) The internship experience is provided appropriate recognition through the awarding of academic credit;

(f) The internship experience occurs under conditions of appropriate supervision. Field-based internship supervisors hold a valid credential as a school psychologist for that portion of the internship that is in a school setting. That portion of the internship, which appropriately may be in a non-school setting, requires supervision by an appropriately credentialed psychologist;

(g) Field-based internship supervisors are responsible for no more than two interns at any given time. University internship supervisors are responsible for no more than 12 interns at any given time;

(h) Field-based internship supervisors provide, on average, at least two hours per week of direct supervision for each intern;

(i) The internship is based on a positive working relationship and represents a collaborative effort between the university program and field-based supervisors to provide an effective learning experience for the student. University internship supervisors provide at least one on-site contact per semester with each intern and supervisor;

(j) The internship placement agency provides appropriate support for the internship experience including:

(i) a written contractual agreement specifying the period of appointment and the terms of compensation;

(ii) a schedule of appointment consistent with that of agency school psychologists;

(iii) provision for participation in continuing professional development activities;

(iv) expense reimbursement consistent with policies pertaining to agency school psychologists;

(v) an appropriate work environment including adequate supplies, materials, secretarial services, and office space;

(vi) release time for internship supervisors; and

(vii) a commitment to the internship as a training experience.

(k) The quality of the internship experience is systematically evaluated in a manner consistent with the specific training objectives of the program; and

(l) The internship experience is conducted in a manner consistent with the current legal-ethical standards of the profession.

~~(5) include internship experiences which:~~

~~(a) ensure that faculty members who teach laboratory and clinical practica and supervise school psychologist interns have ongoing involvement with elementary and secondary schools;~~

~~(b) shall be at or near the end of the formal training period;~~

~~(c) shall occur on a full-time basis over a period of one academic year, or on a half-time basis over a period of two consecutive years;~~

~~(d) shall be consistent with a written plan and shall meet the specific training objectives of the program;~~

~~(e) shall occur in a setting appropriate to the specific training objectives of the program;~~

~~(f) shall include at least 600 clock hours in a school setting and shall provide a balanced exposure to regular and special educational programs;~~

~~(g) shall be provided appropriate recognition through the awarding of academic credit;~~

~~(h) shall occur under conditions of appropriate supervision, i.e., field-based internship supervisors shall hold a valid credential as a school psychologist for the portion of the internship that is in a school setting and that portion of the internship which appropriately may be in a non-school setting shall require supervision by an appropriately credentialed psychologist;~~

~~(i) involve internship supervisors having responsibility for no more than two interns at any given time and university supervisors having no more than 12 interns at any given time;~~

~~(j) involve internship supervisors who provide at least two hours per week of direct supervision for each intern, and university internship supervisors who maintain an ongoing relationship with field-based internship supervisors according to planned communications occurring regularly through the internship year;~~

~~(k) are provided appropriate placement agency support for the internship experience including:~~

~~(i) a written contractual agreement specifying the period of appointment and terms of compensation;~~

~~(ii) a schedule of appointments consistent with that of agency school psychologists, e.g., calendar, participation in inservice meetings, etc.;~~

~~(iii) provision for participation in continuing professional development activities;~~

~~(iv) expense reimbursement consistent with policies pertaining to agency school psychologists;~~

~~(v) an appropriate work environment including adequate supplies, materials, secretarial services, and office space;~~

~~(vi) release time for internship supervisors; and~~

~~(vii) commitment to the internship as a training experience;~~

~~(l) shall be systematically evaluated in a manner consistent with the specific training objectives of the program;~~

~~(m) shall be conducted in a manner consistent with the current legal-ethical standards of the profession;~~

(5) Systematic evaluation of coursework, practica, internship experiences, faculty, supervisors, and institutional resources is essential to monitoring and improving program quality.

(a) Systematic evaluation procedures are used to ensure the integrity and quality of the program. Different sources of information are used, as appropriate, to evaluate components of the program.

(b) The program employs a systematic process to ensure that all students, prior to the conclusion of the internship experience, are able to integrate domains of knowledge and applied professional skills in delivering a comprehensive range of services that result in measurable positive changes regarding the educational and mental health needs of children and youth.

(c) The program systematically collects, analyzes, and interprets process and performance evaluation data; results are used to improve the program.

~~(6) include an active continuing professional development program for practicing school psychologists; and~~

(6) The following program level and structural requirements apply to both doctoral and specialist-level programs:

(a) The program shall limit the number of credit hours acquired through courses, seminars, and other learning experiences not open exclusively to graduate students to no more than one-third of the student's program;

(b) Program requirements exclude credit for undergraduate study, study that is remedial, or study which is designed to remove deficiencies in meeting requirements for program admission;

(c) A full-time continuous residency or an alternate planned experience is required for all students. Programs allowing alternate planned experiences as a substitute for full-time residency must demonstrate how those experiences are

equivalent to experiences commonly associated with residency requirements; and

(d) The program shall provide an active continuing professional development program for practicing school psychologists.

~~(7) include the demonstration of a cooperative relationship between professionals of other departments in the educational and behavioral sciences and in the department responsible for the school psychology program.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

6. The rules proposed for repeal follow.

10.58.205 STUDENT PARTICIPATION IN TEACHER EDUCATION PROGRAM DEVELOPMENT AND EVALUATION found at page 10-862, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.206 FACULTY found at page 10-863, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.207 INSTRUCTION found at page 10-863, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.209 SCHOOL-INSTITUTION RELATIONS found at page 10-864, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.301 CURRICULUM PLANNING AND DEVELOPMENT found at page 10-865, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.302 GENERAL EDUCATION found at page 10-866, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.303 PROFESSIONAL EDUCATION found at page 10-866, ARM

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.401 FIELDS OF SPECIALIZATION found at page 10-869,  
ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.402 DEVELOPMENT OF TEACHER EDUCATION PROGRAM found  
at page 10-869, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.403 STATEMENT OF PURPOSE AND OBJECTIVES found at  
page 10-869, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.404 STATEMENT OF COMPETENCIES found at page 10-  
869, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.405 PROGRAM OF STUDY found at page 10-870, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.406 PROGRAM EVALUATION found at page 10-870, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.407 PROGRAM SUPPORT found at page 10-870, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.408 STAFF found at page 10-870, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

10.58.506 MARKETING EDUCATION found at page 10-874, ARM

AUTH: 20-2-114, MCA  
IMP: 20-2-121, MCA

7. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena,

Montana 59620-0601, or by e-mail to wbuchanan@bpe.montana.edu and must be received no later than 5:00 p.m. on July 13, 2000.

8. Storrs Bishop has been designated to preside over and conduct the hearing.

9. 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 which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding teacher certification or other school related rulemaking actions. Such written request may be mailed or delivered to the Board of Public Education, 2500 Broadway, P.O. Box 200601, Helena, Montana 59620-0601, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

10. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

By: /s/ Storrs Bishop  
Storrs Bishop, Chairperson  
Board of Public Education

/s/ Wayne Buchanan  
Wayne Buchanan, Exec. Secretary  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State June 1, 2000.

BEFORE THE STATE LIBRARY COMMISSION  
OF THE STATE OF MONTANA

In the matter of the proposed ) AMENDED NOTICE OF  
new rules relating to ) PROPOSED ADOPTION  
federation advisory boards )  
and base grants )

To: All Concerned Persons

1. On February 10, 2000 the state library commission published notice at page 247 of the 2000 Montana Administrative Register, Issue Number 3 of the proposed adoption of the above-captioned rules. The notice of proposed agency action is being republished to respond to a comment received and expand the statement of reasonable necessity.

2. The legislature passed HB125 in 1999 which gave the state library commission the authority to adopt rules regarding base grants and advisory boards. The state library commission is adopting new rules to clarify the composition of federation advisory boards to ensure consistency and fairness for all federation participants throughout the state, as well as to ensure that federations use state funding in ways consistent with state laws and with the mission and goals of the Montana state library.

3. Concerned parties may submit their data, views, or arguments to:

Karen Strege  
Montana State Library  
PO Box 201800  
1515 E. 6th Avenue  
Helena, Montana 59620-1800  
Fax: (406) 444-5612

no later than July 13, 2000.

4. The state library 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 which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding Public Library Grants, State Aid to Libraries, Federation Areas, State Library Services, Scholarship Program, or Depository Procedures for State Documents. Such written request may be mailed or delivered to Karen Strege, Montana State Library, PO Box 201800, 1515 East 6th Avenue, Helena, Montana 59620-1800, faxed to the state library at (406) 444-

5612, or may be made by completing a request form at any rules hearing held by the state library commission.

Karen Strege

KAREN STREGE  
State Librarian and Rule Reviewer

Certified to Secretary of State June 5, 2000.

BEFORE THE BOARD OF PERSONNEL APPEALS  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 24.26.215, ) ON THE PROPOSED AMENDMENT OF  
regarding remands from the ) ARM 24.26.215, AND THE  
Board, and the proposed ) PROPOSED ADOPTION OF ONE  
adoption of one new rule ) NEW RULE  
regarding merger of labor )  
organizations )

TO: All Concerned Persons

1. On July 7, 2000, at 1:30 p.m., a public hearing will be held in the fourth floor conference room of the Walt Sullivan Building (Department of Labor and Industry Building), 1327 Lockey, Helena, Montana, to consider the proposed amendment of ARM 24.26.215 regarding remands by the Board of Personnel Appeals and the proposed adoption of one new rule regarding the merger of certain labor organizations.

2. The Board of Personnel Appeals will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you request an accommodation, contact the Board by not later than 5:00 p.m., June 28, 2000, to advise of the nature of the accommodation that you need. Please contact the Board of Personnel Appeals, Attn: Ms. Jennifer Jacobson, P.O. Box 6518, Helena, MT 59604-6518; telephone (406) 444-2718; TTY (406) 444-5549; fax (406) 444-4140.

3. The Board of Personnel Appeals proposes to amend the rule as follows: (new matter underlined, deleted matter interlined)

24.26.215 HEARINGS (1) and (2) Remain the same.

(3) If the board refuses to adopt a board appointed examiner's proposal for decision (findings of fact, conclusions of law, and recommended order) as its final decision or order and, instead, remands the proposal or portion thereof to the examiner for further consideration pursuant to board direction, the examiner shall conduct whatever proceedings are necessary and conform the proposal for decision to board direction.

(a) The examiner shall serve the conformed proposal on all parties as well as upon the board's administrative assistant. The board shall then consider the conformed proposal at a regularly scheduled meeting prior to issuing a final decision.

(b) Parties may file exceptions to any new material contained within the conformed proposal for decision. Exceptions must be filed, in writing, with the administrative assistant to the Board of Personnel Appeals at P.O. Box 6518, Helena, MT 59604-6818. To be considered, exceptions must be postmarked by no later than 20 days from the service of the

conformed proposal for decision. If no exceptions are filed, the board will rule on the record before it, including the conformed proposal for decision. If exceptions are filed, the parties shall be afforded an opportunity to appear before the board prior to issuance of a final board order.

(3) Remains the same, but is renumbered (4).

AUTH: 2-4-201 and 39-31-104, MCA

IMP: 2-4-201 and 39-31-105, MCA

**REASON:** There is reasonable necessity to amend the rule in order to clarify how to handle matters that are remanded by the Board to the hearing officer following the Board's determination that further evidence or other actions as directed should be taken. The Board has recently determined that remands are occurring with sufficient frequency as to warrant providing the parties and the hearing officers with a specific procedure for how remands are to be handled.

4. The Board proposes to adopt one new rule as follows:

NEW RULE I MERGERS AND CONSOLIDATIONS (1) When national, regional, or state-wide labor organizations with local affiliates merge, combine or consolidate in accordance with their respective by-laws and constitutions, the merged, combined or consolidated labor organization shall have the same rights, duties and privileges under law as its predecessor organizations.

AUTH: 39-31-104, MCA

IMP: 39-31-206 and 39-31-207, MCA

**REASON:** There is reasonable necessity to adopt NEW RULE I in order to clarify that when two or more labor organizations merge, combine or consolidate, the resulting labor organization must be recognized by the employer to the same extent that any predecessor labor organization was recognized. The upcoming merger between the Montana Education Association and the Montana Federation of Teachers has provided the impetus for the proposal of the rule, and will clarify that school boards can properly bargain with the merged entity.

5. Interested parties may submit their data, views, or comments, either orally or in writing, at the hearing. Written data, views, or comments may also be submitted to:

Board of Personnel Appeals  
c/o John Andrew  
Department of Labor and Industry  
P.O. Box 6518  
Helena, Montana 59604-6518

so that they are received by not later than 5:00 p.m., July 14, 2000.

6. The Board of Personnel Appeals will meet on August 10, 2000, in Helena to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed rule changes. The meeting will be held in conjunction with the Board's regular meeting. Members of the public are welcome to attend the meeting and listen to the Board's deliberations, but the Board can not accept any comments concerning the proposed rule changes beyond the July 14 deadline.

7. An electronic copy of this Notice of Public Hearing is generally available through the Department of Labor and Industry's site on the World Wide Web at <http://dli.state.mt.us/calendar.htm>, under the Calendar of Events, Administrative Rule Hearings section. The Department and the Board strive to make the electronic copy of this Notice of Public Hearing 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. Because the Department is continually updating the design and features of its website, the Department reserves the right to change the location of the electronic copy of this Notice to elsewhere within the Department's website. In the event of such a change of location, the Department will endeavor to provide appropriate links from the Calendar of Events section of the website to the new location of this Notice of Public Hearing and other current rule-making documents. At the present time, the Department and the Board do not yet have the capability of accepting comments on the proposed rules via the Internet or e-mail.

8. The Board maintains a list of interested persons who wish to receive notices of rule-making actions proposed by the Board of Personnel Appeals. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding any specific topic or topics over which the Board has rule-making authority. Such written request may be delivered to Mark Cadwallader, 1327 Lockey St., Room 412, Helena, Montana, mailed to Mark Cadwallader, P.O. Box 1728, Helena, MT 59624-1728, faxed to the office at (406) 444-1394, or made by completing a request form at any rules hearing held by the Board.

9. The bill sponsor notice provisions of 2-4-302, MCA, do not apply.

10. The Board proposes to make the amendment and new rule effective as soon as feasible.

11. The Hearings Bureau of the Centralized Services Division of the Department of Labor and Industry has been designated to preside over and conduct the hearing on behalf of the Board.

/s/ KEVIN BRAUN  
Kevin Braun  
Rule Reviewer

/s/ KEVIN BRAUN  
Kevin Braun for the  
BOARD OF PERSONNEL APPEALS

Certified to the Secretary of State: June 5, 2000.

BEFORE THE BOARD OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of amendment ) NOTICE OF PROPOSED  
of ARM 32.8.102 and ) AMENDMENT  
32.8.103 as they relate to )  
fluid milk and grade A milk ) NO PUBLIC HEARING  
products; amendment of ARM ) CONTEMPLATED  
32.8.201 through 32.8.204 )  
as they relate to milk )  
freshness dating )

TO: All Concerned Persons

1. On July 28, 2000, the board of livestock proposes to amend ARM 32.8.102 and 32.8.103 as they both relate to fluid milk and grade A milk products; and amend ARM 32.8.201, 32.8.202, 32.8.203 and 32.8.204 which all relate to milk freshness dating.

2. The board of livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department of livestock no later than 5:00 p.m. on July 7, 2000, to advise us of the nature of the accommodation that you need. Please contact Jan Finn, 301 N. Roberts St. - Rm. 323, PO Box 202001, Helena, MT 59620-2001; phone: (406)444-2043; TTD number: 1-800-253-4091; fax:(406)444-1929.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.8.102 MILK AND MILK PRODUCTS WHICH MAY BE SOLD

(1) and (1)(a) remain the same.

~~(b) grade A raw milk produced and processed according to the terms of ARM 32.8.103 except that raw milk or milk products may not be sold in those counties or communities which have by ordinance prohibited the sale of such items;~~

(c) and (d) remain the same but are renumbered (b) and (c).

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

32.8.103 CIRCUMSTANCES UNDER WHICH RAW MILK MAY NOT BE SOLD FOR HUMAN CONSUMPTION ~~(1) Notwithstanding any prohibition against the sale of raw milk for human consumption contained in the Pasteurized Milk Ordinance, grade A raw milk may be sold for such use provided the dairies and personnel involved in the production of raw milk for human consumption meet every standard contained in the pasteurized milk~~

~~ordinance, are subject to the inspections required by the ordinance, and meet the following additional requirements:~~

~~(a) All milk produced in retail raw dairies must be from animals and herds which have been tested negative to tuberculosis and blood tested negative to brucellosis at least once each year or more after as the department may direct.~~

~~(b) Milk and milk products sold raw, except milk products produced in compliance with chapter 9 of this title, must be bottled on the farm where produced. Bottling and capping must be done in a sanitary manner by means of approved equipment and these operations must be integral in one machine. Caps or cap stock must be purchased in sanitary containers and be kept therein in a clean, dry place until used. Hand capping is prohibited. The cap or cover must protect the pouring lip to at least its widest diameter.~~

~~(2)(1) No new retail raw milk dairies will be licensed to sell grade A retail raw milk for human consumption subsequent to January 1, 1996.~~

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

32.8.201 SCOPE OF RULES DEFINITIONS The following definitions apply to sub-chapter 2:

(1) "Arabic numerals" are defined as numbers (not spelled out) such as 20 or 31.

(2) A "day" is defined as any 24 hour period beginning when pasteurization of a unit of milk, as defined in ARM 32.8.201, is completed.

(1)(3) "Milk" is defined as These rules apply to whole milk, reduced fat, low fat lowfat milk, nonfat fat free milk, chocolate artificially flavored milk, whipping cream, half and half and/or any other liquid milk product designed to be consumed in the form in which it is packaged, except buttermilk, ultra-pasteurized or aseptic processed milk products. For purposes of this sub-chapter "milk" means any of the above products.

(4) "Pasteurized date" is the same day a unit of milk is pasteurized.

(5) A "sell-by" date is defined as the 12th consecutive day, never to exceed 288 hours, following pasteurization of a unit of milk.

(6) "Standard abbreviations" are defined as a date code such as March 31, or 3/31.

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

32.8.202 TIME FROM PROCESSING THAT FLUID MILK MAY BE SOLD FOR HUMAN CONSUMPTION (1) ~~No grade A pasteurized milk~~

~~may be sold, offered for sale, or otherwise disposed of for human consumption at retail or wholesale no more than 12 days after pasteurization is completed.~~

~~(2) No grade A raw milk may be sold, offered for sale, or otherwise disposed of for human consumption at retail or wholesale more than 12 days after the bottling is completed.~~

~~(3) For purposes of this rule, the 12 day period ends on the first midnight following 12 consecutive 24 hour days. In no instance may the period be less than 288 hours.~~

(1) When 12 days or more have passed following pasteurization of a unit of grade A milk, there will be no quantities of that unit of milk sold or otherwise offered for human consumption.

~~(4)(2) No grade A pasteurized milk or grade A raw milk may be put in any container marked with a pull sell-by date which is more than 12 days after pasteurization or bottling of the milk, whichever is applicable, without notification to the department of both the amount of quantity of such milk and state the out-of-state destination of the milk. The department will provide necessary forms for detailing the amount and destination of the milk.~~

~~(5) No grade A pasteurized milk or grade A raw milk put in any container marked with a pull date which is more than 12 days after pasteurization or bottling of the milk, whichever is applicable, may be offered for sale or otherwise disposed of for human consumption at retail or wholesale in Montana.~~

(6) Remains the same, but renumbered (3).

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

32.8.203 LABELING OF MILK CONTAINERS TO SHOW THE PASTEURIZED DATE AND LAST DAY OF LEGAL SALE (1) Each container into which grade A pasteurized or grade A raw milk is placed for sale for human consumption must be marked with a pasteurized date and a pull sell-by date. ~~The pull date will state in arabic numerals or standard abbreviations for months, the month and day which is the last day the milk may be sold as set forth in ARM 32.8.202.~~

(a) The sell-by and pasteurized date will be in Arabic numerals or standard abbreviations for day and month, which shows the last day the milk may be sold as required by ARM 32.8.202.

~~(2) Language in substance the same as "sell by" or "not to be sold after" must be placed by the date in a manner which clearly shows that the milk must be sold by the date on the container.~~

~~(3)(2) No person, other than the packager of the milk, may mark the package with a pull date pasteurized date and a sell-by date without permission of the department of livestock.~~

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

32.8.204 EXEMPTION FROM LABELING REQUIREMENT

~~(1) Licensed grade A raw milk dairies are exempt from the labeling requirements imposed by ARM 32.8.203 when all milk packaged for human consumption is sold directly to the consumer either at the licensed retail raw dairy or through a delivery route directly operated by the licensed retail raw dairy. The Montana correctional enterprises (state prison system) and/or any other licensed grade A processor is exempt from the pasteurized date code requirement as long as they do not sell or in anyway distribute milk to the public.~~

AUTH: 81-2-102, MCA  
IMP: 81-2-102, MCA

4. ARM 32.8.201 is being amended for the following reasons:

(a) There is a need to define new and existing terms in sub-chapter 2, because new technologies and marketing practices, along with the need for clarity, require definition of both new and existing terms and concepts.

(b) Ultra-pasteurized and aseptic processed milk products have an extended shelf life as recognized by Food and Drug Administration standards. Some processors supplying milk to Montana are now using ultra pasteurization or aseptic processing methods, but these methods are not currently recognized by the state of Montana administrative rules. Therefore, an exception to the sell-by date for freshness is needed for products processed by either of these methods.

(c) Milk is now commonly flavored with flavors other than chocolate.

5. ARM 32.8.202 is being amended to clarify the meaning of the "12th day after pasteurization" and to clean up redundant language within the rule.

6. ARM 32.8.203 is being amended to ensure and facilitate compliance with and reasonable enforcement of Montana's policy mandating the production and maintenance of an adequate supply of healthful milk. [81-23-102(b), (g) and (h), MCA]

7. ARM 32.8.102, ARM 32.8.103 and ARM 32.8.204 are being amended for the following reasons:

(a) There are no longer any raw milk dairies in the state of Montana, thus eliminating the need to regulate them specifically, and to prevent the retail sale of raw milk.

(b) Raw milk (i.e. unpasteurized) is inconsistent with the department's statutory mandates to ensure a healthful supply of milk for Montana consumers.

(c) Other licensed grade A processors, such as the Montana correctional enterprises (state prison system), which do not bottle milk to sell or otherwise distribute milk to the public, are not required to use the pasteurized date code.

8. Concerned persons may submit their data, views or arguments concerning the proposed amendments in writing to Dr. Ken Lee, 301 N. Roberts Street - Room 303, PO Box 202001, Helena, MT 59620-2001, to be received no later than July 14, 2000.

9. If persons who are directly affected by the proposed amendments wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the same address as above. The comments must be received no later than July 14, 2000.

10. If the board receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 1 person based on the 5 licensed processors in Montana.

11. The milk and egg bureau of the Montana department of livestock maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding fluid milk and grade A products and milk freshness issues. Such written request may be mailed or delivered to the milk and egg bureau, 301 N. Roberts Street - Room 304, PO Box 202001, Helena, MT 59620-2001.

12. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

By: /s/ Marc Bridges  
Marc Bridges, Executive Officer  
Board of Livestock  
Department of Livestock

By: /s/ Bernard A. Jacobs  
Bernard A. Jacobs, Rule Reviewer  
Livestock Chief Legal Counsel

Certified to the Secretary of State June 5, 2000.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the )  
amendment of ARM 37.34.1801 )  
and 37.34.1802 pertaining to )  
accreditation standards for )  
provider programs of )  
community-based developmental )  
disabilities services )

NOTICE OF PUBLIC HEARING  
ON PROPOSED AMENDMENT

TO: All Interested Persons

1. On July 5, 2000, at 1:30 p.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you request an accommodation, contact the department no later than 5:00 p.m. on June 26, 2000, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.34.1801 ACCREDITATION STANDARDS FOR PROVIDER PROGRAMS OF SERVICES: ADOPTION AND APPLICABILITY (1) The department hereby adopts minimum standards to assure the quality of provider programs of community-based services for persons with developmental disabilities funded by the department. Programs of community-based developmental disabilities services funded by the department must be accredited in accordance with this rule. Providers shall, by July 1, 1994, be accredited by the appropriate accreditation organization in accordance with these rules and based upon the applicable minimum standards.

(2) The department hereby adopts and incorporates by reference as the standards for services for persons with the provision of programs of community-based developmental disabilities services by providers, the respective sets of accreditation standards published and applied by the accreditation council on services for people with developmental disabilities (ACDD) the council on quality and leadership in support for people with developmental disabilities (the council), published in 1997, and by the commission on accreditation of rehabilitation facilities CARF...the

rehabilitation accreditation commission (CARF), published in January 2000. which These sets of accreditation standards set forth minimum standards of performance and quality for provider programs of community-based services for persons with developmental disabilities. A copy of both the ACDD the council and CARF service standards may be obtained on temporary loan from the Department of Public Health and Human Services, Developmental Disabilities Program, P.O. Box 4210, 111 N. Sanders, P.O. Box 4210, Helena, Montana MT 59604-4210. The ACDD council standards may be purchased from ACDD, 8100 Professional Place, Suite 204, Landover, MD 20785 The Council, 100 West Road, Towson, MD 21204. A copy of the CARF standards may be obtained from CARF, 101 North Wilmot Road, Tucson, AZ 85715 CARF, 4891 East Grant Road, Tucson, AZ 85712.

(3) Providers shall Each provider program of community-based developmental disabilities services funded by the department must be accredited by either ACDD the council or CARF. Should the Title XIX medicaid waiver regulations change in the future and require compliance with a set of performance standards, those providers who are funded in whole or part by the Title XIX medicaid waiver shall comply with those performance standards that are specified in the Title XIX medicaid waiver regulations.

(4) Any provider not contracting with the division at the time of the adoption of this rule but who contracts with the division at a later date shall submit evidence to the division of ability to comply with standards prior to the signing of a contract and shall be accredited by ACDD or CARF within the third year of contracting with the division.

(5) The division will not contract further for services with a provider that is not in compliance with the requirements of this rule concerning accreditation.

(a) A provider that has been accredited but loses accreditation must regain accreditation within 3 years of losing accreditation. Such providers will be allowed up to two attempts to regain accreditation during that 3 year period before the department terminates the contract.

(4) The programs of services offered by a new provider must receive accreditation within the initial 2 years of existence.

(5) A new service program offered by an existing provider must receive accreditation during the next regular accreditation cycle for the provider.

(6) If a provider loses or fails to maintain accreditation for the provider's programs of services the developmental disabilities program may only continue to contract with the provider for the programs of services for no more than 2 years.

(7) New programs of services provided by a new provider or by an existing provider and the programs of services provided by an existing provider that has lost or failed to maintain accreditation must generally be determined by the developmental disabilities program to be in conformance with one of the sets of standards adopted in this rule.

(a) The provider must submit to the developmental

disabilities program adequate information concerning the programs of services to establish that they are generally in conformance with one of the sets of accreditation standards.

~~(6) (8) A provider must provide to the division developmental disabilities program, either directly or by arrangement with the accreditation organization, all survey and accreditation reports on its programs of services.~~

~~(7) Providers who provide services in the following areas shall adhere to this rule:~~

- ~~(a) adult habilitation;~~
- ~~(b) senior day;~~
- ~~(c) adult community homes;~~
- ~~(d) children's community homes;~~
- ~~(e) adult intensive community homes;~~
- ~~(f) senior adult community homes;~~
- ~~(g) transitional living;~~
- ~~(h) independent living;~~
- ~~(i) family training and support;~~
- ~~(j) respite care;~~
- ~~(k) evaluation and diagnosis;~~
- ~~(l) supported work - individual job placement; or~~
- ~~(m) intensive audit habilitation.~~

~~(8) In cases where accreditation is not in the best interests of the individuals served and/or the state, the department may grant an exemption from this rule. Exemptions shall be based on the limited type or amount of services provided.~~

(9) The following programs of services do not need to be accredited as provided for in this rule:

(a) the provision of transportation by a provider licensed by the public service commission;

(b) fiscal intermediary services;

(c) the provision of services to no more than 2 persons;

(d) the provision of licensed, professional services by one of the following:

(i) audiologist;

(ii) speech/language pathologist;

(iii) physical therapist;

(iv) occupational therapist;

(v) psychiatrist;

(vi) psychologist;

(vii) family therapist;

(viii) licensed clinical professional counselor;

(ix) registered nurse;

(x) licensed practical nurse;

(xi) registered dietitian;

(xii) licensed nutritionist;

(xiii) physician;

(xiv) pediatrician;

(xv) social worker;

(xvi) orientation/mobility training specialist;

(xvii) special education teacher;

(xviii) school psychologist;

(xix) adaptive physical education teacher; or

(xx) special education supervisor.

(e) construction, maintenance, repair, sales services and equipment and supplies inclusive of any required tangible services that are new or used, and can be purchased from a contractor or vendor that meets the most appropriate performance standards; or

(f) services which are not covered by either the council or CARF accreditation standards.

AUTH: Sec. 53-20-204, MCA

IMP: Sec. 53-20-203 and 53-20-205, MCA

37.34.1802 ACCREDITATION STANDARDS FOR PROVIDER PROGRAMS OF SERVICES: DEPARTMENT ASSISTANCE (1) The department shall for purposes of administering accreditation standards:

(a) maintains copies of all provider survey and accreditation reports;

(b) provides to a provider such technical assistance as the department may offer and the provider has requested requests; and

(c) provides information to the regional councils and the developmental disabilities state planning and advisory council, as requested, about the status of each provider in relation to the survey and accreditation process;

(d) pay for one accreditation survey per biennium. Should a provider fail an accreditation survey, all subsequent accreditation surveys during that biennium will be paid for by that provider.

AUTH: Sec. 53-20-204, MCA

IMP: Sec. 53-20-203 and 53-20-205, MCA

3. General purpose for amendments to ARM 37.34.1801  
ARM 37.34.1801 provides for the adoption and application of nationally recognized accreditation standards to provider operated programs of developmental disabilities services funded by the State. The proposed amendments are necessary to update the language of the rule, to correct the references to the accreditation agency names and addresses, to clarify for providers of developmental disabilities services when national accreditation is required and to clarify those circumstances when national accreditation is not required.

Purpose of Accreditation Standards and Appropriateness of Retention

The Developmental Disabilities Program is responsible for determining and monitoring the standards that a provider of services must demonstrate in order to be a qualified provider. Furthermore, the Health Care Financing Authority (HCFA), which is the funding source for the Title XIX Waiver funding for significant portions of the program, requires that the Developmental Disabilities Program only contract for services with a provider that is a "qualified provider". A similar

requirement exists for Part C of IDEA, which funds the Early Intervention Infant and Toddler Program. As a result, the Developmental Disabilities Program adopted national accreditation as a minimum standard for providers of services for all of its services, except transportation, in 1985.

This requirement is desirable for the Developmental Disabilities Program since it gives the program a level of monitoring based on nationally recognized standards of quality in services to persons with developmental disabilities. The program surveyors come from outside the state to conduct the surveys of the providers and have applied these standards to providers and services across the nation. Providers who can meet these standards gain for their programs a significant achievement and recognition for the development of their organization and in the level of their service provision to individuals with developmental disabilities.

Accreditation is not the only requirement for services funded through contracts by the Developmental Disabilities Program. Providers must demonstrate that their group homes are licensed, must be annually audited to demonstrate their fiscal accountability, must demonstrate that their staff meet credential requirements, and must receive the annual review of their services developed by the Developmental Disabilities Program.

For that reason, the options considered by the Developmental Disabilities Program were either (1) eliminating accreditation as a requirement, or (2) giving providers of developmental disabilities services the option of having their services accredited. These options were presented to the executive directors of the provider organizations at their regular meeting on December 7, 1999 by Maggie Bullock, Developmental Disabilities Program Director. After discussing the options, the consensus of the Montana Association of Independent Disabilities Services providers (MAIDS) was that they preferred to keep accreditation as a requirement for services providers in Montana, for the reasons listed, above. Since the providers of services are in consensus that this requirement should remain in rule, the Developmental Disabilities Program feels that it has no option to remove the rule at this time.

However, in order to remain in rule, the language of the rule needs updating in order to remove requirements that no longer have validity, to remove requirements that are unnecessarily redundant, and to detail the requirements to better reflect service delivery for persons with developmental disabilities in the 2000's.

On December 6, 1999, a subcommittee of the Strategic Planning Across Montana (SPAM) task force met to discuss and to draft these proposed changes to the rule. This subcommittee was comprised of consumers of developmental disabilities services,

providers of developmental disabilities services and staff from the program. Thus, the changes that are proposed in this rule amendment have also been proposed and reviewed by a cross-section of the groups who will be affected by these rules.

#### Specific Changes Proposed to Rule

The rule amendments proposed for ARM 37.34.1801(1) would remove the now dated reference to July 1, 1994 as an implementation date. Not deleting the date reference would leave a meaningless requirement in the rule.

The rule amendments proposed for ARM 37.34.1801(2) would change the current names and mailing addresses of the accreditation organizations. Since the rule was last adopted, both of the organizations have changed their names and mailing addresses. Because the Department has adopted and incorporated their standards as the minimum standards of services, the rule must reflect this current information.

The rule amendments proposed for ARM 37.34.1801(3) would clarify that each program of services delivered by a provider must be accredited. This clarification is necessary because many providers offer many services that are available to a consumer of developmental disabilities services. Questions have arisen in the past regarding this the necessity of accreditation for each program of service a provider delivers. Consumers have asked that this be requirement be clearly stated.

ARM 37.34.1801(4), as proposed for amending, would provide a new provider of services up to two years in which to obtain accreditation of their programs of services. The changes proposed for the rule would change the time period in which to meet the accreditation standards from three years to two years. The reduced time period is more appropriate for assuring diligent compliance with the accreditation standards while allowing an adequate period for the accreditation process.

The proposed new subsection (5) to ARM 37.34.1801 would provide that new programs of services implemented by an existing provider of services are subject to accreditation in accordance with the providers current cycle of accreditation. This new provision would clearly provide that an existing provider's new programs of services are subject to the accreditation rule even though accreditation would only need to be achieved in the course of the providers normal schedule for accreditation. Allowing for the reliance upon the normal course of accreditation is the preferred choice in that compared to requiring an immediate and separate accreditation it reduces the commitment of staff and financial resources to accreditation of a new program of services.

Existing subsection (5)(a) of ARM 37.34.1801 sets a three-year time limit for the provider to regain accreditation and allows

only two attempts during that time. The department proposes in the proposed replacement subsection (6) to delete the "two attempts" language and restate the time limit as requiring accreditation within the first two years after the loss of accreditation. The "two attempts" language is deleted because it is redundant. If a provider were to lose accreditation, the most opportunities it would have to regain accreditation in a three-year period is two, according to the time limits set for re-applying and being re-surveyed by the accrediting organizations.

The new subsection (7) of ARM 37.34.1801 would clearly provide that during any of the permissible hiatuses in formal accreditation there must, as determined by the Department, generally be on the part of the provider's programs conformance with one of the sets of accreditation standards. Predicating interim compliance on the adopted sets of standards would assure that while interim services are not actually accredited they are in relative conformance with the definitive accreditation standards. This is the preferred choice, as compared to the current provision with ambiguous language and no clear guidance on expectations of performance, in that there would be a definitive requirement for maintaining the quality of services for recipients of services during one of these interims in service accreditation.

The changes provided in subsections (4), (5), (6) and (7) of ARM 37.34.1801, as proposed, are the most appropriate choices for allowing for the opportunity for new providers and programs to be developed in furtherance of opportunities for recipients of services while assuring that accreditation standards are complied with to the extent possible during an interim period and are fully complied with within a reasonable period of time.

The proposed subsection (9) of ARM 37.34.1801 provides for the amendment of existing subsection (7). The changes in this provision would remove the list of services for which accreditation is required and instead provide for a list of services that are exempted from the requirement. The proposed exceptions are those in fact currently applied even though not clearly established in the existing rule. This approach is more appropriate and is the preferred choice in that subsection (3) clearly states the requirement that accreditation is required for programs of services and that an exception approach is a more logical presentation of applicability. Since the exemptions are those currently being applied, the proposed provisions do not adversely affect any providers. The specific exemptions stated are related to standard transportation and other commercial services, such as a commercial taxi service, to licensed health and other professional services, such as psychological counseling, to services limited in numbers, and to services not encompassed by the accreditation standards. The exemptions specified are reasonable and the most appropriate choices in that they are services and circumstances of service

delivery that are either incidental or that are not generally delivered by a provider specifically dedicated to the delivery of developmental disabilities services.

The proposed amendment to ARM 37.34.1802(1)(d) would remove the language which states that the department pays for one accreditation survey per biennium. In 1996, the developmental disabilities program included the accreditation survey cost in the base rate of each provider contract. The proposed change would remove this no longer relevant requirement and therefore is the most appropriate choice.

4. Interested 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 Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on July 13, 2000. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

/s/ Dawn Sliva  
Rule Reviewer

/s/ Laurie Ekanger  
Director, Public Health and  
Human Services

Certified to the Secretary of State June 5, 2000.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the )  
amendment of ARM 37.88.1401, )  
37.88.1402, 37.88.1405 and )  
37.88.1410 pertaining to )  
reimbursement for )  
institutions for mental )  
diseases )

NOTICE OF PUBLIC HEARING  
ON PROPOSED AMENDMENT

TO: All Interested Persons

1. On July 5, 2000, at 10:00 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you request an accommodation, contact the department no later than 5:00 p.m. on June 26, 2000, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.88.1401 INSTITUTIONS FOR MENTAL DISEASES, PURPOSE

(1) ARM 37.88.1401, 37.88.1402, 37.88.1405, 37.88.1406, 37.88.1410, 37.88.1411 and 37.88.1420 specify requirements for the provision of and reimbursement for medicaid nursing facility and hospital services to medicaid recipients ~~age 65 or older~~ who are residents of an institution for mental diseases. These rules are in addition to requirements generally applicable to medicaid providers as otherwise provided in state and federal statutes, rules, regulations and policies.

AUTH: Sec. 53-2-201 and 53-6-113, MCA  
IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

37.88.1402 INSTITUTIONS FOR MENTAL DISEASES, DEFINITIONS

(1) remains the same.

(2) "Devoted to the provision of inpatient psychiatric hospital care to adults" means an institution for mental disease which is licensed and certified as a hospital and whose goals, purpose and care are designed for and devoted exclusively to providing diagnosis, treatment or care to persons with mental

diseases age 18 and older.

(3) "Hospital" means a facility licensed, accredited or approved under the laws of Montana or a facility operated as a hospital by the state that provides, by or under the supervision of licensed physicians, services for the diagnosis, treatment, rehabilitation and care of persons with mental diseases.

(2) through (7) remain the same but are renumbered (4) through (9).

~~(8)~~ (10) "Provider" means a nursing facility or hospital that meets the provider participation requirements specified in ARM ~~46.12.599~~ 37.88.1405.

(9) remains the same but is renumbered (11).

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

37.88.1405 INSTITUTIONS FOR MENTAL DISEASES, PROVIDER PARTICIPATION REQUIREMENTS (1) An institution for mental diseases, as a condition of participation in the Montana medicaid program, under ARM 37.88.1401, 37.88.1402, 37.88.1405, 37.88.1406, 37.88.1410, 37.88.1411 and 37.88.1420, must be a nursing facility provider that meets the following requirements:

(a) through (c) remain the same.

(d) enters into and maintains a written agreement with the department that specifies the respective responsibilities of the department and the provider including arrangements for:

(i) through (v) remain the same.

(vi) other procedures necessary to carry out the agreement; ~~or~~

(e) is a hospital which is devoted to the provision of inpatient psychiatric hospital care to adults. A publicly owned hospital devoted to the provision of inpatient psychiatric care to adults shall not be required to enter into and maintain a written agreement as provided in (1)(d).

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

37.88.1410 INSTITUTIONS FOR MENTAL DISEASES, REIMBURSEMENT

(1) The Montana medicaid program does not cover and will not reimburse for services provided in institutions for mental diseases, except:

~~(a) as provided in ARM 37.88.1101, 37.88.1105, 37.88.1106, 37.88.1115 and 37.88.1116 for medicaid recipients under age 21 receiving services in inpatient psychiatric facilities; or~~

(a) services provided to medicaid recipients ages 18 through 21 and 65 or over in hospitals devoted to the provision of inpatient psychiatric hospital care for adults; or

(b) as provided in ARM 37.88.1401, 37.88.1402, 37.88.1405, 37.88.1406, 37.88.1410, 37.88.1411 and 37.88.1420 for medicaid recipients age 65 or over receiving nursing facility services in a nursing facility that the department has determined to be an institution for mental diseases under ARM 37.88.1402.

(2) through (b) remain the same.

- (3) The final per diem payment rate for:
- (a) the nursing facility at Montana state hospital is ~~\$325.00~~ \$335.00; and
- (b) through (4) remain the same.
- (5) For hospital services provided to medicaid recipients age 18 through 21 and 65 or over, the Montana medicaid program will pay hospitals devoted to the provision of inpatient psychiatric hospital care to adults an all-inclusive per diem rate which includes the cost of physician and dental services as well as the cost of the services listed in ARM 37.86.2902(2).

AUTH: Sec. 53-2-201 and 53-6-113, MCA  
IMP: Sec. 53-6-101 and 53-6-113, MCA

3. These amendments are necessary to make medicaid payment regulations consistent with program changes at Montana State Hospital (MSH). With completion of the new facilities at Warm Springs, MSH will be licensed and certified as a hospital. The MSH nursing facility beds will be discontinued. The Department will provide all public mental health system nursing facility services at the Montana Mental Nursing Care Center in Lewistown. These rule amendments expand the medicaid category of "Institution for Mental Disease" to include psychiatric hospitals which are devoted to serving adults. This will allow the Department to bill the medicaid program for services provided to medicaid eligible individuals under the age of 21 and 65 or over. The amendments delete all references to an MSH nursing facility unit.

ARM 37.88.1401 is being amended to delete a reference to recipients age 65 or over. The rule provisions for reimbursement of inpatient mental health services would be inclusive of all adults.

Definitions are being added to ARM 37.88.1402 to define a "hospital" that is "devoted to the provision of inpatient psychiatric hospital care to adults". Those terms are intended to describe the proposed role of MSH. The definition of "provider" in that rule is being amended to include a hospital.

ARM 37.88.1405 is being amended to allow MSH participation in the Montana Medicaid Program.

ARM 37.88.1410 is being amended to set a \$335.00 per diem rate for MSH. That rate would be all-inclusive, allowing MSH to provide medical and dental care as well as psychiatric services.

#### Alternatives

(1) The Department considered and rejected the option of leaving medicaid rules unchanged despite changes in the MSH program. This option would have resulted in a loss of federal medicaid revenue of approximately \$540,000 per year, since nursing facility services will no longer be provided at MSH.

(2) The Department also considered and rejected the option of licensing all of MSH as a nursing facility, consistent with current medicaid administrative rules. This alternative would have maintained federal revenue but would not have provided the appropriate type and level of care to persons with mental disease admitted to MSH.

4. Interested 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 Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on July 13, 2000. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

/s/ Dawn Sliva  
Rule Reviewer

/s/ Laurie Ekanger  
Director, Public Health and  
Human Services

Certified to the Secretary of State June 5, 2000.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
adoption of New Rules I ) ON PROPOSED ADOPTION  
through VI relating to )  
Tobacco Rules )  
)

TO: All Concerned Persons

1. On July 10, 2000, at 9:00 a.m., a public hearing will be held in the fourth floor conference room, of the Sam W. Mitchell Building, at Helena, Montana, to consider the adoption of New Rules I through VI, under Title 16, Ch. 11, part 4, MCA, pertaining to cigarettes and cigarette products covered under the Master Settlement Agreement between the manufacturers and the State of Montana. Individuals planning to attend the hearing should enter the building through the east doors of the Sam W. Mitchell Building, 125 North Roberts.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue not later than 5:00 p.m., June 26, 2000, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 5805, Helena, Montana 59604-5805; telephone (406) 444-2855; fax (406) 444-3696; or e-mail canderson@state.mt.us.

3. The proposed new rules do not replace or modify any section currently found in the Administrative Rules of Montana.

4. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS The following definitions apply to rules found in this chapter.

(1) "Cigarette" means the definition found in 16-11-402, MCA.

(2) "Non-participating manufacturer (NPM) report form" means the form prescribed or approved by the department to report cigarette products sold in Montana by tobacco product manufacturers as defined in 16-11-402, MCA, that are not participating manufacturers as defined in 16-11-402, MCA.

(3) "Reporting agency" means any Montana cigarette wholesaler or licensed Montana retailer acting as a tobacco wholesaler who brings cigarettes into Montana for sale to consumers.

(4) "Retailer acting as a tobacco wholesaler" means a licensed Montana retailer who purchases from a manufacturer, distributor, or importer, and who does not prepay the tax on tobacco products.

AUTH: 16-11-402, MCA

IMP: 16-11-201 and 16-11-402, MCA

NEW RULE II REPORTING REQUIREMENTS (1) Each reporting agency shall prepare a NPM report form. This form shall be filed with the department of revenue by the reporting agency on or before the 15th day of the month following the preceding month's activities.

- (2) The information must include the:
- (a) full name of the product being reported;
  - (b) name of the manufacturer or exclusive distributor or importer; and
  - (c) number of individual cigarettes or the weight in ounces of roll your own tobacco products.

AUTH: 16-11-402, MCA

IMP: 16-11-403, MCA

NEW RULE III DEPARTMENT EXAMINATIONS AND PRESERVATION OF RECORDS (1) At any time during usual business hours the department or its duly authorized agents may enter a reporting agency's place of business to examine the copies of reports required to be kept under this chapter. The department may examine the inventory of cigarette products contained at the premise to determine compliance with this chapter.

(2) All copies of reports required under this chapter must be preserved for a period of five years unless the department authorizes their destruction or disposal in writing.

AUTH: 16-11-402, MCA

IMP: 16-11-118 and 16-11-403, MCA

NEW RULE IV CREDIT FOR GOODS RETURNED TO MANUFACTURER

(1) In the case where a manufacturer submits a claim for a refund under ARM 42.31.131, any such product covered by this chapter may be deducted from the amount reported by the reporting agency for that period.

(2) The claim must contain the information required by ARM 42.31.131 and include the brand name of each product.

AUTH: 16-11-402, MCA

IMP: 15-1-503, 16-11-112, 16-11-156 and 16-11-403, MCA

NEW RULE V LATE FILING PENALTIES (1) A penalty will be assessed as follows when reports are not timely received:

(a) The failure to file the required report by the due date will result in a late filing penalty of \$50; and

(b) A reporting agency who purposely fails to file a report shall be assessed an additional late filing penalty of \$200.

AUTH: 16-11-402, MCA

IMP: 15-1-216 and 16-11-402, MCA

NEW RULE VI DISPUTES (1) Disputes concerning the amount of state excise tax due on the cigarettes as defined in [New Rule I] will be heard by the department's office of dispute resolution. For this purpose, ARM 42.2.613 through 42.2.621 are adopted by reference.

AUTH: 15-1-201, 15-1-211 and 16-11-402, MCA

IMP: 15-1-211, 16-11-143 and 16-11-403, MCA

5. The department is proposing New Rules I through VI because the Master Settlement Agreement (MSA) and 16-11-401 through 16-11-403, MCA, require the Department of Revenue to collect data pertaining to how many cigarettes are sold in Montana for consumption from manufacturers, sole distributors or exclusive importers who have not signed the agreement.

In order for this data to be compiled the department must require the agencies selling the reportable cigarette products to report to the department their sales from non-participating manufacturers on a monthly basis.

Rules must be adopted to insure compliance with the Master Settlement Agreement and Title 16, Ch. 11, part 4, MCA.

6. 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:

Cleo Anderson  
Department of Revenue  
Director's Office  
P.O. Box 5805  
Helena, Montana 59604-5805

and must be received no later than July 14, 2000.

7. Cleo Anderson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

8. The Department of Revenue 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 which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 2. above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ Cleo Anderson  
CLEO ANDERSON  
Rule Reviewer

/s/ Mary Bryson  
MARY BRYSON  
Director of Revenue

Certified to Secretary of State June 5, 2000

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the ) NOTICE OF REPEAL  
repeal of ARM 4.10.1808 )  
relating to the termination )  
of the pesticide disposal )  
program )

TO: All Concerned Persons

1. On April 27, 2000, the Montana Department of Agriculture published notice of the proposed repeal of ARM 4.10.1808 relating to the termination of the pesticide disposal program at page 986 of the 2000 Montana Administrative Register, Issue Number 8.

2. The department has repealed ARM 4.10.1808 as proposed.

3. No comments or testimony were received.

DEPARTMENT OF AGRICULTURE

/s/ Ralph Peck  
Ralph Peck  
Director

/s/ Tim Meloy  
Tim Meloy, Attorney  
Rules Reviewer

Certified to the Secretary of State June 5, 2000.

BEFORE THE BOARD OF CHIROPRACTORS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment ) CORRECTED NOTICE  
of rules pertaining to ) OF AMENDMENT  
examinations, temporary )  
permits, continuing education )  
requirements, unprofessional )  
conduct, fees, interns and )  
preceptors, recertification, )  
denial and revocation and the )  
adoption of a new rule )  
pertaining to patient records )

TO: All Concerned Persons

1. On March 16, 2000, the Board of Chiropractors published notice of the proposed amendment and adoption of the above-stated rules at page 663 of the 2000 Montana Administrative Register, Issue Number 5, and on May 25, 2000 published notice of the amendment and adoption of said rules at page 1307 of the 2000 Montana Administrative Register, Issue Number 10.

2. This corrected notice is being filed to correct an error in the amendment of ARM 8.12.904 in that language was deleted from said rule in error.

8.12.904 RECERTIFICATION - DENIAL - REVOCATION

(1) Effective September 2, 2000 a minimum of four hours of specialized continuing education relevant to impairment evaluation must be demonstrated every four years, or within one year of a new edition to the American medical association's guides to the evaluation of permanent impairment. These hours must be demonstrated in order to qualify for certification renewal. This requirement is in addition to the continuing education hours required for annual renewal of licenses to practice chiropractic in this state.

3. Replacement pages for the corrected notice of amendment will be submitted to the Secretary of State on June 30, 2000.

BOARD OF CHIROPRACTORS  
PATRICK MONTGOMERY, D.C.,  
PRESIDENT

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, June 5, 2000.

BEFORE THE MONTANA CONSUMER AFFAIRS DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the adoption ) NOTICE OF ADOPTION OF  
of rules pertaining to the Tele- ) RULES PERTAINING TO THE  
marketing Registration and Fraud ) TELEMARKETING REGISTRATION  
Prevention Act ) AND FRAUD PREVENTION ACT

TO: All Concerned Persons

1. On January 27, 2000, the Montana Consumer Affairs Division published a notice of the proposed adoption of rules pertaining to the Telemarketing Registration and Fraud Prevention Act at page 120, 2000 Montana Administrative Register, issue number 2. The hearing was held February 23, 2000.

2. The Division has adopted Rule IV (8.78.604) exactly as proposed. The Division has adopted Rule I (8.78.601), Rule II (8.78.602), Rule III (8.78.603) and Rule V (8.78.605) as proposed but with the following changes: (authority and implementing sections will remain the same as proposed)

8.78.601 DEFINITIONS In addition to the terms defined in 30-14-1403, MCA, the following terms shall, unless the context otherwise indicates, have the following meanings for the purposes of this sub-chapter:

(1) will remain the same as proposed.

(2) "Applicant" means a person non-exempt seller or telemarketer applying for registration or renewal with the department ~~to be a registered seller or telemarketer.~~

(3) and (4) will remain the same as proposed.

(5) "Non-exempt seller or telemarketer" means a seller or telemarketer as defined in 30-14-1403, MCA, who pursuant to 30-14-1405, MCA, is not exempt from the registration and bonding requirements of 30-14-1404, MCA.

(5) will remain the same as proposed, but will be renumbered (6).

(a) through (e) will remain the same as proposed.

(f) a trustee of a trust ~~or any other individual who controls, manages; or~~

(g) any other individual who controls, manages or supervises a telephone sales operation.

~~(6)~~(7) "Registrant" means the person non-exempt seller or telemarketer registered with the department ~~of commerce as a seller or telemarketer~~ to conduct telemarketing operations in Montana.

8.78.602 FORMS AND PROCEDURES FOR INITIAL REGISTRATION AND BONDING (1) Prior to conducting telemarketing business in the state of Montana, the applicant must have a Montana ~~department of commerce~~ certificate of registration.

(2) and (3) will remain the same as proposed.

(4) The certificate of deposit and government bond shall

name the Montana department of ~~commerce~~ as owner.

(5) The applicant shall designate a registered agent with the Montana secretary of state ~~for all sellers or telemarketers~~. An agent must be designated to accept service for all legal pleadings.

(6) through (8) will remain the same as proposed.

(9) The application form and instructions for registration ~~as a~~ for telemarketers and/or sellers not exempt from registration and bonding under 30-14-1405, MCA, may be obtained from the Department of Commerce, Consumer Affairs Division, Telemarketing Section, 1424 Ninth Avenue, PO Box 200501, Helena, Montana 59620-0501.

8.78.603 FORMS AND PROCEDURES FOR REGISTRATION RENEWAL

(1) and (1)(a) will remain the same as proposed.

(b) In the event the certificate of deposit needs to be renewed prior to the one year, it will be released by the department to be renewed with the applicant's financial institution's verification. The department must be named as the owner of the certificate of deposit at all times that the telemarketer operates in Montana.

(c) Failure to fully complete the renewal application on or before December 31st will result in the renewal application being deemed null and void and the lapse of registration. All items must be completed on the renewal application. No photocopied applications from the prior year will be accepted.

(d) will remain the same as proposed.

(2) All applications for the renewal of ~~application~~ registration must ~~occur~~ be satisfactorily completed on or before December 31st of each year. The department will mail the renewal notices and accompanying renewal forms to registrants approximately two months in advance of expiration allowing time for registrant to complete the form.

(3) through (6) will remain the same as proposed.

(7) After any and all consumer claims are resolved to the satisfaction of the department, ~~and or~~ one year has passed since the registrant has ceased telemarketing business in the state, whichever occurs later, then the remainder of the financial responsibility or portion thereof if any, will be returned to the registrant.

(8) will remain the same as proposed.

8.78.605 CIVIL ACTION ENFORCEMENT PROCEDURE (1) will remain the same as proposed.

(2) Consumer complaint forms may be obtained from the department. The department will provide these forms to consumers who have suffered a loss due to the alleged violation of the act by ~~a business~~ any seller or telemarketer through unfair or deceptive conduct, prohibited acts or practices, or abusive act or practices. The complaint form may be obtained from the Montana Department of Commerce, Consumer Affairs Division, Telemarketing Section, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana 59620-0501. The department is unable to proceed with a consumer complaint

unless the complaint form is completed and signed by the consumer, or the consumer's representative with the full knowledge and consent of the consumer.

(3) Upon receipt of the completed and signed complaint, the department will request the business seller or telemarketer to provide a written response to the allegations set forth by the consumer within 20 days. The response must be submitted to the department.

(4) will remain the same as proposed.

3. The Division has thoroughly considered all comments and testimony received. Those comments and the Division's responses are as follows:

COMMENT NO. 1: AARP through their counsel, Mona Jamison, commented that minor drafting changes are needed. Rule I (8.78.601)(2), MCA, Definitions. In the definition "Applicant" delete the word "person", insert the words "non-exempt seller or telemarketer", and delete the words "to be a registered seller or telemarketer". The definition would read as follows:

"Applicant" means non-exempt seller or telemarketer applying for registration or renewal with the department.

RESPONSE: The Department concurs and adopted this definition of applicant.

COMMENT NO. 2: The AARP proposes that a new definition of non-exempt seller or telemarketer be added to the definition rules and renumber accordingly. The proposed new definition is for the words "non-exempt seller or telemarketer" and would read as follows:

(5) "Non-exempt seller or telemarketer" means a seller or telemarketer as defined in 30-14-1403, MCA, who pursuant to 30-14-1405, MCA, is not exempt from the registration and bonding requirements of 30-14-1404, MCA.

RESPONSE: The Department concurs and adopted this definition of non-exempt seller or telemarketer.

COMMENT NO. 3: The AARP proposes that in the definition section, the word "principal" in Rule I (8.78.601)(5)(f), merge the words "or any other individual who controls, manages or" with (g). Rule I (8.78.601)(5)(f) and (g), would each read as follows:

"(f) a trustee of a trust; or"

"(g) any other individual who controls, manages or supervises a telephone sales operations."

RESPONSE: The Department concurs and adopted this comment.

COMMENT NO. 4: The AARP proposes that in the definition section, "registrant", delete the word "person" and insert the words "non-exempt seller or telemarketer"; and delete the words "of commerce as a seller or telemarketer." Rule I (8.78.601)(6), would then read as follows:

"(6) "Registrant" means the non-exempt seller or telemarketer registered with the department to conduct telemarketing operations in Montana."

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 5: The AARP proposes that in Rule II (8.78.602)(1), (4) and (9), delete the words "of commerce".

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 6: The AARP proposes that in proposed Rule II (8.78.602)(5), delete the words "for all sellers or telemarketers".

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 7: The AARP proposes that in proposed Rule II (8.78.602)(9), delete the words "as a" following the word registration and insert the word "for"; add an "s" to the words telemarketer and seller; and after the word seller, add the words "not exempt from registration and bonding under 30-14-1405, MCA,". This subsection would read in full as follows:

"The application form and instructions for registration for telemarketers and/or sellers not exempt from registration and bonding under 30-14-1405, MCA, may be obtained from the department, Consumer Affairs Division, Telemarketing Section, 1424 Ninth Avenue, PO Box 200501, Helena, Montana 59620-0501."

RESPONSE: The Department concurs and adopted the comment with the addition of words "of Commerce".

COMMENT NO. 8: The AARP proposes that in proposed Rule III (8.78.603)(1)(b), redraft the phrase "prior to one year" which follows "renewed".

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 9: The AARP proposes that in Rule III (8.78.603)(1)(c), insert the word "deemed" before the word

"null".

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 10: The AARP proposes that in proposed Rule III (8.78.603)(2), delete the words "of application" which follows "for the renewal" and insert "of registration"; and following the word "must" delete the word "occur" and insert the words "be satisfactorily completed." This subsection would read in full as follows:

"All applications for the renewal of registration must be satisfactorily completed on or before December 31st of each year. The department will mail the renewal notices and accompanying renewal forms to registrants approximately two months in advance of expiration allowing time for registrant to complete the form.

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 11: The AARP proposes that in proposed Rule III (8.78.603)(7), following the word "of the department;" delete the word "and" and insert the word "or"; following the word "state," insert the words "whichever occurs later, then", and delete the words "remainder of the" and following the words "financial responsibility" insert the words "or portion thereof if any". This subsection would read as follows:

"(7) After any and all consumer claims are resolved to the satisfaction of the department; or one year has passed since registrant has ceased telemarketing business in the state, whichever occurs later, then the financial responsibility or portion thereof if any, will be returned to the registrant."

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 12: The AARP believes that "civil action enforcement" should be omitted because the department is authorized to pursue both civil and criminal enforcement remedies. In Rule V (8.78.605), the title of the rule, delete the words "Civil Action"; and after the word "Enforcement" delete the word "procedure" and insert the words "Options-Complaint Forms". The title would read as follows:

"ENFORCEMENT OPTIONS - COMPLAINT FORMS"

RESPONSE: The Department has not adopted this comment. The Department does not have criminal law enforcement authority nor is it designated as a criminal law enforcement agency. The State Attorney General's Office or County

Attorney has the authority to seek criminal penalties under the statute.

COMMENT NO. 13: The AARP proposes that in proposed Rule V (8.78.605)(2), following the words "of the act by" delete the words "a business" and insert the words "any seller or telemarketer"; and following the words "signed by the consumer" insert the words "or the consumer's friend, relative, or other representative." The last sentence of this subsection would read as follows:

"The department is unable to proceed with a consumer complaint unless the complaint form is completed and signed by the consumer, or the consumer's friend, relative, or other representative."

REPOSE: The Department concurs with deleting the words "a business" and inserting the words "any seller or telemarketer". The consumer's friend or relative may assist with the completion of the complaint and signs it only with the consumer's consent and knowledge. Further, a designated legal representative may complete and sign the complaint on behalf of the consumer if a legal document such as a durable power of attorney or order of guardianship order exists.

COMMENT NO. 14: The AARP proposes that in proposed Rule V (8.78.605)(3), following the words "will request the" delete the word "business" and insert the words "seller or telemarketer".

RESPONSE: The Department concurs and adopted the comment.

COMMENT NO. 15: In the Department's "Reason" to Rule V (8.78.605), following the words "informs the consumer and" delete the word "business" and insert the words "all sellers and telemarketers as defined in 30-14-1403, MCA". In the other two places in the "Reason: of Rule V (8.78.605), where the word "business" appears, the word "business" should be deleted and the words "any seller or telemarketer" inserted.

RESPONSE: The Department is unable to change the Reason in Rule V in the original proposal.

COMMENT NO. 16: The AARP maintains that the Telemarketing Registration and Fraud Prevention Act applies to all "sellers" and "telemarketers" doing business in the state of Montana. Certain sellers and telemarketers or other persons conducting telemarketing business are exempt under 30-14-1405, MCA, from the registration and bonding requirement of 30-14-1404, MCA, but they are not exempt from the other provisions of the Act. The changes to the rules that AARP are proposing is to reconcile the language of the rules to the language, intent and history of Title 30, Chapter 14, Part 14,

MCA. The AARP would like to see the rules show the distinction between exempt telemarketers and non-exempt telemarketers and proposed a new definition such as non-exempt seller or telemarketer meaning a seller or telemarketer as defined in 30-14-1403, MCA, who is not exempt from registration and bonding under 30-14-1405, MCA. If a distinction were made between exempt telemarketer and non-exempt telemarketer other sections of the rule would be affected and would also need to be changed accordingly.

RESPONSE: The Department finds that the Telemarketing Registration and Fraud Prevention Act apply to "sellers" and "telemarketers" exempt from registration and bonding. The department will seek a formal Attorney General's Opinion as to the application of the remaining provisions of the Act to the exempt entities set forth in 30-14-1404, MCA. A copy of the request to the Office of the Attorney General will be distributed to associations attending the rulemaking hearing. Any association or person has the ability to submit their comments to the Office of the Attorney General in the formal opinion request.

COMMENT NO. 17: René Worley a member of the AARP and Evan Crandall commented that they believe a phrase should be added in Rule V (8.78.605)(2), following the words "signed by the consumer" in which allowance would be given a relative or friend the authority to sign the written complaint on behalf of the frauded consumer.

RESPONSE: The Department concurs with deleting the words "a business" and inserting the words "any seller or telemarketer". The consumer's friend or relative may assist with the completion of the complaint and signs it only with the consumer's consent and knowledge. Further, a designated legal representative may complete and sign the complaint on behalf of the consumer if a legal document such as a durable power of attorney or order of guardianship order exists.

COMMENT NO. 18 Bob Bartholomew, State Director AARP, Barbara Sutherlin, Fred Patten, Charlotte Thomas, all volunteers with AARP agreed with the comments submitted by Mona Jamison.

RESPONSE: The Department acknowledges their comments and has addressed each comment presented by AARP.

COMMENT NO. 19: Ross Cannon, Counsel for the Direct Marketing Association (DMA) supports the department's rules as written. He maintains that the sections first sentence reads: "The registration and bonding requirements of 30-14-1404, MCA, do not apply to entities exempt from bonding and registration".

RESPONSE: The Department finds that the Telemarketing

Registration and Fraud Prevention Act apply to "sellers" and "telemarketers" exempt from registration and bonding. The department will seek a formal Attorney General's Opinion as to the application of the remaining provisions of the Act to the exempt entities set forth in 30-14-1404, MCA. A copy of the request to the Office of the Attorney General will be distributed to associations attending the rulemaking hearing. Any association or person has the ability to submit their comments to the Office of the Attorney General in the formal opinion request.

CONSUMER AFFAIRS DIVISION

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, June 5, 2000

BEFORE THE HEALTH FACILITY AUTHORITY  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment, ) NOTICE OF AMENDMENT, REPEAL  
repeal and adoption of rules ) AND ADOPTION OF RULES  
pertaining to the health faci- ) PERTAINING TO THE HEALTH  
lity authority ) FACILITY AUTHORITY

TO: All Concerned Persons

1. On April 27, 2000, the Health Facility Authority published a notice of the proposed amendment, repeal and adoption of rules pertaining to the health facility authority at page 995, 2000 Montana Administrative Register, issue number 8.
2. The Health Facility Authority has amended ARM 8.120.101, 8.120.201, 8.120.202, 8.120.203, repealed ARM 8.120.204, 8.120.205, 8.120.206, 8.120.301, 8.120.302 and adopted new rule I (8.120.207) exactly as proposed.
3. No comments or testimony were received.

MONTANA HEALTH FACILITY AUTHORITY  
AMOS R. LITTLE, JR., MD, CHAIRMAN

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

By:

/s/ ANNIE M. BARTOS

ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, June 5, 2000

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the )  
adoption and amendment )  
of rules relating to )  
negative certification )  
actions )

) NOTICE OF ADOPTION AND  
) AMENDMENT OF RULES RELATING  
) TO REPORTING OF NEGATIVE  
) CERTIFICATION ACTIONS

TO: All Concerned Persons

1. On February 24, 2000, the Board of Public Education published notice of the proposed adoption and amendment of rules concerning teacher certification, at page 569 of the 2000 Montana Administrative Register, Issue Number 4.

2. After a review of comments received, the Board of Public Education adopted Rule I (ARM 10.57.213) with the following changes, stricken matter interlined, new matter underlined:

10.57.213 REPORTING OF DENIAL OF INITIAL CERTIFICATION,  
OF REINSTATEMENT OR OF RENEWAL OF CERTIFICATION

(1) remains the same.

(2) A denial "for cause" is defined as circumstances which:

(a) would, in the case of an actively certified Montana teacher, be grounds for ~~reprimand~~, suspension, or revocation; or

(b) remains the same.

(3) through (5) remain the same.

COMMENT: Eric Feaver, President, Montana Education Association, stated that a "reprimand" is not a sufficiently severe disciplinary action to cause national reporting to occur.

RESPONSE: The Board voted to delete the term "reprimand," from subsection (2)(a), and to adopt ARM 10.57.213 as amended.

3. The Board of Public Education received no comments on the proposed amendments to ARM 10.57.604 and 10.57.701, and voted to adopt as proposed.

/s/ Storrs Bishop  
Chairperson  
Board of Public Education

/s/ Wayne Buchanan  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State June 5, 2000.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the )  
amendment of rules 10.57.220 )  
and 10.57.301 relating to )  
teacher certification )

NOTICE OF AMENDMENT OF  
RULES 10.57.220 AND  
10.57.301 RELATING TO  
TEACHER CERTIFICATION

TO: All Concerned Persons

1. On April 13, 2000, the Board of Public Education published notice of the proposed amendment of rules concerning teacher certification, at page 911 of the 2000 Montana Administrative Register, Issue Number 7.

2. With no comments received, the Board of Public Education amended ARM 10.57.220 and 10.57.301 exactly as proposed.

/s/ Storrs Bishop  
Chairperson  
Board of Public Education

/s/ Wayne Buchanan  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State June 5, 2000.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF  
amendment of ARM 12.9.602 and ) AMENDMENT  
12.9.604 pertaining to the )  
pheasant enhancement program )

TO: All Concerned Persons

1. On April 27, 2000, the Montana Department of Fish, Wildlife and Parks (department) published notice of the proposed amendment of ARM 12.9.602 and 12.9.604 concerning the pheasant enhancement program at page 1000 of the 2000 Montana Administrative Register, Issue Number 8.

2. The department has amended 12.9.602 and 12.9.604 as proposed.

3. No comments or testimony were received.

BY:

BY:

/s/ Patrick J. Graham

John F. Lynch

PATRICK J. GRAHAM  
Director

JOHN F. LYNCH  
Rule Reviewer

Certified to the Secretary of State June 5, 2000

BEFORE THE OFFICE OF THE WORKERS' COMPENSATION JUDGE  
OF THE STATE OF MONTANA

In the matter of the )  
amendment and adoption )  
of procedural rules )  
 )  
 )

NOTICE OF AMENDMENT OF  
ARM 24.5.301, 24.5.303,  
24.5.308, 24.5.331, 24.5.350  
AND ADOPTION OF RULES I,  
II, III, IV, AND V

TO: All Concerned Persons

1. On April 13, 2000, the Workers' Compensation Judge published notice of the proposed amendment and adoption of the above-stated rules at page 914, 2000 Montana Administrative Register, Issue Number 7.

2. The Office of the Workers' Compensation Judge has amended ARM 24.5.301, 24.5.303, 24.5.308, 24.5.331, and 24.5.350 exactly as proposed.

3. The Office of the Workers' Compensation Judge has adopted Rules II (ARM 24.5.307) THIRD-PARTY PRACTICE, III (ARM 24.5.314) ADJUDICATION OF INTERIM BENEFIT CLAIMS UNDER 39-71-610, MCA, IV (ARM 24.5.327) DEFAULT, AND V (ARM 24.5.352) REFERENCE TO MONTANA RULES OF CIVIL PROCEDURE exactly as proposed and Rule I (ARM 24.5.307A) JOINDER AND SERVICE OF ALLEGED UNINSURED EMPLOYERS with the following change.

24.5.307A (RULE I) JOINDER AND SERVICE OF ALLEGED UNINSURED EMPLOYERS (1) In any case involving entitlement to benefits from the uninsured employers' fund, whether filed by a claimant, the uninsured employers' fund, or any other party, the alleged uninsured employer shall be deemed a party to the action. In all such cases, the uninsured employers' fund shall use due diligence to accomplish personal service of the petition upon the alleged uninsured employer within 20 days of the filing of the petition. Service shall be made in accordance with Rules 4B(2), (3), (5), and/or (6) of the Mont. R. Civ. P. Failure or inability to timely serve the alleged uninsured employer shall not be cause to delay the proceeding absent agreement of the parties or order of the court for good cause. At the request of any party, for good cause shown, an issue as to whether the employer was in fact uninsured or owed claimant a duty of providing workers' compensation coverage, may be bifurcated from the trial of issues relating to a claimant's entitlement to benefits.

4. No public hearing was held but interested parties were asked to submit their data, views or arguments to the court in writing by May 15, 2000. The following comments were received from the Uninsured Employers' Fund (UEF).

Comment No. 1: The UEF supports the proposed amendments to the existing rules and supports the adoption of proposed RULE II through V. The UEF also supports the adoption of proposed RULE I, but modified to take into account the comments stated below.

Response: No response is necessary.

Comment No. 2: The UEF believes that it is not appropriate to require the UEF to cause personal service upon the alleged uninsured employer, when in all other instances, the Court serves a copy of the Petition for Hearing on the other parties by mail. See: ARM 24.5.303(1). The UEF respectfully disagrees with the Court's stated rationale that the burden of service should rest on the UEF "because the UEF is the party potentially benefitting from making the alleged uninsured employer a party." The UEF believes that a benefit accrues to the injured claimant, to the alleged uninsured employer and to the Court when the alleged uninsured employer is made a party to litigation involving claims made against the UEF. First, as a matter of judicial economy, the UEF suggests that involving the party that has ultimate liability for a claim (the uninsured employer) when adjudicating disputes over benefits will allow the Court and the parties to avoid having to re-litigate liability issues if the alleged uninsured employer disputes liability for those benefits. The injured worker also benefits from establishing an entitlement to benefits that cannot be later collaterally attacked by the alleged uninsured employer. Finally, the alleged uninsured employer is benefitted by being joined as a party so that the alleged uninsured employer can timely raise defenses (such as they may exist) against the UEF and/or the claimant. The UEF respectfully requests that, as a matter of course, the Court attempt service on the alleged uninsured employer by mail pursuant to ARM 24.5.303(1) before requiring the UEF to attempt personal service on the alleged uninsured employer.

Response: The Court declines to amend the rule as requested. The Court notes that service by certified mail is not the customary means to commence an action against an in-state party in Montana. See Montana Rules of Civil Procedure, Rule 4. While the Court has a long standing rule permitting service by mail, service has typically been upon insurers who are regulated by law and who are familiar with the procedures of the Workers' Compensation Act. In cases involving individuals, the Court has for some time been concerned that service by mail may not provide adequate notice. In fact, over the past several years it has routinely ordered that personal service be made where the respondent is a claimant, an individual, or a business.

In the cases involving alleged uninsured employers, the Court believes a rule allowing for service by certified mail in the first instance is neither prudent nor expedient. Certified mail may not be picked up or may be refused, thus delaying proceedings. In view of the expedited nature of workers'

compensation proceedings, and the potential hardship which may be caused by any delay in determining a claimant's entitlement to benefits, prompt and effective service is essential.

Comment No. 3: The UEF believes that the proposed RULE I should expressly provide for service upon an alleged uninsured employer (or any other party) by alternative means of service, up to and including service by publication. The Montana Rules of Civil Procedure provide for alternative means of service, and the UEF respectfully suggests that RULE I should too. As a matter of due process, the UEF believes that the Court should allow, by order (and only in appropriate circumstances), service by publication, so that the rights of the parties can be decided in a final and binding manner. The UEF recognizes that service by publication would be the exception, not the rule, and used only when personal service cannot be completed after diligent effort. The UEF further recognizes that service by publication might slow the hearing of a case by the Court, but believes that the Court can address those matters on a case-by-case basis.

Response: The Court agrees that this Court's rules should permit effectuation of service in the same manner as set out in Rule 4D(2), (3), (5), and (6) of the Montana Rules of Civil Procedure. The Court notes, however, that the circumstances for service by publication are very limited under Rule 4D(5) and may not apply in many UEF cases. In any event, Proposed RULE I is amended.

Comment No. 4: The UEF believes that the proposed language in RULE I which would allow a case to proceed to trial without the inclusion of the alleged uninsured employer due to a failure to personally serve the alleged uninsured employer within 20 days (except for good cause shown) may deny the UEF due process of law. Likewise, the UEF believes that the proposed language in RULE I that permits bifurcation of benefit determination issues from the threshold issue of whether a particular business entity is an "uninsured employer" as to the claimant may also raise due process issues. The UEF is concerned that it may be ordered to pay benefits to a claimant when that judgment does not also bind the uninsured employer. In order for a claimant to obtain benefits from the UEF, the claimant must have been an employee of an uninsured employer at the time of the injury or occupational disease. If the Court proceeds to decide the claimant's benefit eligibility from the UEF (which decision must logically include a determination of the status of the claimant as an employee as well as a determination that the employer was uninsured despite owing the claimant a duty of coverage), but does not bind the uninsured employer with that judgment, the UEF is faced with possibly inconsistent judgments regarding whether or not the employer is liable for the benefits to be paid to that claimant. The UEF could end up being bound (by the law of the case) to pay benefits to the claimant, but the employer would be free to litigate its liability to the UEF, and might demonstrate that it (a) isn't an "uninsured employer" within the

meaning of § 39-71-501, MCA, and/or (b) that the claimant isn't entitled to benefits because of factual defenses to the claim. In such an instance, the UEF would be subjected to independent liability for the claim, contrary to the provisions of Title 39, chapter 71, part 5, MCA. The UEF respectfully points out that allowing alternative forms of service (i.e., service by publication), coupled with the adoption of the Court's proposed rule regarding defaults could help eliminate the potential for such inconsistent results.

The UEF recognizes that the Court is quite rightly concerned with the speedy adjudication of disputes concerning benefits that may be payable to an injured worker. It is the public policy of the state of Montana that the workers' compensation system be self-administering. Most of the time, the system works as designed. However, Montana's workers' compensation system is designed on the basis of universal coverage for all employees by all employers, and assumes that both employers and employees comply with their legal obligations under the system. In situations where there are workplace injuries that fall outside of the expected behaviors (such as an employer's failure to have workers' compensation insurance coverage), the goals of a speedy, self-administering claims process have to be modified to take into account that an essential part of the system, insurance coverage, is missing. All UEF cases involve these "out of the ordinary" situations that don't fit into the assumed environment of workers' compensation practice. Accordingly, the UEF respectfully suggests that the Court recognize that cases brought to the Court's attention involving alleged uninsured employers require special consideration and justify a different standard of procedure.

Response: The Court acknowledges the UEF's concern and the proposed rule results in part from this concern. However, the concern is balanced by the interest of the injured worker in a speedy adjudication of his or her entitlement to benefits. The uninsured employer is not a necessary party to the workers' claim against the UEF, indeed the Workers' Compensation Act provides the worker with a separate, district court action against the employer. §§ 39-71-509, -515, and -516, MCA. The rule was crafted in an attempt to accommodate both interests. In considering whether good cause exists to continue proceedings to permit service, the Court will consider all circumstances, including any agreement to pay interim benefits while service is being accomplished.

The Court makes no determination whether the rule may deny the UEF of due process of law. That issue is more appropriately raised in a specific proceeding where the UEF may be adversely effected by the rule.

By: /s/ Mike McCarter  
Mike McCarter, Judge  
Workers' Compensation Court

/s/ Clarice V. Beck  
Clarice V. Beck, Rules Reviewer

Certified to the Secretary of State May 19, 2000.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF AMENDMENT
amendment of ARM 44.14.101 to	)	AND REPEAL
allow records to be retained	)	
on Digital Media, and the	)	
repeal of ARM 44.14.102 which	)	
concerns records with a	)	
retention of ten years or	)	
longer.	)	

TO: All Concerned Persons

1. On March 30, 2000, the Office of the Secretary of State published a notice on the proposed amendment and repeal of the above-stated rules at page 815, 2000 Montana Administrative Register, issue number 6.

2. The Office of the Secretary of State has amended and repealed the rules exactly as proposed.

3. No comments or testimony were received.

By: /s/ Mike Cooney  
 MIKE COONEY  
 Secretary of State

/s/ Daniel J. Whyte  
 DANIEL J. WHYTE  
 Rule Reviewer

Dated this 5th day of June 2000

VOLUME NO. 48

OPINION NO. 12

APPROPRIATIONS - City's appropriation to private, non-profit corporation;  
APPROPRIATIONS - Construction of article V, section 11(5), as it applies to local governments;  
CITIES AND TOWNS - City's appropriation to private, non-profit corporation;  
CONSTITUTIONS - Scope of construction by attorney general in an opinion;  
CORPORATIONS - City's appropriation to private, non-profit corporation;  
COUNTIES - Appropriations to private, non-profit entities by local governments;  
LOCAL GOVERNMENTS - Appropriations to private, nonprofit entities by local governments;  
MUSEUMS - City's appropriation to private, non-profit corporation;  
PUBLIC FUNDS - City's appropriation to private, non-profit corporation;  
TAXATION AND REVENUE - City's appropriation to private, non-profit corporation;  
MONTANA CODE ANNOTATED - Sections 7-1-2101, -2103, -4101, -4124, 7-16-2202, -4103, -4104, -4105;  
MONTANA CONSTITUTION - Article V, section 11(5); article XI, section 4;  
OPINIONS OF THE ATTORNEY GENERAL - 42 Op. Att'y Gen. No. 111 (1988), 42 Op. Att'y Gen. No. 89 (1988), 39 Op. Att'y Gen. No. 25 (1981) (overruled), 38 Op. Att'y Gen. No. 111 (1980), 37 Op. Att'y Gen. No. 105 (1978) (overruled), 37 Op. Att'y Gen. No. 25 (1978) (overruled).

- HELD: 1. A city with general government powers may appropriate funds to a private, non-profit corporation for operation of a private museum, if it is determined that the operation of the museum is for a public purpose and if the city enters into a contract with the corporation guaranteeing the public purpose of the enterprise.
2. Article V, section 11(5), of the Montana Constitution limits only appropriations made by the Montana legislature and does not limit expenditures by local governments.

May 18, 2000

Mr. Gary Ryder  
Colstrip City Attorney  
P.O. Box 72  
Hysham, MT 59038

Dear Mr. Ryder:

Montana Administrative Register

11-5/25/00

You have requested my opinion on two questions which I have rephrased as follows:

1. Does Mont. Code Ann. § 7-16-2202, which authorizes a county government to establish a program to provide grants to private, nonprofit museums, or any other statutory provision, authorize a city government to create such a program?
2. Does Mont. Code Ann. § 7-16-2202 violate article V, section 11(5), of the Montana Constitution?

The City of Colstrip is a recently incorporated city with general government powers. A private, tax-exempt organization, known as the Schoolhouse History and Art Center ("SHAC"), has asked the city for an appropriation of \$50,000 to operate a private museum. You ask whether Mont. Code Ann. § 7-16-2202 may be used by a city to authorize the appropriation to the museum.

Mont. Code Ann. § 7-16-2202 allows for the establishment of museums by counties and provides:

The board of county commissioners of each county of the state, in addition to all other powers conferred upon them, have the authority to:

- (1) establish or acquire museums, collections of exhibits, and articles, matters, and things to be included in or added to the museums and collections;
- (2) contribute to publicly owned museums not owned by the county;
- (3) provide facilities for the presentation of visual and performing arts and similar cultural activities; and
- (4) *establish a program to provide grants to private, nonprofit museums and private, nonprofit facilities for the arts and the humanities.*

(Emphasis added.) This section, by its plain language, refers solely to the authority of counties, not cities. As described more fully below, a statute that defines only the authority of a county may not be used as a basis for authority for a city. Cities and counties have separate sets of statutes defining the scope and nature of the authority of each.

Under the Montana Constitution, article XI, section 4(1), subsections (a) and (b) respectively, a city has "the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law" and a "county has

legislative, administrative, and other powers provided or implied by law." Cities and counties with general government powers have only the powers given to them by the legislature. 42 Op. Att'y Gen. No. 111 (1988); D & F Sanitation Serv. v. City of Billings, 219 Mont. 437, 444, 713 P.2d 977, 981 (1986); Mont. Code Ann. §§ 7-1-2101 (nature of county government), 7-1-4101 (nature of municipal government). Two separate sets of laws define the powers of cities and the powers of counties. Compare Mont. Code Ann. § 7-1-2103 (county general powers) with Mont. Code Ann. § 7-1-4124 (city general powers).

Because of the difference in authority and structure of cities and counties, and because they are based upon two different constitutional grants of authority, the statutes authorizing acts by a county with general government powers do not operate to authorize such acts by a city. A city must have its own statutory authority.

Your particular question is whether Mont. Code Ann. § 7-16-2202(4), which expressly allows counties to grant money to private, nonprofit museums, may be used as a basis for a city's authority to make similar grants. Section 7-16-2202(4), by its own terms, applies only to counties, and not cities. It therefore may not be used as a source of authority for a city to make grants to private, nonprofit museums.

I have not found a specific counterpart to § 7-16-2202(4) that expressly authorizes cities to grant money to private, nonprofit museums. Under § 7-16-4103, a city may "procure, construct, establish, maintain, and operate swimming pools, skating rinks, . . . and museums." Sections 7-16-4104(1)(b) and -4105 also allow a city or town to borrow money, issue bonds, or levy mills for procuring, equipping and maintaining a public museum. These sections do not authorize, however, the appropriation of public funds to a private nonprofit organization for the operation of a private museum.

It has been suggested by the Montana League of Cities and Towns that Mont. Code Ann. § 7-1-4124(9) should be considered. Section 7-1-4124(9) provides that a municipality with general powers has the power to "make grants and loans of money, property, and services *for public purposes*." (Emphasis added.) This section does not state whether the grants must be made to public entities or may be made to private entities. Giving the statutes a liberal construction, which I must do under article XI, section 4(1)(c), I conclude for purposes of this opinion that Mont. Code Ann. § 7-1-4124(9) allows the grants of monies to public or private entities, as long as the grant is for a public purpose.

The question, then, is whether the operation of SHAC constitutes a "public purpose." It has long been held in Montana that an essential element of a "public purpose" is that the project

affects the "inhabitants as a community and not merely individuals." Stanley v. Jeffries, 86 Mont. 114, 129, 284 P. 134, 138 (1929). That the grant of money for a public purpose incidentally benefits a private individual or entity is not determinative. As the Court stated in Stanley, "the purpose to be served [may be] found to be a public one, although private individuals might profit thereby. The mere fact that the money raised will go to individuals [does not] condemn the [a]ct in question since the test is not who receives the money, but, Is the purpose for which it is to be expended a public purpose?" Id. The true test of whether or not an enterprise is for a public purpose is "whether the work to be done is essentially public and for the general good of the inhabitants, satisfying their needs or contributing to their convenience, rather than merely for gain or for private objects." Id.

There is little doubt that, generally speaking, the operation and support of a museum that is open for the education and enjoyment of the general public is considered a public purpose. See, e.g., Willett v. State Bd. of Exam'rs, 112 Mont. 317, 115 P.2d 287 (1941) (authorizing sale of bonds for construction of building to house books and records of veterans' organizations, the Montana Pioneer Society, the Sons and Daughters of Montana Pioneers, and the historical society for the State of Montana); 42 Op. Att'y Gen. No. 89 (1988) (tax increment funds may be used to support Yellowstone Art Center).

With respect to SHAC specifically, the governing body of the City of Colstrip must determine that expending funds in support of SHAC would be to a "public purpose," i.e., that support of SHAC would enhance the education and enjoyment of the general public and would not be merely for the gain of SHAC. If the operation of SHAC is determined to be a public purpose, then, under Mont. Code Ann. § 7-1-4124(9), the city may make the grant of money to SHAC. Of course, the grant should be made in accordance with procedures that assure strict accountability of the monies. Such assurance may be gained by requiring SHAC to enter into an agreement assuring that the grant monies will be used in accordance with the public purpose as determined by the governing body of the City.

Although I have concluded that Mont. Code Ann. § 7-1-4124(9) authorizes the use of city funds to a private, nonprofit museum operated for a public purpose, the question remains as to whether article V, section 11(5), would preclude a grant of money to SHAC under § 7-1-4124(9). Typically, the Attorney General must decline to issue an opinion as to the constitutionality of a particular statute, as the Attorney General's opinion could not serve to invalidate the statute and the Attorney General's duties may include at some time defending the constitutionality of that statute. Nonetheless, the Attorney General may be called upon to interpret or analyze a particular constitutional provision, such as article V, section 11(5), as long as the analysis does not address specifically the

constitutionality of a particular statute. See, e.g., 38 Op. Att'y Gen. No. 111 (1980) (application of article X, section 10, of the Montana Constitution to the Montana School for the Deaf and Blind). Accordingly, I will provide the following analysis of article V, section 11(5), but decline to give an opinion specifically on the constitutionality of Mont. Code Ann. § 7-1-4124.

Constitutional provisions are interpreted in accordance with rules of statutory construction. State ex rel. Gould v. Cooney, 253 Mont. 90, 93, 831 P.2d 593, 594 (1992). It is well established that when a statute is construed, it must be read as a whole, and terms and subsections of the statute should not be isolated from the context in which they are used. State v. Lilburn, 265 Mont. 258, 266, 875 P.2d 1036, 1041 (1994). Further, a statute must be construed according to the plain meaning of the language used therein. Id.

Article V, section 11, is entitled "Bills" and describes the manner and structure of bills passed by the Montana legislature; it does not address the appropriation process to be used by local governments. Subsection (1) of article V addresses amendments to legislative bills; subsection (2) describes voting upon bills; subsection (3) states that bills may contain only one subject; subsection (4) describes the manner of general and special appropriations; and subsection (5) restricts to whom appropriations may be made. Nothing in article V indicates that it applies to the budgeting of any governmental entity other than the Montana legislature. When the subsections of this section are read as a whole and in context, it is clear subsection (5) is limited to appropriations by the Montana legislature and the use of funds by the State of Montana.

Nor does the legislative history of this constitutional provision indicate that section 11(5) would restrict monies controlled by local government entities. In the discussion among the constitutional delegates on this subsection, the question was asked whether the provision would allow monies subject to appropriation by the legislature to go to a group home for children that was under the control of a city or county. Delegate Nutting responded that the provision was intended to allow such an appropriation. IV 1972 Mont. Const. Conv. 661 (1981).

The discussion at the Constitutional Convention also confirmed that only appropriation bills passed by the Montana legislature were governed by article V, section 11(5). Delegate Harper summarized the article in this manner:

Mr. Chairman. I think the committee had one thing in mind, that was, we were writing this section on bills. We're now dealing with the section on appropriation bills. We have just completed writing the section that tells how general appropriation bills must be set

up and that no other appropriation bill should contain more than one subject, and so forth. We are now continuing in a separate paragraph on appropriations. I think this is the point we want to stress. Now, the issue is, should any appropriation be made by the state Legislature to any private person or agency of any type not under the control of the state. . . . In other words, that appropriation ought to go for state agencies.

IV 1972 Mont. Const. Conv. 665 (1981). This description supports the interpretation that article V, section 11(5), is limited to appropriations by the Montana legislature.

A number of prior opinions of a previous Attorney General have assumed, without analysis, that article V, section 11(5), applies to counties. See, in particular, 39 Op. Att'y Gen. No. 25 (1981); 37 Op. Att'y Gen. No. 105 (1978); and 37 Op. Att'y Gen. No. 25 (1977). Notably, these opinions relied upon article V, section 11(5), as well as Mont. Code Ann. § 7-7-2103 to hold that counties may not make grants to private entities. Section 7-7-2103 states, "No county must ever give or loan its credit in aid of or make any donation or grant, by subsidy or otherwise, to any individual, association or corporation." Although this section and these prior opinions address the authority of counties and not cities, to the extent these prior opinions suggest that article V, section 11(5), affects the activities of local governments generally, they are overruled.

THEREFORE, IT IS MY OPINION:

1. A city with general government powers may appropriate funds to a private, non-profit corporation for operation of a private museum, if it is determined that the operation of the museum is for a public purpose and if the city enters into a contract with the corporation guaranteeing the public purpose of the enterprise.
2. Article V, section 11(5), of the Montana Constitution limits only appropriations made by the Montana legislature and does not limit expenditures by local governments.

Sincerely,

/s/ Joseph P. Mazurek

JOSEPH P. MAZUREK  
Attorney General

jpm/elg/dm

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE  
Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Business and Labor Interim Committee:

- ▶ Department of Agriculture;
- ▶ Department of Commerce;
- ▶ Department of Labor and Industry;
- ▶ Department of Livestock;
- ▶ Department of Public Service Regulation; and
- ▶ Office of the State Auditor and Insurance Commissioner.

Education Interim Committee:

- ▶ State Board of Education;
- ▶ Board of Public Education;
- ▶ Board of Regents of Higher Education; and
- ▶ Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- ▶ Department of Public Health and Human Services.

Law, Justice, and Indian Affairs Interim Committee:

- ▶ Department of Corrections; and
- ▶ Department of Justice.

Revenue and Taxation Interim Committee:

- ▶ Department of Revenue; and
- ▶ Department of Transportation.

State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee:

- ▶ Department of Administration;
- ▶ Department of Military Affairs; and
- ▶ Office of the Secretary of State.

Environmental Quality Council:

- ▶ Department of Environmental Quality;
- ▶ Department of Fish, Wildlife, and Parks; and
- ▶ Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is PO Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE  
MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- |                                     |   |
|-------------------------------------|---|
| Known<br>Subject<br>Matter          | 1. Consult ARM topical index.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute<br>Number and<br>Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and corresponding ARM rule numbers.   |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2000. This table includes those rules adopted during the period April 1, 2000 through June 30, 2000 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2000, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1999 and 2000 Montana Administrative Registers.

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