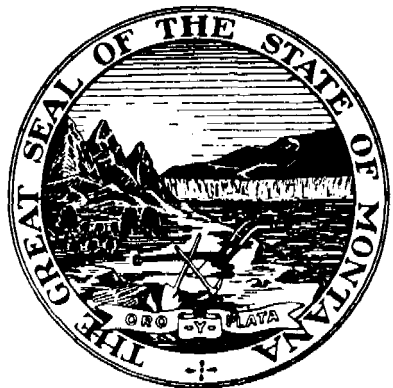


RESERVE

MONTANA ADMINISTRATIVE REGISTER

**1984 ISSUE NO. 2
JANUARY 26, 1984
PAGES 93-282**



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 2

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted.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 inserted at the back of each register.

TABLE OF CONTENTS

NOTICE SECTION

	<u>Page Number</u>
<u>ADMINISTRATION, Department of, Title 2</u>	
2-2-123 Notice of Public Hearing on Proposed Repeal and Adoption - Veteran's and Handicapped Person's Employment Preference.	93-107
<u>COMMERCE, Department of, Title 8</u>	
8-8-1 (Board of Athletics) Notice of Proposed Adoption - Professional or Semiprofessional Wrestling or Boxing Matches. No Public Hearing Contemplated.	108-130
8-61-1 (Board of Social Work Examiners) Notice of Public Hearing on Proposed Adoption - Board of Social Work Examiners.	131-133
8-80-3 (Financial Bureau) Notice of Proposed Adoption - Semi-annual Assessments for State Banks, Trust Companies, and Investment Companies. No Public Hearing Contemplated.	134

	<u>Page Number</u>
<u>EDUCATION, Department of, Title 10</u>	
10-2-48 (Superintendent of Public Instruction) Notice of Public Hearing on Proposed Amendment - Vocational Education--General Rules - Post- Secondary Vocational Education - Vocational Education in Secondary Schools.	135-173
10-3-74 (Board of Public Education) Notice of Public Hearing on Proposed Amendment - Class 5 Provisional Certificate - Certificates	174-175
10-3-75 (Board of Public Education) Notice of Public Hearing on Proposed Amendment and Repeal - Standards for State Approval of Teacher Education Programs Leading to Interstate Reciprocity of Teacher Certification.	176-235
<u>FISH, WILDLIFE AND PARKS, Department of, Title 12</u>	
12-2-75 Notice of Proposed Adoption and Amendment - Defining Disability - License Agent Security - Classes of License Agents. No Public Hearing Contemplated.	236-238
<u>HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16</u>	
16-2-267 Notice of Public Hearing on Proposed Amendment - Air Quality Permit Requirements.	239-240
16-2-268 Notice of Proposed Repeal - Cleaning of Cesspools, Septic Tanks and Privies. No Public Hearing Contemplated.	241
<u>REVENUE, Department of, Title 42</u>	
42-2-260 Notice of Withdrawal -- Deduction of the Windfall Profits Tax from Net Proceeds.	242
42-2-261 Notice of Public Hearing on Proposed Adoption - Deduction of the Windfall Profits Tax from Net Proceeds.	243-244

	<u>Page Number</u>
<u>RULE SECTION</u>	
<u>COMMERCE, Department of, Title 8</u>	
NEW (Board of Barbers) License Date Renewals	245
NEW (Board of Cosmetologists) Applications	
REP Examiners - Student Examinations	245
<u>FISH, WILDLIFE AND PARKS, Department of, Title 12</u>	
NEW Outfitters and Professional Guides	246
NEW Game Bird Farms	
Fur Farms	
Game Farms	247-255
AMD Brinkman Game Preserve	256-257
<u>HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16</u>	
NEW Licensure of Cesspool, Septic Tank and Privy Cleaners	258-264
AMD Hazardous Waste Management Facilities	265
<u>LIVESTOCK, Department of, Title 32</u>	
AMD Fees; Specifically Recording or Transferring a Livestock Brand	266
AMD Importation of Animals	
Special Requirements for Cattle	
Control of Biologics	267
NEW Brucellosis Testing of Livestock	268
REP	

INTERPRETATION SECTION

Opinions of the Attorney General

30 Local Government Study Commission - Study commission to Conduct Local Government Review	269-273
--	---------

Page Number

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee	274
How to Use ARM and MAR	275
Accumulative Table	276-282

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the repeal	)	NOTICE OF PUBLIC HEARING
of rules 2.21.1401 through	)	ON THE REPEAL OF RULES
2.21.1408 and 2.21.1411 and	)	2.21.1401 THROUGH 2.21.1408
the adoption of new rules	)	and 2.21.1411 AND THE
relating to the administra-	)	ADOPTION OF NEW RULES RE-
tion of veteran's and handi-	)	LATING TO THE ADMINISTRA-
capped person's employment	)	TION OF VETERAN'S AND
preference	)	HANDICAPPED PERSON'S
	)	EMPLOYMENT PREFERENCE

TO: All Interested Persons.

1. Public hearings will be conducted at five locations to consider the repeal of rules 2.21.1401 through 2.21.1408 and 2.21.1411 relating to the administration of veteran's and handicapped person's employment preference and to adopt new rules.

2. The rules proposed to be repealed are on pages 2-781 through 2-789 of the Administrative Rules of Montana.

3. The hearings will be conducted at the following times and locations:

(a) at 7:00 p.m., February 16, 1984, in the auditorium of the Department of Highways Building, 2701 Prospect Avenue, Helena, Montana 59601;

(b) at 7:30 p.m., February 16, 1984, third floor, Parmly Billings Library, 510 North Broadway, Billings, Montana 59103;

(c) at 7:00 p.m., February 21, 1984, the Gallery Room, second floor, Civic Center, Park Drive and Central Avenue, Great Falls, Montana 59401;

(d) at 7:00 p.m., February 16, 1984, the City Council Chambers, 201 West Spruce Street, Missoula, Montana 59802; and

(e) at 7:00 p.m., February 22, 1984, the City Hall Council Chambers, City Hall, Havre, Montana 59501.

4. The proposed rules provide as follows:

RULE I SHORT TITLE (1) This policy may be cited as the veteran's and handicapped person's employment preference policy.

(Auth. 39-30-106, MCA; IMP. 39-30-101, et. seq, MCA)

RULE II POLICY AND OBJECTIVES (1) It is the policy of the State of Montana, executive, legislative and judicial branches, and covered local governments to provide preference in employment to eligible disabled veterans, other veterans, handicapped person's and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions.

(2) It is the objective of this policy to establish uniform practices and procedures for the administration of the preference by all public employers covered by the veteran's and handicapped person's employment preference act, 39-30-101, et. seq, MCA.

(Auth. 39-30-106, MCA; IMP. 39-30-101, et. seq, MCA)

RULE III GENERAL ELIGIBILITY (1) As provided in 39-30-202, MCA, "No veteran, disabled veteran, eligible spouse, or handicapped person is entitled to receive employment preference as provided in 39-30-201, MCA, unless:

- (a) he is a United States citizen;
- (b) he has resided continuously in the state for at least 1 year immediately before applying for employment;
- (c) if applying for municipal or county employment, he has resided continuously for at least 30 days immediately before applying for employment in the city, town, or county in which employment is sought; and
- (d) he meets those requirements considered necessary by a public employer to successfully perform the essential duties of the position for which he is applying."

(2) No veteran, disabled veteran or eligible spouse is eligible to receive employment preference solely because he is entitled to receive benefits from the U.S. veterans administration.

(Auth. 39-30-106, MCA; IMP. 39-30-202, MCA)

RULE IV ELIGIBLE VETERAN (1) A veteran who may be eligible to receive employment preference must meet all requirements of Rule III.

(2) A veteran who is eligible for employment preference must:

- (a) have served on active duty during time of war or declared national emergency or in a campaign or expedition for which a campaign badge was authorized by the United States congress or the United States department of defense, as provided in Rule XIII; and
- (b) have been separated from service by honorable discharge or separation. A discharge "under honorable conditions" or any status other than "honorable" is not acceptable to receive employment preference.

(3) To meet the requirement to serve on active duty requires that the applicant has served on full-time active duty in the regular components of the United States army, air force, navy, marine corps, or coast guard with full pay and allowances.

(4) Active duty does not include national guard or reserve service such as monthly drills, summer encampments, initial training, or other inactive or active duty for training.

(5) Excluded are retired members of the United States armed forces who are eligible for or receiving a military

retirement allowance based on length of service and other retired members of a public retirement system, except social security, that is supported in whole or in part by tax revenues.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE V ELIGIBLE DISABLED VETERAN (1) A disabled veteran who may be eligible to receive employment preference must meet all requirements of Rule III.

(2) A disabled veteran who is eligible for employment preference must:

- (a) have served on active duty;
- (b) have been separated from service by honorable discharge, or separation. A discharge "under honorable conditions" or any status other than "honorable" is not acceptable to receive employment preference; and
- (c) suffer a service-connected disability determined by the United States veterans administration to be 30% or more disabling. The disability does not have to be incurred during time of war or national emergency or in a campaign or expedition for which a campaign badge was authorized by the U.S. Congress or department of defense.

(3) A disabled veteran is eligible for employment preference regardless of whether he is eligible for or receiving:

- (a) a military disability retirement allowance;
- (b) a military retirement allowance based on length of service; or
- (c) a retirement allowance as a member of a public retirement system supported in whole or in part by tax revenues.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE VI ELIGIBLE SPOUSE (1) A spouse who may be eligible to receive employment preference must meet all requirements of Rule III.

(2) Spouses who may be eligible to receive employment preference are:

- (a) the unmarried surviving spouse of a veteran who died while on active duty or whose death resulted from a service-connected disability; or
- (b) the current spouse of a disabled veteran determined by the United States veterans administration to have a 100% service-connected disability who is unable to use his employment preference because of his disability; or
- (c) the current spouse of a person on active duty currently listed by the United States government as missing in action or a prisoner of war; or
- (d) the current spouse of a handicapped person determined by the department of social and rehabilitation services to have a total disability and who is unable to use his employment preference because of his disability.

(3) The spousal relationship will be determined by the United States veterans administration or department of social and rehabilitation services in accordance with Montana law.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE VII ELIGIBLE HANDICAPPED PERSON (1) Handicapped persons who may be eligible to receive employment preference must meet all requirements of Rule III.

(2) A handicapped person must be an individual whose disability is certified by the department of social and rehabilitation services, as provided in Rule XIV.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE VIII EMPLOYERS COVERED (1) Public employers covered by the veteran's and handicapped person's employment preference act 39-30-101 et. seq. MCA, are:

(a) any department, office, board, bureau, commission, agency, or other instrumentality of the executive, judicial, or legislative branch of the government of the state of Montana; and

(b) any county, city, or town.

(2) Excluded are a school district, a post-secondary vocational-technical center or program, a community college, the board of regents of higher education, the Montana university system, a special purpose district, an authority, or any political subdivision of the state other than a county, city, or town.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE IX POSITIONS COVERED (1) All positions designated as permanent or seasonal are covered by the employment preference. Seasonal positions are those for which there is a permanent need, but which are interrupted by the seasonal nature of the work.

(2) Excluded from employment preference are positions which are designated as temporary. Temporary positions are established for a definite period of time not to exceed 9 months.

(3) A person hired into a temporary position shall not be considered a current employee for purposes of Rule X. If a person hired into a temporary position is considered in the applicant pool for a permanent or seasonal position, the selection is considered an initial hire and the employment preference must be applied.

(4) The following positions are excluded from employment preference:

(a) a state or local elected official;

(b) employment as an elected official's immediate secretary, legal adviser, court reporter, or administrative, legislative, or other immediate or first-line aide;

(c) appointment by an elected official to a body such as a board, commission, committee, or council;

(d) appointment by an elected official to a public office if the appointment is provided for by law;

(e) appointment by lawful authority to fill an unexpired term in an elected office;

(f) a department head appointment by the governor or an executive department head appointment by a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local government; or

(g) engagement as an independent contractor or employment by an independent contractor.

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE X APPLYING PREFERENCE (1) As provided in 39-30-201, MCA, an applicant who is eligible for preference under these rules shall be hired over any other applicant with substantially equal qualifications who is not a preference eligible applicant, when:

(a) the applicant has claimed a preference as required in Rule XI, and

(b) the hiring is an initial hiring to a position covered in Rule IX.

(2) A preference-eligible applicant who is a disabled veteran or handicapped person shall be hired over any other preference-eligible applicant with substantially equal qualifications when the applicant also meets the requirements of (1)(a) and (b) of this rule.

(3) An initial hire is a personnel action for which applications are solicited from outside the ranks of the current employees of:

(a) a department, as defined in 2-15-102 MCA, for a position within the executive branch;

(b) a legislative agency, such as the consumer counsel, environmental quality council, office of the legislative auditor, legislative council, or office of the legislative fiscal analyst, for a position within the legislative branch;

(c) a judicial agency, such as the office of supreme court administrator, office of supreme court clerk, state law library, or similar office in a state district court for a position within the judicial branch;

(d) a city or town for a municipal position, including a city or municipal court position; and

(e) a county for a county position, including a justice's court position.

(4) A personnel action limited to current employees of a specific public entity identified in subsections (3)(a) through (e) of this rule, current employees in a reduction-in-force pool who have been laid off from a specific public entity identified in subsections (3)(a) through (e) of this rule, or current participants in a federally-authorized employment program is not an initial hiring.

(5) Substantially equal qualifications means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons.

(6) Substantially equal qualifications does not mean a situation in which two or more applicants are exactly equally qualified. It means a range within which two applicants must be considered to be substantially equal in view of the qualifications set for the job. Qualifications shall include job-related knowledge, skill, and abilities.

(7) The public employer, covered by the veteran's and handicapped person's employment preference act (39-30-101 et. seq., MCA), has the burden of proving by a preponderance of the evidence that the employer made a reasonable determination of the applicant's qualifications for the position and that substantially equally qualified applicants were afforded preference.

(8) The public employer shall retain a record of the hiring decision for at least 90 calendar days after the notice of the hiring decision. Depending on the selection procedures used, the record may include, but is not limited to, the following:

(a) a copy of the vacancy announcement or external recruitment announcement;

(b) a record of the selection procedure used to screen job applicants;

(c) a record of written and oral evaluations of applicants;

(d) a copy of applications that were considered for the specific vacancy; and

(e) a record of the notice of the hiring decision, the written request for an employer's explanation of the hiring decision by an applicant, and the employer's written explanation.

(Auth. 39-30-106, MCA; IMP. 39-30-103, 39-30-201, MCA)

RULE XI CLAIMING PREFERENCE - DOCUMENTATION AND VERIFICATION (1) A public employer shall, at the place where applications are received, by posting or on the application form, give notice of the preferences that the veteran's and handicapped person's employment preference act (39-30-101 et. seq., MCA) provide in public employment.

(2) A job applicant who believes he has an employment preference shall claim the preference in writing before the time for filing applications for the position involved has passed. An employer may provide a standard form for claiming employment preference. However, failure to complete such a form does not negate an applicant's claim for preference, as long as a reasonable and timely claim is made as required by this rule. Failure to make a timely employment

preference claim for a position is a complete defense to an action in regard to that position under 39-30-206(4), MCA.

(3) At the place where applications are received, the hiring authority or other agency receiving applications shall inform applicants of requirements for documentation of eligibility for preference which the applicant may be required to provide to the hiring authority.

(4) The person claiming eligibility for employment preference is responsible for providing all information necessary to document his claim.

(5) The hiring authority must obtain documentation of eligibility for employment preference at least from the applicant who is selected for the vacancy.

(6) The hiring authority shall determine when in the selection process submission of documentation of eligibility for the preference shall be provided by the applicant. This may be at the time an offer of employment is made or at an earlier time specified by the hiring authority.

(7) Where appropriate, documentation will include the following or an acceptable substitute:

(a) from a veteran, disabled veteran, or eligible spouse of a veteran, a document issued by the department of defense or equivalent certification from the U. S. veterans administration listing military status, dates of service, discharge type, and campaign badges, commonly form DD-214, or military discharge papers;

(b) from a disabled veteran or handicapped person, a document from the U. S. veteran's administration certifying that the applicant has a service-connected disability of 30% or more or a document from the department of social and rehabilitation services certifying that the applicant is eligible for preference as a handicapped person;

(c) from an eligible spouse of a deceased veteran, a document from the department of defense or the U. S. veterans administration certifying the service-connected death of a spouse;

(d) from an eligible spouse of a person on active duty, a document from the department of defense or the U. S. veterans administration certifying the person on active duty is listed as missing in action or a prisoner of war.

(e) from an eligible spouse of a disabled veteran, a document from the U. S. veterans administration certifying the veteran is 100% disabled and unable to use the preference because of the disability. Where the veterans administration does not certify that the disabled veteran is unable to use the preference because of the disability, the hiring authority shall obtain a signed statement from the disabled veteran that:

(i) he is incapable of using his employment preference because of the severity of his disability; and

(ii) he will not claim employment preference with any covered employer for 1 year from the date his spouse obtains certification for the preference.

(f) from an eligible spouse of a handicapped person, a document from the department of social and rehabilitation services certifying the handicapped person is totally disabled, is unable to use the preference because of the disability, and is married to the handicapped person in accordance with Montana law.

(g) a statement signed by the applicant attesting to U. S. citizenship, residency, and non-retired status. Where the hiring authority has reason to question the validity of such statements, further evidence may be requested. For U. S. citizenship such evidence may include, but is not limited to, a birth certificate, voter registration card, or naturalization papers. For residency, such evidence may include, but is not limited to, payment of state of Montana income tax, Montana driver's license, vehicle registration, or hunting and fishing license.

(8) All documentation submitted to a public employer, an entity designated to receive applications for a public employer, or to the department of social and rehabilitation services in support of a claim of employment preference shall be considered confidential.

(9) A public employer, an entity designated to receive applications for a public employer, or the department of social and rehabilitation services shall not release personal information relating to an applicant's claim of preference to any person not directly involved in the hiring decision.

(10) A public employer may release general information relating to a successful applicant's eligibility for preference upon request. The information provided should not be specific to the nature of the disability or other personally identifying information. Examples of general information would be "a disabled veteran," "an eligible spouse of a totally disabled person," or "a handicapped person."

(11) Applicants shall be notified that misrepresentation of the claim for preference is cause for immediate discharge.

(Auth. 39-30-106, MCA; IMP. 39-30-206, MCA)

RULE XII DURATION OF PREFERENCE (1) Subject to provisions of 39-30-202, MCA, a handicapped person as described in Rule VII, the spouse of a handicapped person as described in Rule VII (2)(d), a disabled veteran as described in Rule V, or the spouse of a disabled veteran as described in Rule VI (2)(b), qualifies for employment preference as long as the disabling condition persists.

(2) A veteran, as described in Rule IV, who is not a disabled veteran, as described in Rule V, qualifies for employment preference for no longer than 15 years following separation from service or December 20, 1988, whichever is later.

(3) The surviving spouse of a veteran as described in Rule VI (2)(a), qualifies for employment preference for as long as the spouse remains unmarried.

(4) The spouse of a person as described in Rule VI (2)(c), qualifies for employment preference for as long as the person is missing in action or is a prisoner of war.

(Auth. 39-30-106, MCA; IMP. 39-30-103 and 39-30-202, MCA)

RULE XIII MILITARY CONFLICTS (1) To be eligible for employment preference a veteran must have served:

(a) on active duty during war or national emergency, as follows:

(i) World War I, beginning on April 6, 1917, and ending on November 11, 1918, both dates inclusive;

(ii) World War II, beginning on December 7, 1941, and ending on December 31, 1946, both dates inclusive;

(iii) the Korean conflict, military expedition, or police action, beginning on June 27, 1950, and ending on January 31, 1955, both dates inclusive; and

(iv) the Vietnam conflict, beginning on August 5, 1964, and ending on May 7, 1975, both dates inclusive; or

(b) in a campaign or expedition for which a campaign badge has been authorized by the department of defense.

(2) A roster of those campaigns or expeditions for which a campaign badge has been authorized by the department of defense is maintained by the department of administration, personnel division (copies are available by contacting the division, Mitchell Building, Helena, Montana 59620).

(Auth. 39-30-106, MCA; IMP. 39-30-103, MCA)

RULE XIV CERTIFICATION OF HANDICAPPED PERSONS (1) As provided in 39-30-107, MCA, the department of social and rehabilitation services shall certify persons as handicapped for the purpose of employment preference.

(2) As provided in 39-30-103, MCA, in order to be eligible for employment preference, a handicapped person must have a physical or mental impairment that substantially limits one or more major life activities, such as writing, seeing, hearing, speaking, or mobility, and which limits the individual's ability to obtain, retain, or advance in employment. The handicapped person shall have a professional diagnosis establishing the disabling condition. The handicapped person's medical evidence shall be provided by a licensed physician or a licensed practitioner competent to treat and diagnose the particular disabling condition.

(3) Each disabling condition will be individually evaluated on a case-by-case basis to determine eligibility for employment preference with the exception of those persons specifically excluded in Section (6) of this Rule.

(4) To determine if a physical impairment exists, the department of social and rehabilitation services shall consider at least the following:

(a) For the purpose of determining whether a person will be considered to be a person handicapped by blindness, the department shall consider the definition in 53-7-301, MCA: "blind individual" means an individual whose central visual activity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees or who has other eye conditions which render vision equally defective or who has an eye condition which will cause blindness.

(b) For the purpose of determining whether a person will be considered to be a person handicapped by deafness; the department shall consider the definition in 49-4-502, MCA: "deaf person" means a person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications. The term further includes, but is not limited to, a person who, because of loss of hearing, cannot communicate spoken language.

(c) For the purpose of determining whether a person will be considered to be a handicapped person, the department shall consider at least the following disorders to constitute neuromuscular disorders:

- (i) cerebral palsy;
- (ii) cystic fibrosis;
- (iii) multiple sclerosis;
- (iv) muscular dystrophy;
- (v) epilepsy;
- (vi) paraplegia;
- (vii) quadriplegia; or
- (viii) other diagnosable diseases or dysfunctions recognized in medical literature as affecting neuromuscular performance.

(d) For the purpose of determining whether a person will be considered to be a handicapped person, the department shall consider at least the following disorders to constitute organic disorders:

- (i) diabetes;
- (ii) heart disease;
- (iii) cardiovascular disease;
- (iv) stroke;
- (v) respiratory/pulmonary dysfunctions;
- (vi) hemic dysfunctions;
- (vii) sympathetic dysfunctions;
- (viii) endocrine dysfunctions; or
- (ix) genito-urinary dysfunctions and other diagnosable diseases or dysfunctions recognized in medical literature as affecting organic performance;

(e) For the purpose of determining whether a person will be considered to be a handicapped person, the

department shall consider at least the following disorders to constitute orthopedic disorders:

- (i) disfigurement;
- (ii) anatomical loss;
- (iii) skeletal/muscular dysfunction and impairment;
- (iv) other diagnosable dysfunctions recognized in medical literature, as affecting orthopedic performance.

(5) To determine if a mental impairment exists, the department of social and rehabilitation services shall consider the following to constitute a mental impairment:

(a) an individual suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

(b) an organic or mental impairment that has substantial adverse effects on an individual's ability to know or reason; or an individual's ability to make a choice or decision.

(6) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

(7) A physical or mental impairment does not constitute a handicap for the purpose of employment preference unless its severity is such that it results in a substantial limitation of one or more major life activities, and as a consequence of the handicap, the person's employment opportunities have been or may be substantially limited.

(8) Handicapped certification for employment preference shall not be denied merely because of a person's current or former employment.

(9) The department of social and rehabilitation services will establish a process and standards for certifying handicapped persons for employment preference. The process shall include, but is not limited to:

(a) a determination established by a professional medical diagnosis that the person has a physical or mental impairment as defined by these rules; and

(b) a determination that the physical or mental impairment substantially limits one or more major life activity and as a consequence of the handicap the person's employment opportunities have been or may be substantially limited; or

(c) a determination by the counselor and medical consultant designated by the department of social and rehabilitation services that the disability is so severe or apparent that it has lead to or could lead to employment discrimination when the handicapped person is searching for employment; or

(d) a determination that the disabled person is totally disabled and that he is unable to use his preference

because of the disability and therefore his spouse is eligible for preference.

(10) Each determination will rely on the professional judgment of the counselor and medical consultant designated by the department of social and rehabilitation services to make the determination.

(11) Each determination will be provided in writing in a standard form as established by the department of social and rehabilitation services. The written notice shall include a statement regarding the duration of the certification. The written notice shall be provided to the handicapped person within 30 days of the receipt of all information necessary to make the certification decision.

(12) The process shall allow for permanent certification of those impairments (in the judgment of the counselor and medical consultant designated by the department of social and rehabilitation services) considered to be permanent and shall allow for loss of certification for those impairments which may be considered temporary.

(13) The person requesting certification by the department of social and rehabilitation services is responsible for providing all information necessary to document his claim to be certified for employment preference. All costs of obtaining the necessary information, including medical evidence to substantiate his claim, are the responsibility of the person requesting the certification.

(14) Where a handicapped person has been determined to have a disability so severe that he is unable to use his preference and therefore his spouse is eligible to use his preference, the written notice of certification should clearly state the preference-eligible person is an eligible spouse and that the certification is valid for not more than 1 year.

(15) The department of social and rehabilitation services shall insure the confidentiality of information gathered when making employment preference determination in accordance with federal and state law and as provided in Rule XI.

(16) Any handicapped person, as provided in 39-30-103, MCA, who is dissatisfied with the department of social and rehabilitation services certification decision regarding eligibility for employment preference, shall be advised of his right to file a request for an administrative review of that action and right to a fair hearing if he is dissatisfied with the outcome of the administrative review. The administrative review shall be conducted by the administrator of vocational rehabilitative services division or designee. The fair hearing shall be conducted in accordance with the fair hearing rules of the department of social and rehabilitation services as provided for in 46.2.201 et. seq., ARM.

(Auth. 39-30-106, MCA; IMP. 39-30-103, 39-30-107, MCA)

2-1/26/84

MAR Notice No. 2-2-123

RULE XV HIRING DECISIONS (1) As provided in 39-30-206 and 39-30-207, MCA, if an applicant for a position makes a timely written employment preference claim, the public employer shall give written notice of its hiring decision to each applicant claiming preference.

(2) Written notice must be given to each applicant claiming preference who is actually considered by the public employer as an applicant for a specific position vacancy.

(3) Public employers who maintain active application files or conduct continuous recruitment must give written notice to each person claiming preference whose application is active in accordance with the employer's selection procedures and who is actually considered for a specific vacancy. Notice must be given at the time a position vacancy is filled or by the end of each month in which a position vacancy is filled.

(4) The public employer must maintain a record of which applicants were notified and the date the notification was sent for at least 90 days after notification of the hiring decision.

(Auth. 39-30-106, MCA; IMP. 39-30-206 and 39-30-207, MCA)

RULE XVI INTERNAL PROCEDURES - ENFORCEMENT OF PREFERENCE

(1) As provided in 39-30-206 and 39-30-207, MCA, an applicant who believes he has not been accorded his rights under the veteran's and handicapped person's employment preference act, 39-30-101, et. seq., MCA, may, within 30 calendar days of receipt of the notice of the hiring decision, submit to the public employer a written request for an explanation of the public employer's hiring decision.

(2) The written request for an explanation shall contain, but is not limited to, such information as is necessary to determine:

- (a) the applicant's name and address;
- (b) the applicant is requesting an explanation from the hiring authority regarding the hiring decision; and
- (c) the position for which the person applied.

(3) Within 15 calendar days of receipt of the request for an explanation, the public employer shall give the applicant a written explanation. The written explanation shall contain specific job-related reasons why the person claiming preference was not hired. The explanation should be dated and identify the specific position in question. The public employer should send the written explanation by certified mail. Failure to provide written explanation as required may subject the employer to reopening the selection process. The employer should safeguard the confidentiality of information he has considered in accordance with state and federal law and as provided in Rule XI.

(Auth. 39-30-106, MCA; IMP. 39-30-206 and 39-30-207, MCA)

RULE XVII EXTERNAL PROCEDURES - ENFORCEMENT OF PREFERENCE

(1) An appellant may, within 90 calendar days after receipt of notice of the hiring decision, file a petition in district court as provided in 39-30-206 and 39-30-207, MCA.

(Auth. 39-30-106, MCA; IMP. 39-30-206 and 39-30-207, MCA)

RULE XVIII REOPENING THE SELECTION PROCESS

(1) If a court orders a public employer covered by these rules to reopen the selection process for the position involved, the public employer shall repeat the selection process including any job announcement and solicitation of applications. In addition, the public employer shall notify all persons who were previously considered applicants for the position that the position has been reopened. Employment preference shall be applied as specified in these rules.

(Auth. 39-30-106, MCA; IMP. 39-30-206 and 39-30-207, MCA)

RULE XIX CONFLICT WITH FEDERAL LAW (1) Employment preference does not apply to work or positions subject to federal laws or regulations, if application of the employment preference conflicts with those laws or regulations.

(2) An agency which believes such a conflict exists shall submit the position and documentation of the laws or regulations in conflict for review by the Personnel Division, Department of Administration, Mitchell Building, Helena, Montana 59620. The division shall determine if the position is excluded from application of the preference.

(Auth. 39-30-106, MCA; IMP. 39-30-108, MCA)

5. These rules are proposed to be repealed because they were adopted to administer the employment preference provided for in 10-2-201, et. seq. Montana Code Annotated, which was repealed effective December 20, 1983. The new rules are proposed at the direction of the Legislature in 30-39-106, MCA, to administer the new Veteran's and Handicapped Person's Employment Preference Act, adopted December 20, 1983. The rules are to be used by all public employers covered by the act, including local governments. Because of this widespread use, the rules incorporate significant amounts of specific statutory language for ease of administration by local governments in day-to-day operation of personnel activities. Rule XIII, Military Conflicts, provides that the department of administration, personnel division, will maintain a roster of campaigns or expeditions for which a campaign badge has been authorized by the department of defense. This roster is being proposed, rather than adopting into the rules each of the campaigns and expeditions, in order to avoid any delay in making a veteran eligible for the preference. Such delay would result if the rule was amended each time a new badge was authorized.

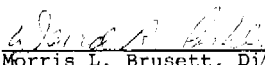
6. Interested parties may submit their data, view or arguments concerning the proposed repeal of rules and adoption of new rules in writing to:

Dennis M. Taylor, Administrator
Personnel Division
Department of Administration
Room 130, Mitchell Building
Helena, Montana 59620

no later than February 23, 1984.

7. The following persons have been designated to preside over and conduct the hearings: Barbara Charlton, Helena; Mark Cress, Missoula; Pam Wintrobe, Great Falls, Havre, and Jim Nys, Billings. The address for all hearings officers is Employee Relations Bureau, Personnel Division, Room 130, Mitchell Building, Helena, Montana 59620.

8. The authority of the agency to adopt rules is based on 39-30-106, MCA, and the rule implements the Veteran's and Handicapped Person's Employment Preference Act, 39-30-101, et. seq., MCA.

for: 
Morris L. Brusett, Director
Department of Administration

Certified to the Secretary of State, January 16, 1984.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF ATHLETICS

In the matter of the proposed	)	NOTICE OF PROPOSED ADOPTION
adoptions rules governing pro-	)	OF RULES GOVERNING PROFESSIONAL
fessional or semiprofessional	)	OR SEMIPROFESSIONAL WRESTLING
wrestling or boxing matches and	)	OR BOXING MATCHES AND
exhibitions.	)	EXHIBITIONS

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On February 25, 1984, the Board of Athletics proposes to adopt rules governing professional or semiprofessional wrestling or boxing matches or exhibitions which involve a prize or purse.

2. Rules under sub-chapter 1, Organizational Rules will read as follows:

"I. BOARD ORGANIZATION (1) The board of athletics hereby adopts and incorporates the organizational rules of the department of commerce as listed in Chapter 1 of this title."

Auth: 23-3-405, MCA Imp: 2-4-201, MCA

3. The proposed rules under sub-chapter 2, procedural rules will read as follows:

"II. PROCEDURAL RULES (1) The board of athletics hereby adopts and incorporates the procedural rules of the department of commerce as listed in Chapter 2 of this title."

Auth: 23-3-405, MCA Imp: 2-4-201, MCA

"III. PUBLIC PARTICIPATION RULES (1) The board of athletics hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in Chapter 2 of this title."

Auth: 23-3-405, MCA Imp: 2-3-103, MCA

4. Section 2-4-201, MCA charges all agencies or boards with the duty to adopt by rule guidelines setting out the organization or the board and its procedures. The board has determined that the department organizational and procedural rules are adequate and necessary to govern the functioning of the board and is therefore proposing adoption by reference.

Section 2-3-103, MCA charges all boards with the duty to adopt by rule guidelines for public participation. The board has determined that the public participation rules of the department of commerce will facilitate public participation in the functions of the board.

5. The proposed rules under sub-chapter 4, entitled General, will read as follows:

"IV. GENERAL INFORMATION (1) The mailing address of the board is: Board of Athletics, 1424 9th Avenue, Helena, Montana 59620-0407, (406) 444-5433.

Auth: 23-3-405, MCA Imp: 23-3-404, MCA

"V. DEFINITIONS (1) 'Club' or 'promoter' means any person, club, corporation, association or organization.

(2) 'Contestant' means any participant in a semiprofessional or professional boxing, sparring or wrestling contest or exhibition who receives remuneration directly or indirectly as consideration of their performance.

(3) 'City' means any city, town, village, or county location within the state of Montana.

(4) 'Bout or event' means any boxing or wrestling match, exhibition, contest, show or tournament.

(5) 'Professional' for the purpose of engaging in professional boxing event, means a person seeking compensation or reward by boxing. A person seeking a license as a 'professional' must first truthfully execute a sworn affidavit, which establishes his qualifications, and must notify the A.A.U. or Golden Gloves officials of his 'professional' status."

Auth: 23-3-405, MCA Imp: 23-3-404, MCA

"VI. PROHIBITIONS (1) Bouts in which more than 2 boxing contestants are to appear in the ring at the same time are prohibited.

(2) Boxing, sparring or wrestling matches between members of the opposite sex is prohibited.

(3) All barroom type brawls, 'so you think you're tough' type contests, and roughneck type boxing and sparring matches or contests where contestants receive remuneration directly or indirectly, and where they have no prior organized amateur or professional training are prohibited.

(4) All semiprofessional and professional boxing, wrestling contests or exhibitions where contestants receive remuneration directly or indirectly, which are held or given in connection with any circus, carnival, theatrical performance, picnic, sideshows at fairs, club smokers, lodges, stag parties, benefits or any other amusements are prohibited, except when duly licensed by the board.

(5) Wrestling in mud, polyurethane or synthetic substances is prohibited."

Auth: 23-3-405, MCA Imp: 23-3-404, MCA

"VII. LICENSING REQUIREMENTS (1) All persons, clubs, corporations, organizations, associations, referees, seconds, managers, boxers, wrestlers, promoters and/or matchmakers must be licensed by the board.

(2) Any club holding an annual license shall obtain a separate permit or sanction from the board before holding any

specific boxing or wrestling contests at least 21 days prior to the event.

(a) The permit shall be posted and prominently displayed in the box office of the premises where the boxing, sparring or wrestling contest is held.

(3) Every contestant must box or wrestle consistently under the same name. Ring names may be used by and must appear on the official license as issued by the board.

(4) Prior to issuance of a promoters license, the promoter shall provide a surety bond in the amount of \$5,000, on forms provided by the board, to guarantee payment of all taxes and fees to the state of Montana.

(6) The promoter shall provide insurance to adequately protect the contestants, the officials and the attending public, and shall furnish proof of such insurance to the board.

(7) Applications and fees shall be made to the board prior to or on the date of the boxing, sparring or wrestling event.

(a) Application must be on forms provided by the board and include a photograph of the applicant or contestant.

(8) Contests staged on government or Indian reservations within the state of Montana, shall be governed by such rules and regulations as may be agreed upon between the governing bodies concerned and the board of athletics.

(9) The board must be notified of any proposed contests, together with the names and weights of all contestants, at least 10 days before such contest or exhibition."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, 502, MCA

"VIII. CONTRACTS AND PENALTIES (1) Terms of all contracts between promoters, boxing and wrestling organizations and contestants shall be completed on forms approved by the board. The original or true copy of each contract shall be filed with the board at least 7 days prior to the date of the event, unless specific, individual delay is approved by the board. Contestants must sign contracts with their legal names.

(2) Telegrams or letters showing acceptance of terms pending the signing of a contract, will be considered as an agreement between the contestant, his manager and the organization. No verbal agreements will be permitted.

(3) No fee shall be paid a contestant who does not complete the terms of the contract or who is deemed by the board, inspector or referee to be putting forth less than maximum effort.

(4) In all cases where contracts have been consummated, if either party to the contract finds it impossible to carry out the terms of the contract, the board must be notified at once. Failure to provide such information may result in the suspension or revocation of a license.

(5) When a boxer is under contract, appears at weighin time, and is ready to fulfill his contract, and his opponent does not appear, nor is a substitute provided, the promoter must pay the boxer his contract guarantee unless a forfeit is provided.

(6) The amount of forfeit must be 25% or the amount of the contract guarantee.

(7) If a wrestler is booked to wrestle for a licensee and does not appear, unless he is sick or injured and can produce a doctor's certificate to that effect, or has a valid excuse, that meets with the approval of the board, he shall be subject to such penalties and forfeitures imposed upon him by the board."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 603, MCA

"IX. FEES

(1) Promoters/matchmakers	\$100, plus bonding requirements
(2) Boxers	20
(3) Wrestlers	10
(4) Referees	10
(5) Managers	10
(6) Seconds	5
(7) Judges	5"

Auth: 23-3-405, 37-1-134, MCA Imp: 23-3-501, 37-1-134,

MCA

The proposed rules under sub-chapter 5, entitled Boxing Regulations, will read as follows:

"X. BOXING CONTESTANTS (1) All boxing contestants must file an application with the board, including a photograph of the applicant. Contestants may also be required to file a birth certificate with the board.

(2) No contestant under the age of 18 or over the age of 35 will be licensed to box in Montana.

(3) No contestant under the age of 21 shall be permitted to box more than 6 rounds until he has participated in 10 or more professional bouts, unless special permission is granted by the board.

(4) Contestants must wear proper athletic attire and appropriate protective devices, including mouthpiece and protective foulproof cup.

(5) All contestants to appear in the main event must train in the city wherein said bout is to be held, or some other suitable place approved by the board, at least 24 hours prior to the date of their bout.

(6) Any boxing contestant who has participated in the following professional bouts, unless specifically authorized by the board, shall be placed under temporary suspension for the health and safety of the contestant:

- (a) more than 10 rounds - 30 days suspension
- (b) 6 to 10 rounds - 21 days suspension
- (c) 1 to 6 rounds - 14 days suspension
- (7) Any contestant who participates in a sham or fake boxing bout shall be disqualified and shall not thereafter be permitted to contend in any bout in this state for a period of 6 months for the first offense, and for the second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given in the state of Montana for a period not to exceed one year.

(9) All contestants must be ready to enter the ring immediately upon the finish of the preceding bout. The referee may disqualify a boxer breaking this rule. Should an emergency arise requiring a contestant to leave the ring during the minute intermission between rounds, permission must be secured from the referee. Failure to return before the gong sounds announcing the next round will result in disqualification.

(10) Whenever a licensed boxer, because of injury or illness, is unable to take part in a contest for which he is under contract, he or his manager shall immediately report the fact to the board, or inspector. He must submit to an examination by a physician designated by the board, which examination must be made prior to the date set for the contest. The expense of the physician's examination is to be paid by the contestant."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 603, MCA

"XI. FEMALE CONTESTANTS (1) No applicant shall be contracted for or engaged in a contest between a male and a female.

(2) Contests between females will be limited to 4 rounds of 2 minutes duration.

(3) Custom-fitted mouthpieces must be used of the same variety required of male participants.

(4) Ten-ounce gloves will be worn for boxing contests.

(5) A breast protector is mandatory, to be used as a binder.

(6) Hair must be secured in a manner such that it will not interfere with the vision or safety of either contestant.

(7) Each contestant shall provide herself with two uniforms consisting of contrasting color, body shirt, blouse and shorts. No leotards or other such costume is permissible.

(8) Contestants must sign, in addition to the contract, an addendum indicating that to the best of their knowledge, they are not pregnant and that the contest will not take place during a menstrual period.

(9) Promoters will provide adequate, separate dressing room facilities.

(10) Contestants must make minimum use of cosmetics.

(11) Physical examinations annually must include pelvic examination. Within 24 hours of each contest, an examining physician shall make an abdominal examination noting any masses, and a breast examination, noting any masses.

(12) Only more experienced referees should be assigned to control the contests."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XII. PHYSICAL EXAMINATION (1) Contestants shall be examined by a physician approved by the board, on the day of the bout at the time of weigh-in or at least 5 hours prior to entering the ring.

(2) In case of substitution or exhibitions, the contestant shall be subject to the same examination as other contestants and must be approved by the physician and the board.

(3) Contestants must provide the board with a current physical examination and boxing records prior to or at the time of pre-fight examination and meet the following minimum physical requirements:

(a) blood pressure no higher than 150/90, may be under control by the use of diazide diuretic or low salt program.

(b) temperature below 100 degrees F or 37 degrees C.

(c) distant vision 20/100 each eye - near vision 20/40 by near vision chart.

(d) fundi - no retinopathies or previous detachments (repaired or not)

(e) abdomen - no visceralmegaly

(f) no hernias, containing abdominal contents on cough or straining.

(g) normal Rhomberg or finger to nose tests.

(h) no suppurative lesions on skin.

(i) no indications of active renal disease or loss of one kidney.

(j) no perforated ear drum.

(k) no changes in gait, mental status.

(l) no electrencephalographic or CAT scan changes or abnormalities.

(m) no changes in ring performance.

(n) exam performed by M.D. or D.O. only.

(o) no body deformity that would tend to promote injury.

(p) no history of epilepsy or seizure disorder.

(4) If a contestant appears at weighin and his body weight is 5% over his contracted weight, without allowing for dehydration, he will be disqualified from the bout.

(a) Signs of dehydration as a result of taking diuretics or drugs will be cause for disqualification.

(5) No contestant shall take part in a contest until pronounced fit to do so by the physician appointed by the commission and the facts of physical fitness shall be

certified by the physician to the board within 24 hours after the contest."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XIII. PHYSICIAN REQUIREMENTS (1) Physicians shall be licensed by the Montana state board of medical examiners and approved by the board.

(2) The examining physician shall be present at ringside and be available to assist the referee until the conclusion of the final bout and will be compensated for his services by the promoter.

(3) Any physician who knowingly makes a false return of physical examinations, shall have his approval revoked and complaint filed concerning his conduct to the Montana state board of medical examiners."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

Rules proposed under sub-chapter 6, entitled Boxing Weights and Classes, shall read as follows:

"XIV. WEIGHTS AND CLASSES (1) The following limitations or weights are placed on all boxing bouts:

Between junior flyweights.....	(109 lbs.)
Between flyweights.....	(112 lbs.)
Between junior bantamweights.....	(115 lbs.)
Between bantamweights.....	(118 lbs.)
Between junior featherweights.....	(122 lbs.)
Between featherweights.....	(126 lbs.)
Between junior lightweights.....	(130 lbs.)
Between junior welterweights.....	(140 lbs.)
Between welterweights.....	(147 lbs.)
Between middleweights.....	(160 lbs.)
Between light heavyweights.....	(175 lbs.)
Between cruiser weights.....	(175-190 lbs.)
Heavyweights, all over 190 lbs.....	(no limitation)

"Auth: 23-3-405, MCA Imp: 23-3-405, MCA

Proposed rules under sub-chapter 7, entitled Contest Regulations, will read as follows:

"XV. CONTEST REGULATIONS (1) Duly accredited news media representatives must, upon request, be admitted at the official weighing-in of all contestants.

(2) Smoking will not be permitted at boxing or wrestling events licensed by the board, except outdoor contests and exhibitions. There must be displayed in conspicuous places throughout the building where the contest is held, signs reading 'NO SMOKING'.

(3) Notice of any change in announced or advertised programs for any contest must be promptly filed with the board and the press at least 24 hours prior to the contest. Notices

announcing such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest.

(4) Only board members, contestants, seconds, manager, promoters, physicians and representatives of the board will be permitted in dressing rooms. All of them must present proper credentials issued by the board.

(5) Ushers are forbidden to seat anyone after the exhibition has commenced until the round of boxing or wrestling going on has been completed.

(6) At all evening exhibitions, the main or final bout must start not later than 10:00 p.m."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XVI. TICKETS (1) No person shall be admitted to any contest or exhibition unless he holds a ticket, is a member of the board, holds an identification card issued by the board for official duty, is an official provided for the contest, policeman or fireman in uniform and actually on duty.

(2) All tickets issued to the press shall be marked 'PRESS', and no one, except the officials designated by the board and the timekeeper, shall be permitted to sit at the press table unless actually engaged in reporting the contest.

(3) No boxer or wrestler will be allowed to sell tickets for any show or exhibition in which he is engaged on a commission basis, to serve as a remuneration for his services as a boxer or wrestler.

(4) All tickets exclusive of press and complimentary tickets shall have the price and date of show printed plainly thereon, shall be consecutively numbered and shall have a coupon attached, which may be held by the purchaser.

(5) Licensed clubs are prohibited from selling any tickets for any price other than the price printed on the ticket, or to change the price of tickets at any time during the exhibition or contest for a price less than tickets for the same seats were sold or offered before the exhibition or contest.

(6) Licensed clubs must exercise caution to prevent speculation in tickets.

(7) Advance sales of tickets must be accounted for as part of the gross receipts."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XVII. POINT SYSTEM - SCORING (1) At the beginning of each round, the boxer will be given 10 points, from which the judges will deduct points according to his performance in the round. This deduction is based on the following norms:

(a) 10-10 If the fight is even.

(b) 10-9 In favor of the boxer that has won a light margin.

- (c) 10-8 In favor of the boxer that has shown more control.
- (d) 10-7 If the boxer was severely punished.
- (e) 10-8 If the boxer was knocked down and got up right away in good condition for the protection count (mandatory 8 count).
- (f) 10-7 If the boxer was knocked down once and received part of the count on the floor and then continued fighting before the count of 10, or 8.
- (g) 10-7 If the boxer was knocked down twice and got up for the protection count.
- (h) 10-6 Two knockdowns under the same conditions as above, that is received part of the count on the floor and get up before the count of 10, or 8.
- (2) A boxer that has been knocked down can recover his points if his performance throughout the rest of the round is good. He will be given credit for what he has recovered.
- (3) If mouthpiece goes out, it will be replaced and one point will be deducted from the score."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XVIII. NUMBER AND DURATION OF ROUNDS (1) No match shall be more than 15 rounds in length and such rounds shall be of not more than 3 minutes' duration, with 1 minute intermission between rounds."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XIX. DOWN (1) A contestant shall be deemed 'down' when:

- (a) any part of his body other than his feet is on the ring floor;
- (b) he is hanging helplessly over the ropes; and
- (c) rising from 'down' position.
- (2) A boxer hanging over the ropes is not officially 'down' until so pronounced by the referee, who can count the boxer out either on the ropes or on the floor.
- (3) A contestant may go down through accident or weakness, but must arise instantly. If he is sent down by a blow, he shall remain down until the count of 'eight' before arising and continuing the round, and he may remain down until the count of 'nine' without being disqualified.
- (4) Referees in boxing and sparring matches or exhibitions shall, in rendering their decisions, consider and declare a contestant to be 'knocked out' when a man is unable, after being knocked down, to arise unaided inside of 10 seconds.
- (5) A boxer who is in distress, but still on his feet and the referee intercedes to save him, or if, while in his corner, his manager and seconds throw up the sponge, the decision shall be 'stopped in so many rounds'.

(6) When a contestant's chief second considers the chance of winning hopeless, he may signify his willingness to have the bout stopped by tossing a towel in the ring.

(7) Should a contestant who is 'down' arise before the count of 10 is reached, and again go down intentionally without being struck, the referee shall resume the count where he left off.

(8) When a contestant is 'down' his opponent shall retire to the farthest neutral corner and remain there until the count is completed. Should he fail to do so, the referee may cease counting until he has so retired.

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XX. ACCIDENTAL BUTTS (1) If a boxer is accidentally butted in a bout, but can continue, the referee shall:

(a) stop the action to inform the judges and acknowledge the butt; and

(b) if in later rounds, as a result of legal blows, the accidental butt injury worsens, the referee shall stop the bout and declare a technical decision with the winner being the boxer who is ahead on points.

(2) If a boxer is accidentally butted in a bout so that he cannot continue, the referee shall:

(a) call the bout a technical draw if the injured boxer is behind in points on two or more cards; declare the injured boxer the winner on a technical decision if he has a lead in points on two or more cards; otherwise the contest shall be declared a technical draw; and

(b) call the bout a draw if an accidental butt occurs during the first round of any contest."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXI. FOULS (1) Fouls are those acts of:

(a) hitting below the belt;

(b) hitting an opponent who is down or who is getting up after going down;

(c) holding an opponent with one hand and hitting with the other hand;

(d) holding an opponent or deliberately maintaining a clinch;

(e) butting with the head or shoulders or using the knee;

(f) hitting with the inside or butt of hand, the wrist or the elbows;

(g) hitting or 'flicking' with the open glove;

(h) purposely going down without being hit;

(i) striking deliberately at the part of the body over the kidneys;

(j) the use of the pivot and backhand blows and rabbit punch;

(k) the use of abusive or profane language; and

(l) the failure to obey the referee;
(m) any physical actions which may injure a contestant except by fair sportsmanlike boxing;
(n) hitting on the break;
(o) hitting after the bell has sounded ending the round;
(p) roughing on the ropes or pushing the opponent about the ring or into the ropes.

(2) A boxer who commits a foul, intentional or unintentional, may be fined the total amount of his purse and suspended by the board and/or he may be fined only in such amount as the board may deem warranted by the offense. It will only be by unanimous opinion of the referee, judges and the board inspector that the offender not be held responsible for the foul and the club authorized to pay his purse.

(3) Any boxer claiming to be struck by a foul blow must be immediately examined by the board doctor, and if he is not available, by some doctor procured by the referee, or the inspector. If it is the opinion of the examining doctor that the boxer is only temporarily injured, and after a short rest (which in any event shall not exceed 20 minutes) he can proceed, the boxer shall be ordered to do so by the referee.

(4) Any boxer falsely claiming to have been struck by a foul blow will be punished in the same manner as above provided for boxers who commit fouls.

(5) Any bout terminated by a foul must be reported to the board immediately by the inspector. Statements from the referee, judges, and examining doctor, and any other person deemed desirable must be submitted with such report.

(6) In no case shall the offender be paid any part of his purse until the final decision of the board.

(7) A referee may penalize a contestant guilty of committing any foul by deducting points from his score in the round or rounds such fouls are committed and shall notify the judges of the foul points deducted. If, as a result of a foul, the ability of a contestant is sufficiently impaired as to be a handicap in the opinion of the physician, the contest shall be stopped. If the defaulting contestant is ahead on points or the points are equal, he shall be declared the winner. However, if the fouled contestant is not ahead on points, the contest shall be declared a draw. If in the referee's judgement, the foul is of a serious nature, or intentionally inflicted, he may award the bout to the contestant so fouled."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

Rules under sub-chapter 8, entitled Ring Regulations, will read as follows:

"XXII. RING - EQUIPMENT (1) The boxing ring shall not be less than 16 feet nor more than 24 feet square within the ropes. The apron of the ring floor shall extend beyond the

ropes not less than 2 feet. The ring shall not be more than 4 feet above the floor of the building or grounds of an outdoor arena and shall be provided with suitable steps for the use of the participants.

(2) The ring shall be equipped with at least 4 ropes. The lower rope shall be 18 inches above the ring floor, the second rope 30 inches, the third ring 42 inches, and the top rope 54 inches above the ring floor. The lower rope shall be padded with safety foam or equal padding. The ring floor shall be padded with a 1 inch layer of uni-cellular safety mats-2 pound density, or equal padding.

(3) Ring posts shall not be less than 3 inches or more than 4 inches in diameter extending from the floor to a height of 58 inches above the ring floor. The ropes shall be connected to posts with extension not shorter than 18 inches. The turn-buckles must be covered with a protective padding. The corners should be padded with 6 inches padding of urethane or equal padding, with 3 pound density.

(4) Substances allowed in the ring:

- (a) ice
- (b) only plain water
- (c) cotton swabs
- (d) gauze pads
- (e) clean towels
- (f) adrenaline 1:1000
- (g) avitine in sterile single packets
- (h) vaseline or surgical lubricant
- (i) tape

(5) Gong, bell, buzzer, or horn which is used must be sufficiently loud so that the officials and contestants can hear it clearly.

(6) Excessive use of cocoa butter, petroleum jelly, grease, ointments or strong smelling liniments by a contestant will not be permitted."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXIII. HANDWRAPS (1) Handwraps shall not be more than a total of 6 feet of one inch wide surgical tape (tape cannot be torn into narrow strips).

(2) One winding of surgeons adhesive tape, not over one inch wide, shall be placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice, but shall not extend within one inch of the knuckles when the hand is clenched to make a fist.

(3) Contestants shall use soft surgical bandage, not over 2 inches wide, held in place by not more than 2 feet of surgeons adhesive tape for each hand.

(4) One 10 yard role of 2-inch gauze shall complete the wrapping of each hand. All bandages shall be adjusted in the dressing room in the presence of a board representative and

both contestants. Either contestant may waive his privilege of witnessing the bandaging of his opponents hands."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXIV. OFFICIAL BOXING GLOVES (1) Gloves in the weight classes of welterweight and below must be no less than 8 ounces. Gloves in weight classes of middleweights and above must be of no less than 10 ounces in weight. The only exception to this rule is in championship bouts where the commission may authorize 8 ounce gloves for any weight class.

(2) No breaking, roughing or twisting of gloves shall be permitted. Gloves shall be examined by the inspector. If padding is found to be misplaced or lumpy, or if gloves are found to be imperfect, other gloves shall be substituted therefor.

(3) Safety foam gloves in compliance with specifications of the North American Boxing Federation shall be used at all times, unless a waiver is obtained by the board."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

Rules to be adopted under sub-chapter 9, entitled Promoter Regulations, shall read as follows:

"XXV. PROMOTER-MATCHMAKER (1) Promoters shall be responsible for permit applications and other requirements. All license fees must be paid prior to the event. Within 24 hours after the conclusion of any boxing or wrestling event, the promoter shall report on the total number of tickets sold, the total of gross receipts and such other information as prescribed on forms provided by the board.

(2) Promoters are required to provide all materials necessary for the event, such as ring, steps, stools, water buckets, resin, bell, buzzer or whistle, timer, gloves, gauze and tape for handwraps.

(3) Promoters shall receive sanction from the board before any publicity is issued. All substitutions shall be announced as soon as substitutions are known.

(4) Promoters shall respect the authority of the board or its representatives.

(5) Promoters shall be responsible to see that the rules of the board are strictly observed and carried out.

(6) Promoters are responsible for any state or local health rules, regarding sanitary conditions with respect to dressing rooms, showers, towels or other equipment."

Auth: 23-3-405, MCA Imp: 23-3-404, 501, 601, MCA

Rules to be adopted under sub-chapter 10, entitled Boxing Officials, shall read as follows:

"XXVI. OFFICIALS REQUIRED (1) The officials shall consist of a referee, 3 judges, timekeeper, announcer, and a

physician. The judges and referee shall be named by and paid by the promoter conducting the contest and approved by the board at least 48 hours prior to any boxing contest or exhibition."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, MCA

"XXVII. REFEREE (1) The referee shall be the chief official of contests and shall have general supervision over bouts and shall take his position in the ring.

(2) The referee, shall before starting a contest, ascertain from each contestant, the name of his chief second and shall hold said chief second responsible for the conduct of his assistant seconds during the progress of the contest.

(3) The referee shall, before each bout, call contestants together for final instructions, at which time each contestant shall be accompanied by his chief second only. The principals after receiving instructions, shall shake hands and retire to their corners. They shall not again shake hands until the beginning of the last round.

(4) No persons other than the contestants and the referee may enter the ring during the progress of a round.

(5) The referee shall inspect the bandages and gloves and make sure that no foreign substances have been applied to either the gloves or the bodies of the boxers to the detriment of an opponent.

(6) The referee shall have power:

(a) to disqualify a contestant who commits a foul and to award decision to opponent.

(7) Whenever a boxer has been injured seriously, knocked out or technically knocked out, the referee shall immediately summon the ringside physician to aid the stricken boxer. Except at the request of the physician, managers and seconds shall not be permitted to attend the boxer.

(8) The referee shall stop a bout whenever he deems it advisable because of physical condition of one or both of the contestants, or when one of the contestants is clearly outclassed, or whenever he decides that a contestant is not making his best effort or for any other reason he deems sufficient.

(9) In the event of serious cuts, the referee shall summon the ringside physician and the physician shall decide if the bout should be stopped.

(10) The referee shall not touch the contesting boxers, except on failure of one or both to obey the 'break' command.

(11) When a contestant is down, the referee shall at once commence calling off the seconds and indicating the count with a motion of the arm. If the contestant fails to rise before the count of 10, the referee shall declare him the loser.

(12) Should the contestant who is down arise before the count of 10 is reached and again go down due to weakness or is

unable to arise, the referee shall continue to keep counting where he left off.

(13) Should a contestant leave the ring during the one-minute period between rounds and fails to be in the ring when the gong rings to resume boxing, the referee shall count him out, the same as if he were 'down'.

(14) In case of a knockdown, the referee shall require the fallen contestant to take a count of '8'. The mandatory '8' count shall not be waived for any contest under any circumstances as it is a safety measure designed to protect contestants regardless of caliber, ability or rating.

(15) If a contestant who has been knocked or is flung out of the ring during a contest fails to be on his feet in the ring before the expiration of 20 seconds, the referee shall count him out, as if he were 'down'. A contestant who is flung or has been knocked out of the ring should return to the ring unassisted.

(16) When a contestant is down, his opponent shall retire to the farthest neutral corner and remain there until the count is completed. Should he fail to do so, the referee may cease counting until he has so retired.

(17) Whenever a referee is compelled to disqualify a boxer or boxers for stalling, fouling, or for any other reason, the referee must make a written report of his action, to be given to the inspector in charge, to be submitted to the board along with the inspector's report.

(18) Any actions out of the ordinary in any boxing bout must be so noted on the referee's report.

(19) The compensation and traveling expenses of referees for officiation at boxing shows or exhibitions shall be paid by the person, club, corporation or association conducting such exhibition."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, 603, MCA

"XXVIII. JUDGES (1) The judges shall be stationed at opposite sides of the ring.

(2) It shall be the duty of the judges to watch every phase of the bout and to make a decision, if the contest lasts the limit of rounds scheduled.

(3) They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed, and may bring any other points to the attention of the referee at the end of the round.

(4) All 3 votes are of equal value in arriving at the decision as to the outcome of each contest. In the event of any 2 votes coinciding, the result shall be so determined. In the event of all 3 votes disagreeing, the contest shall be declared a draw. The decisions of the judges shall be based primarily on effectiveness, taking into account the following points:

(a) A clean, forceful hit, landed on any vulnerable part of the body above the belt should be credited in proportion to its effectiveness.

(b) Aggressiveness is the next in importance and points should be awarded to the contestant who sustains the action of a round by the greatest number of skillful attacks.

(c) Defensive work is relatively important and points should be given for cleverly avoiding or blocking a blow.

(d) Points should be awarded where ring generalship is conspicuous. This comprises such points as the ability to quickly grasp and take advantage of every opportunity offered; the capacity to cope with all kinds of situations which may arise to foresee and neutralize an opponent's method to adopt a style of boxing at which he is not particularly skillful.

(e) It is advisable to deduct points when a contestant persistently delays the action of a contest by clinching and lack of aggressiveness.

(f) Points should be deducted for a foul even though it is unintentional and not of a serious enough nature to warrant disqualification.

(g) A contestant should be given credit for sportsmanlike actions in the ring, close adherence to the spirit as well as the letter of the rules and for refraining from taking technical advantage of situations unfair to an opponent.

(h) In order to arrive at a true conclusion, every point should be carefully observed and noted as the round progresses. The winner of the round is to be determined by the contestants receiving the largest number of points scored in that round. At the end of the contest the contestant who has to his credit the greatest number of points is the winner of the bout. Each round is to be accounted for on the score card in figures. The 10-point system will be used.

(5) It is understood that officials have discretionary power at all times to decide what in their opinion constitutes points on behalf of winner or loser.

(6) Officials will only use ink or indelible pencil in scoring.

(7) When neither contestant has a decided margin, the winner should be determined on points scored and on aggressiveness."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, MCA

"XXIX. TIMEKEEPER (1) The timekeeper shall be appointed by the club and shall be known as the official timekeeper. He must be seated outside the ring close to the gong.

(2) He shall indicate the beginning and end of each round by striking the gong with a metal hammer.

(3) He shall provide himself with a whistle, and a stop watch which shall have been properly examined and certified as

to accuracy before the bout. Ten seconds before the beginning of each round, the timekeeper shall give warnings to the seconds of contestants by the blowing of the whistle.

(4) In the event of a contest terminating before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) Timekeepers are not to use whistle, buzzer, or other instruments during the progress of a round. The whistle, buzzer or other instrument must be used only 10 seconds prior to the beginning of the contest and 10 seconds prior to the beginning of each round."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, MCA

"XXX. ANNOUNCER (1) The announcer shall announce the names of contestants, their correct weights, the decisions of the referee and judges, and other matters as directed by the club officials.

(2) No introductions or announcements, except those pertaining to the contest or exhibition, shall be made from the ring, unless authorized by a member of the board or inspector."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXXI. SECONDS (1) Seconds must be at least 18 years of age.

(2) Seconds shall not be more than 2 in number, one of whom will inform the referee that he is the chief second.

(3) Only one second shall be inside the ring between rounds.

(4) Licensed managers shall be permitted to act as seconds and shall comply with all rules of conduct pertaining to seconds.

(5) Seconds shall not coach principals during the progress of rounds and must remain seated and silent during the rounds. Fans may be used between rounds. The swinging of towels is prohibited. A wet sponge may be used to refresh the contestant. Excess water on the ring floor shall be wiped up by the seconds before the start of the next round.

(6) Seconds shall not enter the ring until the timer indicates the termination of a round. Seconds are prohibited from spraying or forcefully throwing water on a contestant.

(7) Seconds shall leave the ring enclosure at the sound of the timekeeper's whistle 10 seconds before the beginning of each round. They shall leave ring platform and remove all obstructions, buckets, stools, promptly when the gong sounds for the beginning of each round."

Auth: 23-3-405, MCA Imp: 23-3-405, 501, MCA

"XXXII. INSPECTORS (1) The board shall appoint official representatives designated as 'inspectors' and shall issue to each an authorization which will be his authority to

act as a representative of the board. The inspector shall be present during the physical examinations and weighins. He shall not leave before tickets and receipts have been counted and all tax and license fees due have been collected. The inspector shall see that all rules are strictly enforced. He will also supervise the counting of all receipts.

(2) The inspector shall provide the official scoring cards. The judges shall score each round of the bout on the score card, total it, name the winner, sign the card and return it to the referee, who shall deliver the cards to the inspector. He will then hand the cards to the announcer who will announce the results and immediately return the cards to the inspector. Score cards must at all times remain in the custody of the inspector who shall deliver the score cards, the rest of his reports and the tax and license fees to the board.

(3) The inspector may not have an interest in the management of any contestant, nor act as a referee, judge, timekeeper, or second at any licensed event."

Auth: 23-3-405, MCA Imp: 23-3-402, MCA

The rules to be adopted under sub-chapter 12, entitled Wrestling Officials, will read as follows:

"XXXIII. REFEREE (1) Under no circumstances shall any wrestler lay his hands on the referee. Any violation of this rule shall disqualify the offender.

(2) The referee's instructions given before the bout must be strictly complied with, as he is responsible for the proper conduct of the match and the enforcement of the rules of the board. The referee's verdict shall be final and he has the right to stop a match at any time because of injury or weak physical condition of one or both of the contestants."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, 501, 603, MCA

The proposed rules to be adopted under sub-chapter 13, entitled Regulation of Wrestling Contestants, will read as follows:

"XXXIV. WRESTLING CONTESTANT (1) No license will be issued to a contestant who is over 55 years of age.

(2) Should a wrestler claim injury and refuse to continue a contest at the referee's command, and if after a physical examination, he is found physically unable to continue the bout, then the referee must decide in favor of his opponent.

(3) Wrestlers appearing in matches must be properly clothed in neat and clean athletic apparel. Trunks and tights must be well fitting and held with a high waist band. If short trunks only are used and the limbs bare, the length of the trunks shall not be less than 3 inches below the crotch,

and 2 pairs, one over the other, must be worn. Shoes must have soft soles.

(4) All contestants' skin must be clean and free from grease or other sort of lotion or foreign substance."

Auth: 23-3-405, MCA Imp: 23-3-404, 405, MCA

"XXXV. TIME LIMITATIONS (1) Matches shall be limited to 2 hours of continuous wrestling, except as herein otherwise provided. Should neither contestant have a marked advantage at the end of 2 hours, the referee, in his discretion, following a 5-minute rest period, may order the contest continued for an added 30 minutes. If, at the end of the extra 30 minutes, the referee is unable to decide the winner, the contest shall be declared a draw. However, if one of the contestants gets a fall during the extra 30 minute period, that fall shall be the deciding fall and he shall be declared the winner.

(2) Should there only be one fall in the 2 hours of wrestling, the winner of that fall shall be declared the winner of the contest. If each contestant has gained one fall in the 2 hours of wrestling, then the referee may allow the match to continue after a 5-minute rest period for an added 30 minutes. If at that time neither of the contestants shall have gained a fall and the referee is unable to declare a winner, he shall then declare the contest a draw.

(3) In contests of less than 2 hours duration, when the referee is unable to give a decision in a close match, he shall have the power to declare such contest a draw, if in his opinion this would be a just decision."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXXVI. RING EQUIPMENT (1) Mats shall not be less than 1 1/2 inches thick, and must be stuffed with hair, felt, cotton or other soft material, and shall cover the entire ring platform. The mat and covering shall be clean and free from disagreeable odors at all times. The ring size ropes shall be the same as those used in boxing."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXXVII. HOLDS (1) Any hold, grip, lock or trip is allowed except as herein below listed: strangle hold, scratching, eye gouging, striking with knuckles, pulling hair, kicking, butting in the face, cutting off the breath by shutting nose and mouth at the same time. Inserting fingers in the mouth, deliberately throwing of opponent over the top rope and wrestling outside the ring are specifically prohibited.

(2) The use of foul language after a warning from the referee shall immediately disqualify the offender.

(3) When wrestlers roll off the mat and under the ropes, but not off the ring platform, the referee and timekeeper

shall begin a count of 10. In the event that neither wrestler returns before the count of 10 is completed, the exhibition shall be terminated. In the event one wrestler returns and his opponent fails to return before the count of 10 is completed, then the exhibition shall terminate with the wrestler in the ring being awarded the contest.

(4) When one or both wrestlers fall from the ring so that a part of their bodies touch the floor, the referee and timekeeper shall begin a count of 20. In the event that neither wrestler returns before the count of 20, then the exhibition shall terminate with the wrestler in the ring being awarded the contest.

(5) Wrestlers failing to break when instructed to do so by the referee shall be given a count of 4 in which to release the hold, and if the aggressor does not break the hold by the count of 4, the offender shall be disqualified and his opponent shall be awarded the exhibition."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXXVIII. FALLS AND DECISIONS (1) Both shoulders pinned to the mat for the referee's audible count of 3 seconds shall constitute a fall. Conceding a fall or quitting because of receiving punishment from a legitimate hold, constitutes a fall.

(2) The referee shall slap on the back or the shoulders of a wrestler securing a fall so that the man under him will not be strained by being held too long in a possible painful position.

(3) The referee shall not put his hands under the shoulders of a contestant unless it is absolutely necessary to determine a fall."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

"XXXIX. DELAYS IN CONTEST (1) If for any reason whatsoever it becomes necessary to temporarily stop the contest during the course of its progress, such time as may be consumed during the delay shall be added to the wrestling period so as to complete the full time allowed for the contest."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

Rules proposed to be adopted under sub-chapter 14, entitled Australian Tag Team Wrestling, will read as follows:

"XL. AUSTRALIAN TAG TEAM WRESTLING (1) A tag team event is an exhibition between a team of 2 wrestlers against another team of 2 wrestlers

(2) The exhibition begins with one man from each team wrestling one man from the opposing team while their respective team partners remain on the apron of the ring outside of the ring ropes. A man cannot enter the ring unless

his partner is defeated or he is able to touch his partner and to relieve him. He must have hold of a regulation 3-foot rope with a knot in one end and the other end looped over the ring post of his team's corner. At the time of a tag contact between partners, the man outside of the ropes must have both feet on the apron floor and must reach over the top rope only to make contact. The referee must see to it that the wrestler in the ring after tagging his partner, retires to the outside of the ring before his partner can enter the ring. Not more than 2 referees are permitted to be in the ring at the same time during the exhibition. During the team exhibition, team partners may relieve each other as often as they desire as long as neither has lost a fall for his team. When a wrestler loses a fall, he must retire to the ringside at his corner.

(3) If a wrestler is injured so that he cannot continue, his partner must carry on alone. The opposing team must defeat the one wrestler once to win a team fall.

(4) It shall be a foul for a contestant while awaiting his turn on the apron to assist his partner or to interfere with his opponent.

(5) It shall also be a foul for a contestant while awaiting his turn to release his hold on the rope in his corner for any reason whatsoever until officially relieved by his partner or the referee.

(6) After one warning of the above infractions, the referee shall disqualify the offender.

(7) It shall be a foul for a contestant or manager to bring into the ring any foreign object.

(8) Only the referee and wrestlers are permitted in the ring during matches. In the event anyone other than the performing wrestlers enters the ring, the referee shall stop the match.

(9) In all other instances, the rules governing wrestling exhibitions shall prevail."

Auth: 23-3-405, MCA Imp: 23-3-405, MCA

6. The rules under sub-chapter 4 are necessary to list the address and telephone number of the board office, to clearly define words used consistently throughout the rules to include a number of meanings, locations or participants. The board is defining "professional" to be consistent with national and international boxing regulations.

Rule IV is proposed as boxing officials, physicians and boxing organizations urge prohibitions on "tough guy" matches due to the large number of permanent injuries and deaths associated with these events. Participants are not usually in proper physical health and have not received proper training. Quite often the event is held in a tavern and participants have consumed alcoholic beverages which impairs full coordination.

Rule IX, which sets out fees, is proposed based on program area costs, as section 37-1-134, MCA requires all licensing boards to set fees commensurate with program area costs. The proposed fees are those the board has determined necessary to cover those costs.

The remainder of the rules proposed under sub-chapter 4, 5, 6, 7, 8, 9, and 10 are proposed to be uniform with other states, and in agreement with the North American Boxing Federation, World Boxing Association (WBA), World Boxing Council (WBC) and other boxing organization regulations. The North American Boxing Federation, an affiliate of the WBC, just updated their regulations on participants, promoters, and officials' qualifications, ring regulations, contract negotiations, weights and classes, and contest regulations. The board felt that, with the research that was utilized in the NABF rules, they should adequately cover boxing and wrestling in Montana.

The rules are also proposed to protect the public from fraudulent actions concerning boxing events and also for consistency between organizations and for the safety and protection of all persons involved in a boxing or wrestling event.

The rules under Sub-Chapter 12, 13, and 14, are proposed to be in compliance and consistent with the regulations of the National Wrestling Association of American and International Wrestling Alliance. The rules are also being proposed to protect the wrestler, officials and the public from fraud in performance and to provide for adequate and proper wrestling facilities and conditions.

6. Interested persons may submit their data, views or arguments concerning the proposed adoptions in writing to the Board of Athletics, 1424 9th Avenue, Helena, Montana, 59620-0407, no later than February 23, 1984.

7. If a person who is directly affected by the proposed adoptions wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any comments he has to the Board of Athletics, 1424 9th Avenue, Helena, Montana, 59620-0407, no later than February 23, 1984.

8. If the board receives requests for a public hearing on the proposed adoptions from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed adoptions, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision, or from an association having no less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

BOARD OF ATHLETICS
JOHN HALSETH, M.D.
BOARD MEMBER

BY: 

GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, January 16, 1984.

2-1/26/84

MAR Notice No. 3-3-1

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

In the matter of adoption of) NOTICE OF PUBLIC HEARING ON
rules regarding the board of) THE ADOPTION OF RULES FOR THE
social work examiners.) BOARD OF SOCIAL WORK EXAMINERS

TO: All Interested Persons:

1. On February 16, 1984, at 7:00 p.m., a public hearing will be held in the upstairs conference room of the Department of Commerce Building, 1424 9th Avenue, Helena, Montana to consider the adoption of rules governing social workers in Montana.

2. The proposed rules do not replace or modify any section currently found in the Administrative Rules of Montana.

3. The proposed rules will read as follows:

"I. BOARD ORGANIZATION (1) The board of social work examiners hereby adopts and incorporates the organizational rules of the department of commerce as listed in Chapter 1 of this title."

Auth: 37-22-201, MCA Imp: 2-4-201, MCA

"II. PROCEDURAL RULES (1) The board of social work examiners hereby adopts and incorporates the procedural rules of the department of commerce as listed in Chapter 2 of this title."

Auth: 37-22-201, MCA Imp: 2-4-201, MCA

"III. DEFINITIONS (1) 'Psychosocial methods' means those professional techniques which:

(a) enhance the problem solving and coping capacity of people;

(b) link people with systems that provide them with resources, services and opportunities;

(c) promote effective and humane operation of these systems; and

(d) contribute to the development and improvement of social policy."

Auth: 37-22-201, MCA Imp: 37-22-102, 201, MCA

"IV. LICENSURE REQUIREMENTS (1) For the purpose of meeting the 3,000 hour requirement of section 37-22-301 (2)(b), MCA, an applicant shall provide verified experience which may include:

(a) hours spent providing psychotherapy to individuals, families, and groups;

(b) hours spent supervising the work of other persons providing psychotherapy."

Auth: 37-22-201, MCA Imp: 37-22-301 (2)(b), MCA

"V. APPLICATION PROCEDURE (1) Any person seeking licensure must apply on the board's official forms which may be obtained through the department.

(2) Completed applications must be accompanied by:

(a) application fee;

(b) verification of the applicant's doctorate or masters degree in social work provided directly from the school to the board office; and

(c) three reference letters as required by section 37-22-301 (2), MCA.

(2) The applicant shall be notified in writing of the results of the evaluation of the application for examination."

Auth: 37-22-201, MCA Imp: 37-22-301, MCA

"VI. FEE SCHEDULE

(1) Application fee \$50.00

(2) Original licensee fee 25.00

(3) Exam fee 50.00"

Auth: 37-1-134, 37-22-201, MCA Imp: 37-22-302, MCA

4. Section 2-4-201, MCA charges all agencies or boards with the duty to set out by rule, procedural and organizational rules. The board has determined that the department of commerce organizational and procedural rules will adequately govern the operations of this board and is therefore proposing the adoption by reference.

The board feels the adoption of rule III. definitions is necessary to insure that psychotherapy may be provided in a wide variety of professional settings and organizations such as mental health agencies, medical hospitals, mental hospitals, nursing homes, family service agencies, youth serving agencies, correctional programs, child welfare agencies, alcohol and drug programs and other human service agencies and programs and to allow that both brief service (often called crisis intervention) and extended service to individuals, families and groups can be considered to be psychotherapy.

Rule IV is proposed due to the diversity of the psychotherapeutic experience. The board felt it necessary to apprise applicants for licensure of the practice experience which would qualify under section 37-22-301, (2), MCA.

Rule V. is proposed as the board felt it necessary to provide potential applicants with a specific method and specific requirements to apply for a license.

Rule VI. sets the fees commensurate with what the board feels will be program area costs as required by section 37-1-134, MCA.

5. Interested 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 Social Work Examiners, 1424 9th Avenue, Helena,
Montana 59620-0407, no later than February 23, 1984.

6. The board or its designee will preside over and
conduct the hearing.

BOARD OF SOCIAL WORK EXAMINERS
JIM POMROY, CHAIRMAN

BY: 

GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, January 16, 1984.

STATE OF MONTANA
BEFORE THE DEPARTMENT OF COMMERCE

In the matter of the proposed	)	NOTICE OF ADOPTION OF A RULE
adoption of a rule pertaining	)	PERTAINING TO SEMI-ANNUAL
to semi-annual assessments for	)	ASSESSMENTS FOR STATE BANKS,
state banks, trust companies,	)	TRUST COMPANIES, AND INVEST-
and investment companies	)	MENT COMPANIES

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. The notice of proposed adoption of a new rule as stated above, published on December 15, 1983, at pages 1783 - 1784, 1983 Montana Administrative Register, issue number 23, is amended. The original notice did not contain a statement of reason for the proposed adoption.

2. The rule remains as proposed in the original notice.

3. The department is proposing the rule to implement Chapter 507, 1983 session laws (HB 701) which establishes the formula for a semi-annual assessment of state chartered banks, trust companies and investment companies which will allow the Department of Commerce to recover 80% of its supervisory and examination costs.

4. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to Les Alke, Commissioner of Financial Institutions, Department of Commerce, 1424 9th Avenue, Helena, Montana, 59620, no later than February 23, 1984.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any comments he has to Les Alke, Commissioner of Financial Institutions, Department of Commerce, 1424 9th Avenue, Helena, Montana, 59620, no later than February 23, 1984.

6. If the board receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed adoption, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision, or from an association having no less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

DEPARTMENT OF COMMERCE

BY: 

GARY BUCHANAN, DIRECTOR

Certified to the Secretary of State, January 16, 1984.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of amendment of)	NOTICE OF PUBLIC HEARING FOR
rules governing vocational)	PROPOSED AMENDMENT OF
education programs of the)	VOCATIONAL EDUCATION RULES
public schools of the state)	FOUND IN CHAPTER 41, VOCA-
of Montana)	TIONAL EDUCATION--GENERAL
)	RULES; CHAPTER 43, POST-
)	SECONDARY VOCATIONAL EDUCA-
)	TION; AND CHAPTER 44, VOCA-
)	TIONAL EDUCATION IN SECONDARY
)	SCHOOLS

TO: All Interested Persons

1. On February 16, 1984 at 9:00 a.m., a public hearing will be held in the conference room of the Office of Public Instruction, 1300 Eleventh Avenue, in Helena, Montana, to consider the amendment of vocational education rules found in Chapter 41, Vocational Education--General Rules; Chapter 43, Postsecondary Vocational Education; and Chapter 44, Vocational Education in Secondary Schools.

2. The rules proposed to be amended can be found on pages 10-543 to 10-564; 10-581 to 10-585; and 10-593 to 10-606 of the Administrative Rules of Montana.

3. The rules proposed to be amended are as follows:

10.41.101 DEFINITIONS. (1), (2) and (3) Remain the same.

(4) Ancillary Services. Activities which contribute to the enhancement of quality in vocational education programs, including activities such as teacher training and curriculum development, but excluding administration ~~.(except in consumer and homemaking education under Section 150 of the Act.)~~

(5) Application Fee. A fee collected only one time from each applying student. ~~The student application fee is considered part of tuition.~~

(6), (7) and (8) Remain the same.

(9) Capital Expenditure. Expenditures for the acquisition of fixed assets or additions to fixed assets (real and personal property). Real property expenditures for land, land improvements, buildings, building remodeling, building additions, building construction and personal property expenditures for machinery, equipment, furniture, fixtures, vehicles and tools which exceed \$300 in value.

~~(10) CETA/WIN (Manpower) Classroom Training Program----- Classroom and/or classroom-related manpower training programs-- designed to prepare youths or adults for employment training-- aimed at employment--~~

~~(11)~~ (10) Consumer and Homemaking Education Programs. Instructional programs, services, and activities at all educational levels for the occupations of homemaking including, but not limited to:

(a) Consumer education;

(b) Food nutrition;

- (c) Family living and parenthood education;
- (d) Child development and guidance;
- (e) Housing and homemanagement (including resource management; and
- (f) Clothing and Textiles.

~~112~~ (11) Cooperative Education. A program of vocational education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

~~113~~ (12) Cooperative Program Student. A student with a minimum of one hour per week, in addition to regular classes, devoted to discussion of working problems, assignments of special projects, etc.

~~114~~ (13) Curriculum. A series of courses or units, organized in sequential order, designed to lead the student toward the attainment of vocational aims and objectives.

~~115~~ (14) Disadvantaged.

- (a) Persons (other than handicapped persons) who:
 - (i) Have academic or economic disadvantages; and
 - (ii) Require special services, assistance, or programs in order to enable them to succeed in vocational education programs.

(b) "Academic disadvantage" for the purposes of this definition of "disadvantaged" means that a person

- (i) Lacks reading and writing skills;
- (ii) Lacks mathematical skills; or
- (iii) Performs below grade level.

(c) "Economic disadvantage," for the purposes of this definition of "disadvantaged," means

- (i) Family income is at or below national poverty level;
- (ii) Participant or parent(s) or guardian of the participant is unemployed;
- (iii) Participant or parent of the participant is recipient of public assistance; or
- (iv) Participant is institutionalized or under state guardianship.

~~116~~ (15) Displaced Homemakers. Persons who had been homemakers for a substantial number of years but who now, because of dissolution of marriage, must seek employment; or persons who are single heads of households and who lack adequate job skills; or persons who are currently homemakers and unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

~~117~~ (16) Energy Education Program. A program for training of miners, supervisors, technicians (particularly safety personnel) and environmentalists in the field of coal mining

and coal mining technology. ~~Programs may be conducted at the postsecondary institutions only.~~ Programs may also include training of individuals needed for the installation of solar energy equipment, including training necessary for the installation of glass paneled solar collectors and of wind energy generators, and for the installation of other related applications of solar energy.

~~(10)~~ (17) Evaluation. A procedure for determining the effectiveness of the program.

~~(11)~~ (18) Executive Officer of Vocational Education. The superintendent of public instruction is the executive officer, the legally designated state official directly responsible for the development of policies for vocational education.

~~(12)~~ (19) Exemplary Program. A program designed to enable educational agencies to explore, develop and demonstrate new and innovative ways to plan, implement and conduct vocational education programs, including

(a) Programs designed to develop high quality vocational education programs for urban centers with high concentrations of economically disadvantaged individuals, unskilled workers, and unemployed individuals;

(b) Programs designed to develop training opportunities for programs in sparsely populated rural areas and for individuals migrating from farms to urban areas;

(c) Programs of effective vocational education for individuals with limited English-speaking ability;

(d) Establishment of cooperative arrangements between public education and manpower agencies, designed to correlate vocational education opportunities with current and projected needs of the labor market; and

(e) Programs designed to broaden occupational aspirations and opportunities for youth, with special emphasis given to youth who have academic, socioeconomic, or other handicaps, including

(i) Programs and projects designed to familiarize secondary school students with the broad range of occupations for which special skills are required, and the requisites for careers in such occupations; and

(ii) Programs and projects to facilitate the participation of employers and labor organizations in postsecondary vocational education. Priority will be given to programs designed to reduce sex stereotyping in vocational education.

~~(21)~~ (20) Full-time Equivalent. ~~-(Recommended guide for-- 1979-80 school year-)~~ (Postsecondary vocational technical Center.)

(a) Student - ~~Two hundred and fifty-(250)~~ Three hundred thirty-three point three classroom contact hours per quarter and seven hundred and fifty-(750) one thousand (1,000) classroom contact hours per year.

(b) Administrator - Twelve (12) months of contracted employment.

(c) Full-time Equivalency Instructional Staff - ~~Eight hundred sixty-(860)~~ One thousand sixty-eight (1,068) hours of actual student classroom contact hours per year (post-secondary vocational-technical centers).

(d) Other Professional - One hundred eighty-one-~~(181)-~~five (185) days of contracted employment.

(e) Support Staff - Forty (40) hours per week for a twelve (12) month period.

~~(f) --Productivity-FTE-ratio--~~

~~FTE--#-of-students-x-inst--classroom-hours-per-week--~~
375

~~The-375-factor-is-derived-by-multiplying-the-average-class-size~~
~~(15)-times-the-average-instructional-staff-hours-in-front-of-a~~
~~class-(25)--15-x-25--375--~~

~~The-above-formula-applies-to-all-instructors-unless-it-violates~~
~~pre-established-standards-required-by-state-or-national-accred-~~
~~iting-agencies--~~

~~(22)~~ (21) Full-time Vocational Education Teacher. An instructor carrying a vocational teaching assignment that contains at least the minimum number of hours considered by the superintendent of public instruction or local educational agency to be the recognized full-time load of a person engaged for a normal work day and week in the program.

~~(23)~~ (22) Guidance and Counseling Programs. Includes counseling, information on placement, appraisal, followup and research.

~~(24)~~ (23) Handicapped.

(a) A person who is:

(i) ~~Mentally-retarded~~ deaf;

(ii) ~~Hard-of-hearing~~ deaf-blind;

(iii) ~~Deaf~~ hard of hearing;

(iv) ~~Speech-impaired~~ mentally retarded;

(v) ~~Visually-handicapped~~ multihandicapped;

(vi) ~~Seriously-emotionally-disturbed~~ orthopedically impaired;

(vii) ~~Crippled-(orthopaedically-impaired)-~~ or other health impaired;

~~(viii) --Other-health-impaired-person; including-a-person--~~
~~who-suffers-from-learning-disabilities-to-the-extent-the-dis-~~
~~ability-is-a-health-impairment--and-~~

(viii) seriously emotionally disturbed;

(ix) specific learning disability

(b) A person who, by reason of the above:

(i) Requires special education and related services, and

(ii) Cannot succeed in the regular vocational education program without special educational assistance; or

(iii) Requires a modified vocational educational program.

~~(25)~~ (24) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

~~(26)~~ (25) Industrial Arts Education Program. Those education programs:

(a) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, as experimenting, designing, constructing, evaluating and using tools, machines, materials and processes; and

(b) which assist individuals in making informed and meaningful occupational choices or which prepare them for entry

into advanced trade and industrial or technical education programs.

~~(27)~~ (26) Instructional Staff. Individuals employed for the primary purpose of performing instructional activities in job skill preparation. Only those individuals who devote 50% or more of their time to instruction in specific job skills instruction or training should be reported. Both part-time and full-time staff members should be reported.

(27) Job Training Partnership Act, formerly CETA, now P.L. 97-300; an act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in a special need of such training to obtain productive employment. Vocational services of an educational and training nature provided under JTPA within districts or postsecondary centers shall be approved by the executive officer (state superintendent) for vocational education.

(28) and (29) Remain the same.

(30) Local Education Agency. Consists of the local board of trustees responsible for local policy and administration including the district superintendent and staff ~~and the vocational-technical-center-director--~~

(31) and (32) Remain the same.

(33) Major Occupational Heading.

(a) Agriculture

(b) Consumer Home Economics

(c) Distributive

(d) Health Occupations

(e) Home Economics Occupational Preparation

(f) Industrial Arts

(g) ~~Office~~ Business and Office

(h) Technical

(i) Trade and Industry

Under these occupational headings there are many specific occupational or vocational fields of training.

(34) Manpower Training (JTPA). Specialized federal training programs designed to lower the state or local unemployment level or to increase the number of employable persons through training programs.

(35), (36) and (37) Remain the same.

(38) Other Eligible Recipients (OER). Any postsecondary school, agency, or institution public or private eligible for the receipt of federal funds.

~~(38)~~ (39) Occupational Skills. Instruction directly preparing persons for employment in a specific occupation or a cluster of closely-related occupations in an occupational field.

~~(39)~~ (40) Occupational Title. The common name by which a position is identified. The generally accepted source of nomenclature is the Dictionary of Occupational Titles, published by the department of labor or the classification of instructional programs.

~~(40)~~ (41) Open-Entry/Exit Program. A program which allows students to enter at any time as the specific program allows, and to exit upon achieving acceptable competency.

~~(41)~~ (42) Property Accountability and Management System (PAMS). A state system of inventory which is used to inventory equipment and property acquired through legislatively appropriated primary operations funds of the five vocational-technical centers.

~~(41)~~ (43) Part-time Vocational Education Teacher. An instructor carrying a vocational teaching assignment of less than the minimum number of hours considered by the superintendent of public instruction or local educational agency to be the recognized full-time load of a person engaged for a normal work day and week in that program.

~~(42)~~ (44) Personal Property. ~~It~~ Property that retains its original shape and appearance with use; it is nonexpendable; that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it rather than replace it with an entirely new unit; it represents an investment of money which makes it feasible and advisable to capitalize the item; and it does not lose its identity through incorporation into a different or more complex unit or substance.

~~(43)~~ (45) Preparatory Instruction. Vocational education instruction for persons who are available for study in preparation for entering the labor market. Classes must be part of an approved program and all students receiving vocational instruction in preparatory classes under the state plan must be conducted in the day or evening, but in all cases must be part of a total program of study intended to prepare the student to enter the labor market in the vocation for which the instruction is given.

~~(44)~~ (46) Program Assignment. Persons classified as instructional staff are unduplicated and only counted once. Dual or multiple assignment should be recorded in the program where the most clock hours of instruction occur. This definition relates to staff accounting and not budgeting.

~~(45)~~ (47) Program Charges. A definition employing the concept of students receiving goods or services that are deemed necessary for their use in the program on an individual cost reimbursement basis. The sole purpose for collecting such charges would be for control purposes of items needed by the student that would have to be purchased regardless. Monies collected shall not supplement program budgets.

~~(46)~~ (48) Program Completer. A student who has completed a planned sequence of courses, services, or activities designed to meet an occupational objective. A program leaver is anyone who was enrolled in and attended a vocational program and has left the program without completing it and is not known to be continuing in vocational education.

~~(47)-Program-Options---Concentrated-training-in-a-specific occupational-skill-which-is-part-of-an-approved-vocational-program---The-concentrated-training-options-shall-be-designated on-the-student's-program-completion-certificate--~~

~~{48}~~ ~~(49)~~ Remedial. Planned diagnostic and/or helpful systematic activities for individuals currently enrolled who have deficiencies in basic skills area.

~~{49}~~ ~~(50)~~ Secondary Program. Vocational education for persons in high school (span of grades ~~usually~~ beginning with grade 9 and ending with grade 12.)

~~{50}~~ ~~(51)~~ Sex Bias. Behaviors resulting from the assumption that one sex is superior to the other.

~~{51}~~ ~~(52)~~ Sex Discrimination. Any action which limits or denies a person or a group of persons opportunities, privileges, roles, or rewards on the basis of their sex.

~~{52}~~ ~~(53)~~ Sex Stereotyping. Attributing behaviors, abilities, interests, values and roles to a person or group of persons on the basis of their sex.

~~{53}~~ ~~(54)~~ Short-term Preparatory. Classes organized to present short, intensive instruction in the skills or knowledge essential to employment at the entry level in a specific vocation.

~~{54}~~ ~~(55)~~ Special Disadvantaged. Special programs for disadvantaged persons in areas of the state which have high concentrations of youth unemployment or school dropouts.

~~{55}~~ ~~(56)~~ Special Needs. Applies to persons who meet the requirements under the law for one of the three categories--handicapped, disadvantaged, and limited English-speaking--who require special programs, modification of programs, or supplemental services to help them succeed in a vocational education program.

~~{56}~~ ~~(57)~~ ~~State Director of Vocational Education-~~ Assistant Superintendent for Vocational Education Services. The state director of vocational education is the state administrator of all secondary and postsecondary vocational programs under the state superintendent.

~~{57}~~ ~~(58)~~ Support Service Programs. Skill assessment, employment counseling, job placement and follow up services for:

(a) persons who had been solely homemakers for a substantial number of years but who now, because of dissolution of marriage, must seek employment;

(b) persons who are single heads of households and who lack adequate job skills;

(c) persons who are currently homemakers and part-time workers but who wish to secure a full-time job;

(d) women and ~~{men}~~ who are now in jobs which have been traditionally considered job areas for females (males) and who wish to seek employment in job areas that have not been traditionally considered job areas for females (males); and

(e) women and ~~{men}~~ who enter programs designed to prepare individuals for employment in jobs which have been traditionally limited to men (women).

~~{58}~~ ~~(59)~~ Syllabus. A summary or outline kept on file at the school which outlines the main points of a course of study for each vocational course offered.

~~{59}~~ ~~-Transient Student--Students who are in attendance--less than three months-~~

(60) State-Fund 21 Postsecondary Students. Fund 21 students shall be considered students accounted for out of primary operations funding.

~~(60)~~ (61) Tuition. Payment for instruction with the amount determined by the superintendent of public instruction.

(62) Twelfth Day Report. A report of contact hours submitted by the vocational-technical centers for each program offered divided by 333.3 per quarter to determine the FTE student count.

~~(61)~~ (63) Unduplicated Count. The process of reporting an individual student only once, regardless of the number of programs in which he or she is enrolled during the year. Students who were enrolled in more than one program during the year, or who transferred from one program to another, should be reported only once. Assign that student to the program closest to the student's occupational objective. If the student has two or more occupational objectives, then assign to the one program with the greatest number of hours in instruction.

~~(62)~~ (64) Vocational Counselor. A vocationally and professionally trained person assisting individuals to understand their capabilities and interests, to choose a suitable vocation, and to prepare for employment and to make successful progress in employment. Five principle functions are: placement, follow-up, information, testing and counseling.

(65) Vocational Education Data System. A federal requirement of annual reporting for all institutions offering vocational education funded by state/federal money that consists of student enrollment by classification of instructional code, student completers/leavers, employer follow-up and teacher data.

~~(63)~~ (66) Vocational Education. Organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; for purposes of this paragraph, the term "organized education program" means only:

(a) Instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(b) The acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment.

The term "vocational education" does not mean the construction, acquisition, or initial equipping of buildings, or the acquisition or rental of land.

~~(64)~~ ~~(67) Vocational Education Administrative Implementation--Procedures--~~ Postsecondary/Secondary Policies, Procedures and/or Guidelines. A series of procedures established by the ~~state director~~ of assistant superintendent for vocational education to bring into focus and to carry out the policies and directives of the superintendent of public instruction.

~~(65)~~ (68) Vocational Education Course. An organization of vocational education subject matter and related learning experiences providing for the instruction of students on a regular or systematic basis.

~~(66)~~ (69) Vocational Education Funds. ~~All-federal-and--state-funds-disbursed-by-the-superintendent-of-public-instruction-for-vocational-education-in-Montana-and-local-funds-used-for-matching-and-maintenance-of-effort-purposes-as-provided-by-law.~~ All federal and state funds made available to the state for the purpose of providing vocational education or training in Montana, and local funds used for matching and/or maintenance of effort purposes as provided by law.

~~(67)~~ (70) Vocational Education Personnel. All state and local personnel whose part or full-time salary is paid from funds appropriated or otherwise provided for vocational education.

~~(68)~~ (71) Vocational Education Programs. A planned sequence of courses leading to the development of skills and knowledge required for entry into a specific vocation and developed and conducted in consultation with potential employers and /or others having skills in and substantive knowledge of the vocation. A program combines and coordinates related instruction of field, shop, laboratory, cooperative work or other vocational experience which is of sufficient duration to develop competencies for employment. Consumer homemaking programs as established in the Montana state plan for vocational education shall also be included under this definition.

~~(69)~~ (72) Vocational Instruction. Instruction which is designed to prepare individuals for employment in a specific occupation or cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction may include:

- (a) Classroom instruction;
- (b) Classroom related field, shop and laboratory work;
- (c) Programs providing occupational work experiences, including cooperative education and related instructional aspects of apprenticeship programs;
- (d) Remedial programs which are designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefitting from such instruction; and
- (e) Activities of vocational student organizations which are an integral part of the vocational instruction.

~~(70)~~ (73) Vocational Objective. The occupational outcome of training and other preparation as stated by an individual student. It is usually stated in terms of a specific job title.

~~(71)~~ (74) Vocational Policy. Superintendent of public instruction policies for vocational education are ~~philosophical~~ directional statements that set forth the broad, general intent and purpose of the superintendent and provide the necessary direction for development of administrative guidelines and procedures.

~~(72)~~ (75) Vocational Student Organization. An organization of students in vocational programs which serves members by

providing opportunities for leadership, citizenship and character development. The organization enhances the vocational instructional program by providing motivation for personal achievement and appreciation of life roles. Activities are considered an integral part of the program and are carried out at local, state and national levels in affiliation with such organizations as Future Farmers of America, Future Homemakers of America, Distributive Education Clubs of America, Office Education Association or Vocational Industrial Clubs of America.

~~(73)~~ (76) White, Not of Hispanic Origin. A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

~~(74)~~ (77) Work Study (Vocational). Programs administered to any youth who:

(a) Has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the superintendent of public instruction and the local educational agency for vocational education programs assisted under this act, or in the case of a student already enrolled in such a program, is in good standing and in fulltime attendance.

(b) Is in need of the earnings from such employment to commence or continue the student's vocational education program; and

(c) Is at least 15 years of age and less than 21 years of age. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(7), MCA.)

10.41.102 COMPREHENSIVE STATE PLAN.

(1) The ~~state-director~~ assistant state superintendent and the staff of the department ~~of~~ for vocational and occupational-education services shall prepare the Montana state plan for vocational education in consultation with the ~~state-planning-committee~~ Montana Vocational Education Planning Council and the Montana advisory council for vocational education. The plan shall be prepared in accordance with policies and instructions of the superintendent of public instruction and with the ~~United States-Office~~ Department of Education.

(2) and (3) Remain the same.

(4) The state plan shall be forwarded to the ~~attorney-general-and-to-the-Montana-advisory-council-for-vocational-education-for-certification-and-then-shall-be-sent-to-the-commissioner-of-education,-United-States-Office-of-Education,-for-approval~~ appropriate agencies in accordance with executive order 12372.

(5) and (6) Remain the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(1), MCA.)

10.41.103 ~~STATE-DIRECTOR-OF-VOCATIONAL-EDUCATION---~~

ASSISTANT SUPERINTENDENT FOR VOCATIONAL EDUCATION SERVICES.

The ~~state-director-of-~~ assistant superintendent for vocational education services shall be responsible for implementing all policies adopted by the superintendent of public instruction for the administration of vocational education.

(1) ~~The state director of~~ assistant superintendent for vocational education services is the appointed state administrator for vocational education.

(2) ~~Appeal from actions or decisions of the state director shall be made to the superintendent of public instruction and requests for hearings must be in writing and submitted not less than fifteen (15) working days prior to a scheduled state vocational education meeting. Appeals are to be directed to the state director who shall schedule the hearing and notify the appellant of the time and place of the hearing.~~ Appeal from actions of the assistant superintendent for vocational education services will adhere to ARM Chapter 6, 10.6.101 through 10.6.130. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1, MCA.)

10.41.104 EMPLOYMENT OF STATE STAFF. The ~~state director of~~ assistant superintendent for vocational education services shall have the authority to recommend employment of the necessary staff to assure the superintendent of public instruction that policies are adhered to and that state program ~~consultants~~ specialists are available to serve the educational institutions of Montana which are offering vocational education programs.

(1) ~~The state director of~~ assistant superintendent for vocational education services shall implement a staff plan for a department of vocational education in the office of public instruction for the purposes of assuring the superintendent of public instruction that policies are adhered to and that knowledgeable program ~~consultants~~ specialists are available.

(2) ~~The state director of~~ assistant superintendent for vocational education services shall follow the procedure of recruitment of professional personnel as outlined in Section 501, Article V of the Affirmative Action Plan adopted by the superintendent of public instruction. These procedures shall not be retroactive to employees on staff prior to the date of adoption. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(3), MCA.)

10.41.105 DUTIES OF STATE STAFF. The ~~state director of~~ assistant superintendent for vocational education services shall be responsible for promoting and improving vocational education programs offered in the educational institutions of the state.

(1) and (2) Remain the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301.2(6), MCA.)

10.41.106 ACCOUNTABILITY. The ~~state director of~~ assistant superintendent for vocational education services will determine that vocational education activities within the state are being conducted according to federal and state rules and regulations.

(1) The ~~state director~~ assistant superintendent and staff will determine, through ~~visitation~~, evaluation, audit or reporting procedures, that all approved programs in the state are being conducted according to state and federal laws, rules and regulations.

(2) The ~~state-director~~ assistant superintendent and staff shall seek the assistance of the Montana advisory council for vocational education in reviewing state and federal laws, rules and regulations. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(6), MCA.)

10.41.107 MONTANA ADVISORY COUNCIL. The ~~state-director~~ of assistant superintendent for vocational education services shall solicit the advice and counsel of the Montana advisory council for vocational education pertaining to the evaluation and improvement of vocational education.

~~(1) The state-director or designated representative shall meet regularly with the executive-director of the advisory council in order to coordinate their activities and exchange information.~~

~~(2) The state-director or designated representative shall attend meetings of the advisory council and shall provide the council with information concerning vocational education to assist the council in performing its duties.~~

~~(3) Members of the Montana advisory council for vocational education shall be invited to serve on evaluation teams.~~ (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(16), MCA.)

10.41.108 PUBLIC INFORMATION. The ~~state-director~~ of assistant superintendent for vocational education services shall keep the superintendent of public instruction and the public informed of both the progress and the problems of vocational education in Montana.

(1) The ~~state-director~~ assistant superintendent and staff shall develop a system to collect, analyze, interpret and communicate vocational education information.

(2) The ~~state-director~~ assistant superintendent shall keep the superintendent of public instruction informed of programs, problems, needs or proposed directions for vocational education.

(3) The ~~state-director~~ assistant superintendent and staff shall provide timely information to the public through approved newsletters or public communication channels. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(11) and (12), MCA.)

10.41.109 CONDUCT OF VOCATIONAL EDUCATION IN LOCAL DISTRICTS:

(1) Approved vocational programs shall be in compliance with ~~all~~ federal and state requirements, directives and laws.

(2) Remains the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-303, MCA.)

10.41.111 ADMINISTRATION OF EMPLOYMENT AND TRAINING FUNDS (JTPA). Employment and training funds distributed ~~through the office~~ from the state treasury at the direction and discretion of the superintendent of public instruction for use by educational institutions shall be administered in cooperation with local education institutions and/or other state agencies. The superintendent of public instruction recognizes that students from Indian Reservations and/or other groups within the state of Montana may need special consideration.

(1) All negotiations for establishment of employment and training slots (individual referral) or programs at the five postsecondary vocational technical centers shall be between the awarding agency and the superintendent of public instruction.

(2) Employment and training slots (individual referral) or programs established by negotiations between the awarding agency and the superintendent of public instruction will be similar at each of the centers.

(3) Remains the same.

(4) It shall be the responsibility of the ~~state-director~~ assistant superintendent for vocational education services to resolve conflicts of authority or interest and to insure that services are not needlessly duplicated. (Auth. 20-7-301, MCA; IMP, Sec. 20-7-301(14), MCA.)

10.41.112 RECRUITMENT, SELECTION, EMPLOYMENT AND ADVANCEMENT OF PERSONNEL. Recruitment, selection, employment and advancement of vocational education personnel shall be consistent with current approved institution and/or agency affirmative action plans in addition to state policy at the postsecondary level. Any educational institution requesting funds for vocational programs must have an approved affirmative action plan. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-312(1h), MCA.)

10.41.113 OCCUPATIONAL AND PROFESSIONAL CERTIFICATION. Secondary vocational education instructional and administrative personnel shall satisfy minimum occupational and professional certification standards established by the ~~superintendent-of-public-instruction~~ Board of Public Education and shall meet applicable recertification standards if any part of their salaries are to be paid from funds ~~appropriated~~ allocated for vocational education. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(6), MCA.)

10.41.114 DEVELOPMENT AND MAINTENANCE OF PERSONNEL COMPETENCIES. The development of secondary vocational ~~instructors-~~ teachers' instructional competencies and the maintenance and improvement of their occupational skills shall be the shared responsibility of the individual, the local educational institution/school, the teacher training institutions and the ~~state-director-of-vocational-education-~~ other agencies in accordance with the Board of Public Education policies pertaining to certification and recertification.

(1) The ~~State--Director~~ assistant superintendent may initiate the following activities:

(a) Programs, seminars, conferences and workshops to develop or improve instructional and administrative competencies of vocational personnel.

(b) Programs or systems that will provide for periodically sending vocational education personnel ~~back~~ to business or industry to keep them abreast of current practices.

(c) Recommendations to the superintendent of public instruction for courses and workshops submitted for funding by the teacher training institutions for the development and improvement of instructional competencies.

(d) Programs of preservice and inservice education for instruction, supervisory, administrative, teacher training and support personnel in vocational education. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(16), MCA.)

10.41.115 APPROVAL OF PROGRAMS. Secondary and postsecondary vocational education programs must have approval of the superintendent of public instruction prior to receipt of funds.

(1) The state-director-of assistant superintendent for vocational education services shall recommend to the superintendent of public instruction which programs should be approved, based on established criteria and consistent with state and federal law.

(2) All--programs Programs, excluding consumer home economics and industrial arts, shall have a vocational objective. Program subject matter must consist of the knowledge and skills required for the student's successful performance in the vocation. Program titles must refer to vocational objectives and relate to office of education codes classification of instructional program codes.

(3) All significant curriculum changes must be approved by the state-director-of assistant superintendent for vocational education services. Change requests are accomplished by submitting both the current and revised curricula, with a cover letter indicating the reason(s) for the change and the date that the change is to be effective. A syllabus for each approved vocational course in a program which the institution is offering must be on file.

(4) Remains the same.

(5) All preparatory instruction funded by the superintendent of public instruction must be in accordance with approved programs. All such courses, seminars, practicums, etc., must be offered only as part of an approved program unless special-approval-is-granted.

(6) Requests for approval of preparatory programs for secondary students must be submitted at least four months in advance of the starting date of the program. Postsecondary preparatory prevocational programs may be submitted at any time but must operate within the center budget approved by the superintendent of public instruction.

(7) Remains the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(7), MCA.)

10.41.116 DETERMINATION OF PROGRAMS TO BE OFFERED. (1) and (2) Remain the same.

(3) In order for state office of public instruction, department of vocational education services staff members to review programs being operated in local institutions, each institution must maintain current files and records such-as inclusive of, but not limited to course syllabi, cooperative training plans /agreements, curricula and course descriptions as approved, inventories of all equipment purchased with vocational funds, annual application, revisions, and supporting schedules, audits, follow-up data, and enrollment reports. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(7), MCA.)

10.41.117 VOCATIONAL PROGRAM DESIGN. (1) and (2) Remain the same.

(3) Evidence that a program will not prepare students for employment may cause the program to be disapproved (with the exclusion of consumer homemaking and industrial arts).

(4) A program or course shall not discriminate on the basis of ~~race, sex, age, disability, creed~~ race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin in enrollment procedures, counseling, classroom instruction, completion requirements or job placement. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(7), MCA.)

10.41.118 LOCAL ADVISORY COUNCILS. Institutions offering vocational education programs shall have a local advisory council composed of representatives from management, labor, and citizens-at-large to consult with and advise school administrators on matters pertaining to the development and improvement of vocational education.

(1) ~~The~~ A local advisory council is required to meet at least once per year; minutes of all meetings must be on file at the local institution.

(2) ~~The~~ A local advisory council is to assist school administrators in determining programs to be offered, program evaluation, establishing priorities for building programs for vocational education facilities, and to review factors affecting all vocational programs. Local advisory councils shall have representation of both genders, racial and ethnic minorities found in the region the council serves. Student representation is recommended.

(3) Local advisory councils may be used in lieu of program advisory committees where:

(a) LEA's have three (3) or fewer program offerings and where representation on the council is composed of representative members from the areas of training consistent with 10.41.118(1)(2). (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302(1)(h), MCA.)

10.41.119 PROGRAM ADVISORY COMMITTEES. Each vocational education program shall have a program advisory committee composed of, but not limited to, representatives from management and labor to consult with administrators and teachers on program matters, except as noted in 10.41.118(3).

(1) A program advisory committee must be appointed for each vocational education program. Members should represent management, labor, and other interested groups and ~~should~~ shall consult with teachers and administrators on program matters such as curriculum, courses, equipment, facilities, evaluation, job skills and placement. The program advisory committee is required to meet at least once per year and minutes of all meetings must be on file at the local institution. ~~It is recommended that advisory committees meet quarterly.~~

(2) and (3) Remain the same.

(4) Written policy of the local board of trustees shall authorize advisory committees. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-312(1)(h), MCA.)

10.41.120 STATE VOCATIONAL EDUCATION INFORMATION SYSTEM. Institutions /schools offering vocational education programs and/or courses shall provide information to the ~~state-director~~assistant superintendent for a state educational information system.

(1) Reporting forms developed by the ~~state-director~~assistant superintendent and approved by the superintendent of public instruction shall be furnished to the local institution.

(2) Institutions /schools shall report on a timely basis to enable the ~~state-director~~assistant superintendent to make and prepare required state and federal reports.

(3) Failure of institutions /schools to submit required information may result in loss of funding. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(4), MCA.)

10.41.121 OCCUPATIONAL INFORMATION, GUIDANCE AND PLACEMENT SERVICES IN POSTSECONDARY INSTITUTIONS. Postsecondary institutions offering vocational education programs and/or courses shall provide occupational information, guidance and placement services for their students regardless of the student's sex, race, creed national origin, handicap, marital status or disability. Placement services may be in cooperation with available Job Service offices.

(1) Vocational-technical centers shall provide library and media center services when possible.

(2) Vocational-technical centers shall may provide related reading, communication and mathematical instruction for students when such instruction is necessary for students to meet the requirements of a postsecondary center program.

(3) Vocational-technical centers shall may provide students the opportunity to grow in co-curricular areas by encouraging student governments, intramural sports, a newspaper, clubs and similar student activities.

(4) and (5) Remain the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-312(1)(h), MCA.)

10.41.122 COOPERATION IN PLANNING. Local and state institutions /schools offering vocational education shall plan cooperatively with labor, industry and other concerned governmental or civic agencies.

(1) The ~~state-director~~assistant superintendent and staff shall encourage cooperation at all levels and between all agencies.

(2) The ~~state--director~~assistant superintendent shall make every effort to avoid unnecessary duplication when recommending programs for approval. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-312(1)(h), MCA.)

10.41.124 ADEQUATE FUNDING. The superintendent of public instruction and the ~~state-director~~of assistant superintendent for vocational education services shall work toward assuring adequate funding of Montana's vocational education programs from all levels of government (federal, state and local).

(1) The ~~state--director~~ assistant superintendent shall conduct cost studies to determine funding requirements for vocational programs.

(2) The ~~state--director~~ assistant superintendent shall be prepared to provide to the superintendent of public instruction, governor and state legislature a complete analysis of vocational education program budgets as requested.

(3) The ~~state--director~~ assistant superintendent shall disseminate the program funding requirements to the educational institutions of Montana.

(4) Remains the same.

(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(8)(9)(10), MCA.)

10.41.125 RESPONSIBILITY FOR DISBURSEMENT OF STATE AND FEDERAL FUNDS. (1) and (2) Remain the same.

(3) ~~Vocational funds shall be allocated to local institutions on an equitable and objective basis. A method used for allocation of funds shall be developed by the state director, reviewed by local administration and approved by the superintendent of public instruction.~~ Federal vocational funds shall be allocated to LEA's (local education agencies) and OER's (other eligible recipients) on a formula basis. The method used for allocation of funds shall be developed in accord with state and federal laws as specified in the annual and five year plan for vocational education as approved by the superintendent of public instruction and in concert with executive order 12372.

(4) Special vocational needs funds shall be granted to local institutions on an annual competitive grant application basis. The superintendent of public instruction shall approve or disapprove all grant applications in accordance with procedures established ~~by the director of in the state plan for vocational education and approved by the superintendent.~~ (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(8)(9)(10), MCA.)

10.41.126 CRITERIA FOR ALLOCATION OF FUNDS. (1) Remains the same.

(2) Funding for vocational programs shall follow the state fiscal year and ~~USOE~~ DOE fiscal requirements.

(3) Remains the same.

~~(4) Postsecondary centers will receive consideration for production cost differential for funding.~~ (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(8)(9)(10), MCA.)

10.41.127 APPROVED ELEMENTS OF COSTS. The expenditures by an institution of any funds received under the provisions headed "Vocational Education" shall be limited to those elements of costs approved by the superintendent of public instruction.

(1) The ~~state--director~~ assistant superintendent shall compile a list of "elements of cost" for which vocational education funds may be used. The list shall be official only after superintendent of public instruction's approval.

(2) and (3) Remain the same.

(4) Vocational education equipment acquired by a school with vocational funds appropriated by the Legislature ~~may~~ shall not be sold, leased, rented, diverted, or put to any other use without prior written permission from the superintendent of public instruction.

(5) and (6) Remain the same.

(7) Records of expenditures for vocational programs administered by local education institutions and/or public institutions, are subject to audit by the state director's vocational staff or state and/or federal auditors. Such financial records shall be retained on file for a period of five years.

(8) Remains the same.

(9) Postsecondary vocational-technical centers shall record their inventory using the property accountability and management system (PAMS). (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(8), MCA.)

10.41.128 UNIFORM ACCOUNTING AND REPORTING SYSTEM. The ~~state--director~~ assistant superintendent shall develop and implement a uniform accounting and reporting system which will clearly identify receipts, disbursements and balances of all funds used to finance vocational education.

(1) The ~~state--director~~ assistant superintendent will make a quarterly financial report to the superintendent of public instruction or as requested on vocational funds expended and vocational funds available.

(2) Each institution /school shall be held accountable for all funds received through the superintendent of public instruction for vocational education programming.

(3) Remains the same.

(4) Local institutions /schools will be required to complete and submit reports at times established by the ~~state director~~ assistant superintendent.

(5) LEA/OER's shall not commingle federal funds.
(Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-302.1(10), MCA.)

10.41.129 PROGRAM EVALUATION. Evaluation shall be an integral part of Montana's vocational education system.

(1) The ~~state--director--e~~ assistant superintendent for vocational education services shall evaluate each vocational program approved by the superintendent of public instruction. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(1)(2)(3)(11), MCA.)

10.41.130 CONDUCT OF EVALUATION. (1) Remains the same.

(2) Each fiscal year, secondary and postsecondary programs shall be evaluated by the ~~state--director~~ assistant superintendent and staff; every program must be evaluated once in a five year period.

(3) State staff members ~~shall~~ may visit institutions in order to obtain appropriate information. Institutions /schools shall provide ~~whatever~~ data ~~is~~ required, arrange for written materials to be made available, and otherwise expedite the work of the person making the visit.

(4) Office of civil rights evaluations shall be conducted in accordance with the Montana "vocational education methods of administration" as approved by the office of civil rights. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(11), MCA.)

10.41.131 ROLES OF STATE-DIRECTOR ASSISTANT SUPERINTENDENT AND MONTANA ADVISORY COUNCIL IN EVALUATION. The state-director of assistant superintendent for vocational education services and the Montana advisory council for vocational education shall cooperate in evaluating vocational education.

(1) The state--director assistant superintendent shall solicit program evaluation advice and help from the Montana advisory council for vocational education. (Auth. Sec. 20-7-301, MCA; IMP, Sec. 20-7-301(15), MCA.)

10.43.101 DEFINITIONS. Terms used in policy statements for postsecondary vocational education are as follows:

(1)--Fund-21-CETA-Student-or-Fund-21-Student-operations)--
(a)--Student-pays-tuition-or,
(b)--CETA-or-another-agency-pays-tuition-
(c)--Program-instruction-is-paid-in-total-from-Fund-21---
budget--The-total-number-of-contact-hours-generated-under-this
example-shall-be-counted-as-Fund-21-generated-contact-hours---
Eighty-dollar-office-of-public-instruction-tuition-shall-be---
collected-

(d)--CETA-pays-tuition-and-a-percentage-of-the-total-ex-
pense-of-program-instruction--The-percent-of-program-instruc-
tion-paid-by-CETA-does-not-generate-Fund-21-contact-hours-----
Only-the-percent-of-program-instruction-paid-from-Fund-21-shall
generate-Fund-21-contact-hours-
Example--

CETA-pays-600-office-of-public-instruction-tuition-
CETA-pays-50%-of-program-instruction-cost-
Fund-21-pays-50%-of-program-instruction-cost--
Fifty-percent-of-the-total-generated-contact-hours-shall--
be-considered-fund-21-generated-contact-hours-and-counted-
as-such--Eighty-dollar-office-of-public-instruction-tui-
tion-shall-be-collected-

(2)--Fund-21-instructional-slots--instructional-slots---
funded-by-Fund-21-budget-shall-be-filled-on-a-first-come-first
served-basis-by-these-students-who-have-an-application-on-file-

(3) (1) Postsecondary Center Director. The adminis-
trator at the local district level responsible for day to day
administration and management of the local vo-tech center.
Responsibilities include budgeting, staffing, curriculum and
facility improvement and expansion under the supervision of the
local district superintendent and board of trustees.

(4) (2) Postsecondary District Superintendent. The
district superintendent is the chief administrator in the
district who works with the board of trustees and the superin-
tendent of public instruction toward a joint effort of local/
state governance and standardization of the postsecondary
center system.

~~(5)~~ (3) Postsecondary Education Institution. A nonprofit institution legally authorized to provide postsecondary education within a state for persons sixteen years or older, who have graduated from or left elementary or secondary school.

~~(6)~~ (4) Postsecondary Program. Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward a vocational certificate or associate or other degree, but which programs are not designed as baccalaureate or higher degree programs.

~~(7)~~ (5) Postsecondary Program Expansion. Program expansion is accomplished in two ways:

(a) The program is expanded by offered offering more student training stations in the program.

(b) The program is expanded by redesigning or expanding the curriculum. ~~or training options in the particular program~~ Program expansion must receive prior written approval from ~~local and state agencies~~.

~~(8)~~ (6) Postsecondary Student Activity Fee. A fee established by student election to provide funds for student activities at the postsecondary center and which is not a part of the center's operational budget and shall be accounted for locally.

(7) Postsecondary Vocational Technical Student. A person who has completed or left school, is at least 16 years of age, and is available for study in the preparation for entering the labor market, for reentering the labor market or for employment stability or advancement in employment. These students may attend offerings, programs and courses in a full- or part-time enrollment status.

~~(9)~~ (8) Postsecondary Vocational Technical Centers. A school used principally for the provision of education to persons who qualify as postsecondary vocational-technical students. The centers are designated by the superintendent of public instruction upon direction by the state legislature.

~~(10)~~ (9) Program Waiting List. A list compiled by an institution to record the students waiting to enroll in a program. Students can only be placed on a program list after they have completed a center enrollment application and the application is on file at the center. ~~Centers shall not maintain more "fee-paid student applications" on their waiting list than the total number of student stations available in the program.~~ (Auth: Sec. 20-7-301 MCA; IMP, Sec. 20-7-302.1(7) MCA.)

10.43.201 STUDENT FEES. ~~(This section applies to postsecondary vocational technical center students only.)~~ Unless provided by state statute, the superintendent of public instruction shall be responsible for and have the power to establish student enrollment fees and the rules governing the collection and expenditure of such fees.

~~(1) A student application fee shall be collected only once from each student. This fee of \$10.00 will serve to support the costs of processing the student application and permanent file. The student application fee shall decrease the~~

~~superintendent of public instruction tuition by the amount of \$10.00 for the quarter during which the application fee is collected. Therefore, it must be considered as part of the tuition required by the superintendent of public instruction.~~

(1) A student application fee of ten dollars (\$10.00) shall be collected upon application of a student at a vocational-technical center for the purpose of establishing a student file for each student. The fee shall be collected only once for the duration of the student enrollment at each center. The application fee shall not be considered as any portion of tuition nor is it refundable.

~~(a) The centers shall not maintain more "fee-paid students (applications)" on their waiting list than the total number of student stations in current programs.~~

(a) It is policy that the applicants shall receive communication from the institution (center) as necessary to keep them informed of the status of their application. No guarantees shall be implied in the application process except that Montana residents shall be accepted on a first come, first served basis. Fees received shall be recorded on SBAS and shall not be subject to budget limitations and shall be in addition to budgets approved by the superintendent of public instruction.

~~(b) It is understood that the "fee-paid students" shall receive communication from the institutions as necessary to keep them informed of the status of their applications. Any other students wishing to be considered for a program shall complete an application which must be on file at the center. No program guarantees shall be made to any student until a fee is collected and an application processed. Montana resident students shall be accepted for training on a first come, first served basis.~~

(2) Remains the same.

(3) No waivers and/or deferments of fees and/or tuition are authorized without written approval from the state director of assistant superintendent for vocational education services.

~~(4) There is no late registration fee.~~

(4) A late registration fee is permissive and may be levied upon late registrants as determined by each center. An appropriate registration duration shall be defined by each center to afford students a reasonable opportunity to enroll. Fees collected for late registration shall be accounted for as in the application fee.

(5) All fees, tuition and program charges will be collected accounted for on a quarterly basis.

(6) Tuition is set by the superintendent of public instruction and to be collected on a quarterly basis at the local level and transmitted to the state treasurer.

(7) Remains the same.

(8) The superintendent of public instruction will establish tuition rates. Open entry/exit students registering for less than half a quarter of instruction shall not be required to pay the full tuition, but shall be required to pay the \$10.00 student application fee, an amount established by the superintendent of public instruction.

(9) The residence of a student shall be determined in accordance with ~~Section 75-7713, MCA~~ state statutes.

(10) Remains the same.

~~(11) Part-time nonresident students (less than 20 hours per week) shall pay one-half of the tuition paid by the full-time nonresident student.~~

(11) Part-time enrollment fees are determined by the superintendent of public instruction.

~~(12) The application fee is non-refundable.~~

(12) Refunding of out-of-state tuition shall be at rates established by the superintendent of public instruction.

~~(14) Program charges are not to be refunded if the student has received services and/or items.~~

(13) Vocational technical centers which are not accredited by a nationally recognized agency or association shall refund unused fees and charges to veterans and other eligible persons according to provisions of veterans administration regulation. Provisional accreditation shall be considered as accredited.

~~(16) The application fee and tuition will be deposited with the state treasurer to be used a part of the institutional budget.~~

(14) The state director assistant superintendent shall review proposed income and expenditure of fees, tuition and program charges prior to the beginning of each fiscal year. (Auth: Sec. 20-7-301 MCA; IMP, Sec. 20-7-301(12) MCA.)

10.43.301 UNIFORM GOVERNANCE AND ADMINISTRATIVE SYSTEM FOR POSTSECONDARY CENTERS. There shall be a uniform governance and administrative system for the five postsecondary centers in Montana vested in the state superintendent.

(1) The superintendent of public instruction, assistant superintendent for vocational education services, district boards of trustees (administrative board) or designee and district superintendents shall meet at least twice yearly to meet annually to review, evaluate and adjust, when necessary, the governing policies for the operations of the five postsecondary centers.

(2) The superintendent of public instruction, district boards of trustees (administrative board) and district superintendents shall standardize the postsecondary system which will include, but is not limited to, the following: budgeting and accounting, staffing patterns, calendar and catalog, programs and curriculum offerings.

(3) The superintendent of public instruction as the executive officer for vocational education shall develop criteria for receiving, reviewing and transmitting recommendations on postsecondary vocational technical center operations and budget request to the legislature.

~~(4) The state director of vocational education shall meet with the board of trustees chairperson, district superintendent and center director of the postsecondary center at least twice each year to discuss recommended changes in the state superintendent's policies and procedures.~~

~~-(5)~~ (4) The ~~state director of~~ assistant superintendent for vocational education services and postsecondary center directors shall meet at least ~~every other month~~ six times annually to solidify the local/state administrative effort toward a standardized administrative system at the five postsecondary centers.

~~-(6)~~ (5) Each postsecondary center district shall have a policy for local center administration. All documents submitted to the state superintendent's office shall have met the procedures as established by the local district trustees.

~~-(7)~~ (6) Any budget expenditure change which is the result of action taken by the district board of trustees, on a previously state approved budget expenditure, shall be reported to the ~~state director~~ assistant superintendent as soon as possible using SBAS transfer forms.

~~-(8)~~ (7) Local administration shall be responsible for:
(a) ~~Hiring~~ selection of staff
(b) administration of personnel which shall be consistent with district and state policy
(c) recommending budgets and curriculum changes or additions
(d) recommending facility additions or improvements
(e) develop long-range campus and program plans for post-secondary vocational-technical center buildings.

~~-(9) The board of trustees operating a postsecondary vocational-technical center shall develop campus and program plans for individual postsecondary vocational-technical center buildings.~~

(8) The funds request for new construction, maintenance, remodeling and renovation of such facilities will be submitted by the local board of trustees to the superintendent of public instruction for consideration by the legislature.

~~-(10)~~ (9) All major facility alterations, expansion, and/or new construction must be ~~first~~ approved by the local school board, ~~then by~~ the superintendent of public instruction ~~before the start of said activity----~~, and the Department of Administration.

~~-(11)~~ (10) When major facility alterations, expansion, and/or new construction has been approved by the local board and the superintendent of public instruction, it is then the responsibility of the ~~state director of~~ assistant superintendent for vocational education and the center director to develop a time and cost schedule on the activity and continue to work toward the completion of said activity.

(11) Long-range building plans shall be submitted to the department of administration on approved forms. (Auth: Sec. 20-7-301 MCA; IMP, Sec. 20-7-302.1 (7)(10); 20-7-312(1) MCA.)

10.43.401 INSTRUCTOR AND DIRECTOR QUALIFICATIONS. Establishment of instructor and director qualifications is based in 20-7-301(5), (6) and reinforced in precedence by 20-7-304, which places controlling authority in Title 20, Chapter 7, Sections 301-333.

Vocational-technical center instructors and directors shall meet the minimum qualifications herein established under 20-7-301(5), (6) and administrative authority is delegated to local boards of trustees under 20-7-312, Local Administration.

(1) Qualifications of instructors.

(a) Bachelor degree and two years of verifiable occupational experience outside of education within the occupational program or occupational cluster assignment or equivalent.

(b) Instructor preparation in the following courses or equivalent:

(i) Principles or philosophy of vocational-technical education

(ii) Curriculum construction or job analysis

(iii) Teaching methods or evaluation

(iv) Instructional organization and management

(v) Guidance or vocational guidance

(vi) Introduction to data processing or computer literacy

Not less than 12 credits will be required in completing the instructor preparation courses above.

(c) Is of good moral and professional character.

(d) Has a certificate of a licensed physician attesting to his/her satisfactory health.

(e) Where licensure is required for maintaining program specific accrediting instructors must meet the certification requirements of the controlling agency. For example, Board of Nursing licensure requirements must be met by practical nursing instructors.

(f) Instructors of general education related courses shall meet the qualification of a bachelor degree with a major in the area of assignment or minor of 30 quarter credits, shall meet the qualification stated in (1)(b) i, ii, iii, iv, v, (c) and (d). No occupational experience is required.

(2) Equivalent is defined as completion of an approved apprenticeship training program in addition to two (2) years of occupational experience within the occupational program or occupational cluster of instruction assigned by the local board of trustees or designee, or five (5) years (10,000 hours) of successful occupational experience in the area of occupational program or occupational cluster assignment or the graduate of a two (2) year formal educational program at the associate degree level combined with four (4) years of successful occupational experience within the occupational program or occupational cluster assignment or a vocational diploma and four (4) years of occupational experience within the occupational program or occupational cluster assignment.

(3) Qualifications of directors.

(a) Directors shall meet the qualifications of instructors with an M.S. minimum.

(b) Three (3) years of successful instructional experience in vocational-technical education.

(c) Professional preparation in the following courses or equivalent:

(i) Management theory

(ii) Administration in postsecondary (higher) education

- (iii) Public relations
- (iv) School law
- (v) Public administration or finance
- (vi) Adult education methods

A minimum of 15 quarter credits shall be included in five (5) of the above courses. (Auth: Sec. 20-7-301(5), MCA; IMP, Sec. 20-7-303, MCA.)

10.43.402 SUPPLEMENT TO QUALIFICATIONS. (1) Office of public instruction policy for instructor qualification and maintenance.

(a) An individual may initially qualify for employment by meeting qualifications (a), (c) and (d) with the provision that qualification (b) be met within a three (3) year period from initial employment.

(1) A license required by a controlling agency must be met as defined in the personnel qualification (e).

(b) Continuing qualifications of maintenance shall include professional activities that enhance, supplement or strengthen instructor qualifications equivalent to 40 clock hours or four (4) quarter credits within each succeeding three (3) years.

(c) The continuing excellence of instructional effort shall be a shared responsibility of the local board of trustees and/or designee in conjunction with the state superintendent as sole agent or his/her designee.

(2) Office of public instruction policy for director qualifications and maintenance.

(a) Individuals may qualify for director positions if they meet the initial qualifications of an instructor inclusive of professional preparation for an instructor position.

(b) Individuals who otherwise qualify for the position of director and who do not possess the professional coursework specified in director qualifications must meet qualifications within a three-year period of initial employment. Persons currently holding positions as directors shall meet minimum qualifications within three years of the effective date of this policy.

(c) Directors shall meet the requirements of forty (40) clock hours or four (4) quarter credits of upgrading, strengthening, etc., within the time period noted for instructors. (Auth. Sec. 20-7-301 (5), MCA; IMP, Sec. 20-7-303, MCA.)

10.43.403 OFFICE OF PUBLIC INSTRUCTION POLICY ON UPGRADING, STRENGTHENING AND ENHANCING PROFESSIONAL EXCELLENCE.

(1) Instructors and/or administrators may fulfill the upgrading, strengthening and enhancement qualifications by one or several of the following activities:

(a) Attendance at an accredited school, institution or university authorized to offer associate degree or baccalaureate level credits. Coursework shall be directly related to the area of instructional or administrative responsibilities assigned.

(b) Attendance at workshops designed for content specific skill or knowledge acquisition. Ten (10) hours of verified workshop attendance and active participation shall equate to

one quarter credit equivalent.

(c) Attendance at formal inservice activities approved by the local board of trustees or designee.

(d) Office of public instruction sponsored leadership or inservice workshops.

(e) Occupational experience/exchange program.

(2) Methods chosen for upgrading, strengthening and enhancing excellence shall be documented at the local level with professional development activity plan copies sent to the department of vocational education services of the office of public instruction. (Auth: Sec. 20-7-301 (5)(6), MCA; IMP, Sec. 20-7-303, MCA.)

10.44.103 ELIGIBILITY REQUIREMENTS FOR STATE EXCESS COST FUNDING. A school district must have operated a secondary vocational education or industrial arts program on an approved basis for one the immediate preceding year to be eligible. Each approved program must meet the standards for an approved secondary vocational and or industrial arts program. (Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.104 PROCEDURES FOR APPLYING. (1) Remains the same.

(2) A Proposal for a New Vocational Education Program (Form VZ 0283). For each vocational program categorized by a ~~six-digit-office-of-education-code-(0-5--Code)-~~ classification of instructional program code (CIP) for which the school district is requesting funding, a separate proposal must be submitted.

(3) A Proposal for Renewal of a Secondary Vocational Program (Form VZ 1083). For each vocational program categorized by a ~~six-digit-office-of-education-code-(0-5--Code)-~~ classification of instructional program code that is ongoing (previously approved), this application form must be used.

(4) and (5) Remain the same.

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.105 FUNDING FORMULA. The following procedure shall govern the allocation and distribution of state vocational education excess cost funds:

(1) Remains the same.

(2) All approved programs shall be placed into one of five categories according to the cost of the program. The assignment of programs to categories is subject to annual review and adjustment. A list of programs and the assigned categories will be distributed annually to school districts along with program applications (Form VZ 0283). Each category must may carry ~~the following~~ a weight factor on the order of the following:

Category	Weight
I	.41
II	.28
III	.18
IV	.10
V	.03

(3) and (4) Remain the same.

(5) ~~An Annual Vocational Education Pupil Data and School Term Report (Form VZ-6783)~~ Student Enrollment Report (Form VM 0383). This form shall be submitted for each approved program to be used in the above formula. (Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.106 ACCOUNTING. A school district receiving funds from the appropriation shall account for such funds in a sub-fund of the miscellaneous program fund established by 20-9-507, MCA. These funds shall be expended within the ~~biennium~~ fiscal year. Funds received for a vocational program must be expended in ~~that~~ approved vocational program (s). (Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.201 GENERAL REQUIREMENTS. (1) Remains the same.

(2) Specific objectives shall be defined for skills to be developed and related to a specific occupation by ~~W-6--Office-of-Education-course-code-number~~ classification of instructional program code.

(3) The program shall be based on the vocational education need of students in the area. A needs assessment shall be made ~~during initial planning~~. Program information shall be projected for a five-year period.

(4) Programs must be developed and conducted in consultation with an advisory council/committee. The committee shall include members of both sexes from business, industry and labor. It should represent a cross section of men and women active in the occupation. Minorities residing in the area served by the committee must be represented appropriately. Student membership is recommended (refer to 10.41.118).

(5) Remains the same.

(6) The program shall develop leadership and character through activities that accommodate the transition from school to job. Vocational student organizations (Future Farmers of America (FFA), Future Homemakers of America (FHA/HERO), Distributive Education Clubs of America (DECA), Office Education Association (OEA), and Vocational Industrial Clubs of America (VICA) ~~are required for vocational agriculture and marketing and distributive education. Student organizations in other programs are highly recommended.~~ recognized for this purpose in conjunction with vocational program offerings.

(7) Remains the same.

(8) Students shall be selected for enrollment on the basis of their interest in the occupation and their ability to profit from the instruction. Prerequisite courses ~~shall~~ may be required which provide students with information and experiences to make sound choices of occupations and advanced training.

(9) Instructors shall be occupationally competent and certified ~~in the vocation to be taught~~ in accordance with the Board of Public Education requirements.

(a) Certification class certificates applicable.

(i) Class 1

(ii) Class 2

(iii) Class 5

(iv) Class 4--not applicable to secondary vocational education programs in agriculture, business, distributive, home economics, industrial arts or guidance.

(b) Endorsement is required for the appropriate vocational education program of assignment.

(c) Verifiable occupational experience for initial certification.

(i) Agriculture--2,000 hours (1 year) within the past five years.

(ii) Business--2,000 hours in the occupation or combination of occupations related to the teaching assignment.

(iii) Distributive--2,000 hours of recent work experience in the occupation or combination of occupations related to the area of marketing and distribution.

(iv) Home economics--one year of experience in directly related experience.

(v) Health occupations--a class 4 certificate with endorsement in the appropriate health field, licensure as may be required by program level and 10,000 hours of occupational experience.

(vi) Industrial arts--2,000 hours of occupational experience. Instructors of courses at a level beyond a one semester introduction must meet course work requirements as outlined in the Standards for Accreditation of Montana Schools (endorsement requirements).

(vii) Trade and industrial--a class 4 certificate with endorsement in the appropriate area of assignment, and 10,000 hours of occupational experience, a class 2, code 65 certificate endorsed in the appropriate area of assignment and 2,000 hours of occupational experience, or a class 5, nonrenewable provisional certificate.

(viii) Guidance--Class 1 or class 2 certificate with appropriate endorsement.

(ix) Applicants may be certified with less than the minimum work experience upon satisfactory completion of an approved competency test.

(d) Professional coursework preparation as a requisite to certification.

(i) 15 quarter (10 semester) credits of college work in general background courses as required by the Board of Public Education.

(A) Collegiate preparatory in home economics shall include eighty percent of required courses shall be distributed equally among the following:

(1) Child development

(2) Family life

(3) Resource management

(4) Consumer education

(5) Clothing and textiles

(6) Food and nutrition

(7) Housing and furnishing and equipment.

(B) Twenty percent of the required credits shall be related to the strategies and techniques of teaching home economics. Courses included in this area may be adult education, curriculum, seminars, etc.

(C) Completion of 15 quarter credits from the following courses, or their equivalents: principles and/or philosophy of vocational-technical education, curriculum construction or job analysis, instructional materials and devices, teaching methods--vocational-technical subjects, vocational-technical organization and management, guidance, or vocational guidance.

(b) Each certified instructor of occupational industrial arts programs within two years of the start of the program shall have completed a course or workshop designed to build competencies for teaching in an occupationally oriented industrial arts program.

(10) Remains the same.

(11) Provisions shall be made for job placement, annual follow-up of program completers, and program evaluation and employer follow-up.

(12) The maximum number of students per class shall be determined by the work being done, equipment being used, ease of supervision, safety factors, space and resources available, and the need for individual student instruction. Class size maximums are given noted in secondary vocational education guidelines. for each program under its specific requirements--
Approval for a larger class must be obtained in advance and will be granted only when evidence that adequate provisions have been made to ensure that the larger number will not hinder the success of the program. Deficiencies in some cases may dictate a smaller number of students per class.

(13) Remains the same.

(14) Provisions shall be made to ensure equal access to all programs by female, male and handicapped students not respective to race, creed or national origin; to review, evaluate and replace sex-biased learning materials; to make facilities and equipment available for all students; to provide guidance and counseling, especially for students choosing to enter non-traditional occupations; and to seek job placement dependent on the students' abilities, needs and interests rather than on cultural or sex stereotypes. Applications shall describe procedures in effect or ones that will be put into effect to ensure that these requirements are met.

(15) Remains the same.

(16) Each program school shall conduct a yearly vocational program self-evaluation and submit a copy to the Office of Public Instruction. The program school shall cooperate with the Office of Public Instruction in a thorough team evaluation which shall be conducted at least once every five years.

(17) Remains the same.

(18) Accounting procedures must use standard school accounting codes. A yearly certified expenditure report will must be submitted showing the actual expenditure of funds compared to the last approved budget. Records will be kept locally for audits. These records will include invoices, purchase orders, warrant numbers and other documents. Records for funded programs by six-digit course-code classification of instructional code will be separated from non-funded programs.

(19) Vocational instructional programs at the secondary level shall consist of sequential courses or a course offering such that a minimum of 360 class periods of occupational skill and related instruction are offered under the general requirements specified in 10.44.201. Courses and/or instructional objectives must include a progression of skills and knowledges from basic to advanced including, where appropriate, occupational experience, coop, work experience or other approved actual or simulated experiences. Exceptions include Industrial Arts and Wage Earning Home Economics.

(20) All instructional personnel must be certified in accordance with board of public education requirements. (Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.202 AGRICULTURE EDUCATION PROGRAMS.

~~(1) The United States Office of Education course codes for Agriculture Education programs are:~~

(1) The classification of instructional course codes for agriculture education programs are:

(a) ~~01-0100~~ 01.0301 Agriculture Production

(b) ~~01-0300~~ 01.0201 Agricultural Mechanics

(c) ~~01-0700~~ 03.0401 Forestry, General

(2) All students enrolled in Vocational Agricultural classes 9-12 are required to plan and conduct occupational experience programs under the direct supervision of a vocational agriculture teacher.

(a) The duration of programs shall be two or more years, with four years recommended.

(b) Classes shall meet a minimum of 270 250 minutes per week. ~~longer blocks of time are encouraged at the eleventh and twelfth grade level.~~

(c) The maximum class size per instructor shall be twenty students. Student-teacher ratio shall not exceed 60 to 1.

~~(d) Instructors shall hold a Montana class 1-2 or 5 teaching certificate with endorsement in agriculture (61). The instructor must have had one year of agricultural occupational experience within the past five years. Travel funds must be provided by the district in addition to the instructor's salary in order that the teacher may supervise and coordinate the occupational experience phase of the program. Instructors shall be employed for a minimum of ten and one-half months, with at least four weeks at the end of the school year and two weeks before the start of the school year to supervise the students' occupational experience programs.~~

(d) Instructors shall be employed for a minimum of ten and one-half months in order to receive state funding as an approved program.

(3) Remains the same.

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.203 BUSINESS AND OFFICE EDUCATION PROGRAMS.

~~(1) The Office of Education course codes for Business and Office Education programs are:~~

(1) The classification of instructional program codes for business and office education are:

(a) 14.0303-Clerical-Office-Practice-- 07.0701 clerical, general office/related program, general

(b) 14.0702-Secretarial-Office-Practice 07.0601 secretarial & related programs, general

~~(c)--14.0704-Simulated/Model-Office--~~

(2) The ~~total~~ overall business program must include a series of courses from basic to advanced, which begins with such courses as typing, accounting, shorthand, basic business, and possibly business machines or other related courses. This series must lead to the integrated skills courses of clerical office practice, secretarial office practice and simulated/model office.

(a) Classes shall meet a minimum of 270 250 minutes per week. ~~A two-hour block of time for the integrated skills course is encouraged.~~

~~(b)--The instructor must have a bachelor's degree in business and office education and shall have earned a minimum of fifteen quarter credits in the areas of philosophy of vocational education, administration of vocational education, cooperative coordination practices and procedures/methods courses in the area of certification--~~

~~The instructor shall have had at least 2,000 hours of work experience in the occupation or a combination of occupations related to a specific field in which that person is to teach.--~~

(b) Vocational business and office classes shall be scheduled/ designed to accommodate a maximum of 20 students.
(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.204 DISTRIBUTIVE EDUCATION PROGRAMS.

~~(1)--The Office of Education course code for Distributive Education programs is 04.2200-General-Marketing--In a few schools, specific programs have developed under other course codes--~~

(1) The classification of instructional program code for distributive education programs is 08.0799 general marketing, other.

~~(2)--Programs must be designed to prepare students in grades 11 and 12 for careers in marketing and distribution of goods--~~

~~(a)--The duration of programs shall be one or two years--The final year must be vocational in that it actually prepares students for their chosen careers in distributive education occupations--~~

~~(b)--The program must consist of part-time employment and on-the-job training coordinated and supervised by distributive education instructors--Laboratory experience designed to provide a variety of experiences under close supervision a minimum of one hour of coordination time per day for every twenty (20) cooperative vocational education students is required--~~

(2) Programs may be designed to prepare students in grades 10-12 for careers in marketing and distribution of goods.

(3) Remains the same.

(4) A marketing/distributive education teacher coordinator must have completed 15 quarter credits of coursework in the areas of principles and/or philosophy of vocational-technical

education, curriculum construction in vocational-technical education or job analysis, instructional materials and devices in vocational-technical education, teaching methods--vocational-technical subjects, vocational-technical organization and management, vocational guidance.

(5) Students in a marketing/distributive education program must attend school for a portion of each school day and may be released a portion for cooperative education on-the-job training.

(6) All approved marketing/distributive education programs must meet the vocational cooperative education program requirements.

(7) The marketing/distributive education student will receive credit for classroom instruction and credit for on-the-job training.

(8) The marketing/distributive education classroom shall be designed and equipped to facilitate the teaching and practice of occupationally relevant capabilities and competencies.

(9) Activities of the local DECA chapter shall be conducted as an integral part of the marketing/distributive education program.

(10) All marketing/distributive education programs must maintain and operate a local DECA chapter in good standing with the state and national DECA organization.

(11) The marketing/distributive education classes shall not exceed thirty (30) students.

(12) A marketing/distributive education laboratory class shall meet for 250 minutes per week as defined in the Standards for Accreditation of Montana Schools.

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.205 HEALTH OCCUPATIONS PROGRAMS.

(1) The ~~Office of Education~~ course classification of instructional program codes for Health Occupations programs are:

(a) ~~07-0303-Nursing-Assistant-(Aide)~~ 17.9999 Allied Health

(b) ~~07-9900-Other-Health-~~

(2) Remains the same.

(3) ~~Instructors shall hold a Class 4 teaching certificate endorsed in the appropriate health field.~~ (Auth. Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.206 TRADE AND INDUSTRIAL EDUCATION PROGRAMS.

(1) The ~~Office of Education~~ course classification of instructional program codes for Trade and Industrial Education programs are:

(a) ~~17-0302-Auto-Mechanics~~ 47.0603 Automotive Body Repair

(b) ~~17-1001-Carpentry~~ 47.0604 Automotive Mechanics

(c) ~~17-1002-Electricity~~ 46.0201 Carpentry

(d) ~~17-1500-Electronics~~ 48.0101 Drafting, General

(e) ~~17-1300--Drafting~~ 47.0101 Electrical and Electronics

Equipment Repair, General

(f) ~~17-1900-Graphic-Arts~~ 48.0201 Graphic and Printing Communications

(g) ~~17-2300--Metalworking-~~ 48.0999 Industrial Cooperative Training

(h) ~~17-2206-Welding~~ 48.0501 Precision Metalworking
 (i) ~~17-3100-Small-Engine-Repair-~~ 09.0701 Radio/Television
 Broadcasting

(j) ~~17-9901-Industrial-Cooperative-Training-~~ 47.0606 Small
 Engine Repair

(k) ~~17-9903-Related-Instruction~~ 48.0508 Welding
 (2) Trade and industrial education in Montana secondary
 schools must be designed to prepare students in grades 11 and
 12 to enter into industrial trade or service. ~~Secondary pre--~~
~~grams are expected to provide students with approximately one-~~
~~third and one-half of the preparation needed at the journeyman-~~
~~level.~~

(a) Secondary programs must be designed as part of an
 overall industrial education sequence. The trade and indus-
 trial portion of the program is offered at grades 11 and 12
 and must be preceded by introductory course work.

~~(b) Laboratory courses shall meet 270 minutes per week. Schools with modular schedules must arrange suitable combina--~~
~~tions to provide an equal amount of time.~~

(b) The program shall consist of a sequence of courses
 that provides a minimum of 540 class periods of instructional
 activities beyond the introductory level. Class periods shall
 be of sufficient length to meet or exceed 250 minutes per week.
 Schools with modular schedules must arrange suitable combina-
 tions to provide an equal amount of time.

(c) Maximum class size for specific programs ~~is as fol-~~
~~lows:~~ ranges from 18 to 22.

(i)	Appliance Repair	20
(ii)	Auto Body	18
(iii)	Auto Mechanics	18
(iv)	Carpentry	16
(v)	Electricity/Electronics	20
(vi)	Drafting (General and Machine)	22
(vii)	Architectural Drafting	18
(viii)	Graphic Arts	20
(ix)	Metalworking	18
(x)	Welding	18
(xi)	Small Engine Repair	20

(d) Instructors must meet a five-year (10,000 hour) work
 experience/education obligation, ~~which should ensure a strong~~
~~trade background. This may be satisfied by sufficient work ex-~~
~~perience augmented by educational course work or by a combina-~~
~~tion of work experience and college preparation. Instructors~~
~~shall have had recent work experience directly related to the~~
~~area being taught. The following are minimum considerations~~
~~for instructor:~~ in accordance with certification requirements
 of the Board of Public Education.

(3) Program objectives are to be written in a measurable
 performance or behavioral manner, and must identify specific
 student outcomes and competencies to be mastered.

(a) Competencies are to be identified in the areas of
 skills, knowledge, and personal attributes/work habits.

(b) A planned approach to developing students' personal
 attributes that lead to job success must be a part of the in-
 structional program.

A graduate with a teaching degree in trade and industrial education must have one year (2,000 hours) experience and hold a Class 2 certificate endorsed in Trade and Industrial (65) and the appropriate field.

A non-degree man or woman or one with a degree in another field must have five years (10,000 hours) experience and hold a minimum of a Class 5 teaching certificate.

Anyone not meeting these requirements may receive credit for other educational and practical experience. Evaluation will be made on an individual basis by the Division of Certification, Office of Public Instruction, in cooperation with the consultant for Trade and Industrial Education. In some cases work experience credit will be allowed for successful completion of an approved trade competency examination or other background contributing to trade competency.

(c) A total of 15 quarter credits of vocational education professional course work is required. This may be earned by completing courses in the following subjects or prior approved alternates:

- (i) Job analysis
- (ii) Principles and/or philosophy of vocational education
- (iii) Teaching methods in vocational education (specific area being taught)
- (iv) Preparation of instructional materials
- (v) Vocational technical organization and management
- (vi) Vocational guidance

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.207 HOME ECONOMICS WAGE EARNING PROGRAMS.

(1) The Office of Education course classification of instructional program codes for Home Economics Wage Earning programs are:

(a) 09-0201 Care and Guidance of Children 20.0201 Child Care and Guidance Management and Services

(b) 09-0202 Clothing Management, Production and Service 29.0301 Clothing, Apparel, and Textile Management, Production and Services, General

(c) 09-0203 Food Management, Production and Service 20.0401 Food Production, Management and Services, General

(d) 09-0204 Home Furnishings, Equipment and Service 20. Vocational Home Economics, Other

(e) 09-0205 Institutional and Home Management Service

(f) 09-0299 Other Home Economics Occupational Preparation (includes HERO)

(2) Classes shall meet 270 250 minutes per week. Depending on the activities integrated into the course, longer time blocks may be desirable.

(3) and (4) Remain the same.

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.208 VOCATIONAL COMPREHENSIVE CONSUMER AND HOMEMAKING EDUCATION PROGRAMS

(1) The classification of instructional program code is 20.0101 Comprehensive Homemaking.

~~(1) (2) These programs include a variety of courses usually grouped under Office of Education course code number ----- 09-0101-Comprehensive-Homemaking-~~ within a program. Instruction may specifically relate to the following:

- (a) 09-0102 Child Development
- (b) 09-0103 Clothing and Textiles
- (c) 09-0104 Consumer Education
- (d) 09-0106 Family Relations
- (e) 09-0107 Food and Nutrition
- (f) 09-0108 Home Management
- (g) 09-0109 Housing and Home Furnishings
- (h) 09-0199 Other Consumer Homemaking

~~(2) (3) The duration of a program shall be not less than three years, in grades 9-12. Options for organizing a program are:~~

(a) A two-year sequential program plus a minimum of two semester courses available to junior and/or seniors. No prerequisite shall be required for enrollment in semester classes. One or both of these semester classes may be wage earning as it relates to home economics.

(b) A one-year comprehensive course followed by a minimum of four semester courses covering the broad scope of consumer homemaking education. One or two semester classes may be wage earning as it relates to home economics. When a one-year comprehensive course is offered within an accredited junior high school home economics program at the ninth-grade level, a minimum of four semester courses shall be offered for grades 10, 11 and 12.

(c) A three-year sequential program -- Homemaking I, II and III.

~~(3) (4) Laboratory courses are required to meet 270 250 minutes per week.~~

~~(4) (5) Each laboratory class -- (Foods and Nutrition, Clothing and Textiles, and Child Development) -- should be limited to 20 students per instructor and in no case should exceed 25. The following number of students per lab station is stipulated:~~

	Ideal	Maximum
(a) Per foods lab unit	3	5
(b) Per sewing machine	1	2

~~(5) -- A minimum of five regularly scheduled conference periods during the school week shall be provided for work in relation to program planning, contact with parents and work with individual students.~~

~~(6) -- The school administrator and home economics instructor shall set up a budget annually for the equipment, operation and maintenance of the consumer and homemaking department.~~

~~(7) -- Instructor qualifications include a bachelor's degree with major in home economics education from a college or university approved for the training of vocational home economics teachers. Credit requirements for majors are as follows:~~

~~(a) -- Eighty percent of required courses shall be distributed equally among the following:~~

- ~~(i) ----- Child development~~
- ~~(ii) ----- Family life~~

~~{iii}-----Resource-management
{iv}-----Consumer-education
{v}-----Clothing-and-textiles-
{vi}-----Food-and-nutrition--
{vii}-----Housing-and-furnishing-and-equipment
(b)--Twenty-percent-of-the-required-credits-shall-be-re-
lated-to-the-strategies-and-techniques-of-teaching-home-ec-
nomics---Courses-included-in-this-area-may-be-adult-education,
curriculum, seminars, etc---
(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)~~

10.44.209 INDUSTRIAL ARTS PROGRAMS. (1) The Office of Education course classification of instructional program codes for Industrial Arts programs are:

- (a) 99-0401 21.0101 Occupationally-Oriented Industrial Arts
(b) 99-0402 Prevocational-Industrial-Arts 21.0103 Prevocational Carpentry/Construction
(c) 21.0103 Prevocational Drafting
(d) 21.0104 Prevocational Electricity/Electronics
(e) 21.0105 Prevocational Energy, Power and Transportation
(f) 21.0106 Prevocational Graphic Communications
(g) 21.0107 Prevocational Manufacturing/Materials Processing
(h) 21.0199 Prevocational Other, including combinations
(2) For occupationally-oriented industrial arts programs, the level of instruction shall be grades 9 and 10. Prevocational industrial arts programs are conducted at grades 11 and 12 and must be preceded by introductory course work.
(3) Maximum class size shall be 24 20 students or as safety and other consideration dictate in lower numbers.

~~(4)--Within-two-years-of-the-start-of-the-program, each--
instructor-shall-have-completed-a-course-or-workshop-designed--
to-build-competence-for-teaching-in-an-occupationally-oriented-
industrial-arts-program--~~

(4) (4) A library of resources pertaining to industrial careers shall be established and maintained for student use.

~~(a)--Close-contact-with-the-industrial-community-is-vital-
and-must-be-maintained-through-maximum-use-of-resource-persons,
field-trips-and-other-activities--~~

(5) (5) Each of the four major clusters -- Communications, Construction, Materials and Energy -- as outlined in the Montana Industrial Arts Curriculum Guide, must be included in the course of instruction for occupationally oriented industrial arts. A minimum of nine weeks in each area is required. ~~This may be organized in a general shop setting or as a rotation among unit shops.~~

~~(7)--Junior-high-or-middle-school-courses-as-well-as-grade-
11-and-12-industrial-education-programs-must-correlate-with-the
program-being-offered--~~

(8) (6) Activities to provide students with knowledge of industrial occupations must be part of the program. Instruction relating to a broad range of occupations -- with exploratory hands-on experiences typical of some jobs -- shall be included. Students shall be familiarized with training requisites, working conditions, wages or salaries, employment out-

look and other related factors. ~~Program activities might include pertinent observations of work situations (actual or simulated); familiarization with available advanced training opportunities; use of VIEW materials; involvement in mass production and/or enterprise simulations; and high use of resource persons.~~

~~(a) The level of instruction shall be grades 11 and 12.~~

(b) (7) Prevocational industrial arts courses shall be scheduled for a minimum of 180 class periods per year, with 360 periods recommended. Block time (double period) is suggested for optimum time use.

~~(c) Maximum class size shall be as stipulated for a trade and industrial program in the same subject field.~~

~~(9) Instructors shall hold proper secondary certificates endorsed in industrial arts, with the necessary course work as outlined in Standards for Accreditation of Montana Schools. Instructors shall complete a preservice or inservice course or workshop designed to increase competency in conducting a prevocational industrial arts program within two years of the start of the program.~~

~~(10) A library of resources related to the employment aspects of the occupational field shall be established and maintained for student use.~~

(11) (8) Prevocational courses shall be designed to cover a single industrial field or cluster of related areas.

(12) (9) Close contact with industry must be maintained to provide students with additional insight into the occupations related to the training area.

~~(13) Cooperation must be exercised among instructors and guidance personnel to provide occupational counseling to students in the programs.~~

(14) (10) Proficiency standards, both for technical skills and for occupational knowledge, shall be established to identify the scope of the instruction and to be used in student evaluation. ~~This will correlate with state-level project planned for fiscal year 1980.~~

(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

10.44.210 COOPERATIVE VOCATIONAL EDUCATION PROGRAMS.

(1) Programs at the secondary level may serve ~~any one or several of the job titles by Office of Education course classification of instructional program codes~~ in the following areas:

- (a) Agricultural
- (b) Office
- (c) Distributive
- (d) Health
- (e) Trades and industry
- (f) Wage-earning home economics

(2) Programs must provide students with on-the-job experience and training along with vocational classroom instruction related to their occupational interests. A cooperative arrangement among the school, the employer and the student is therefore necessary. Students' classroom and on-the-job activities must be planned and supervised by the school and the employer to ensure that both activities contribute to the students' employability and total education.

~~(a) -- Student placement for the first year of operation --- must be a minimum of 50 percent of the students enrolled in a specific (cooperative) program -- Placement in successful years of operation should reach a level of 75-80 percent.~~

~~(b) (a) Forty Sixty cooperative students is the maximum per coordinator.~~

~~(3) A qualified teacher-coordinator must be responsible for the program. A cooperative education teacher coordinator responsible for the program must have completed 15 quarter credits of coursework in the areas of principles and/or philosophy of vocational-technical education, curriculum construction in vocational-technical education or job analysis, instructional materials and devices in vocational-technical education, teaching methods--vocational-technical subjects, vocational technical organization and management, vocational cooperative education coordinating methods and practices, and vocational guidance.~~

~~(a) The coordinator must be provided with coordination time over and above his or her regular preparation period(s). A minimum of one hour of coordination time per day or an equivalent of 5 hours per week must be allotted for every 20 cooperative students.~~

~~(b) -- The coordinator shall be employed for an extended --- contract of at least 10 days while school is not in session to assist students in finding jobs, to develop training stations, etc.~~

~~(e) (b) The teacher coordinator shall hold a valid Montana teaching certificate endorsed in the applicable vocational area, and shall have had at least one year of occupational experience in a related field.~~

~~(4) Budget items that may be considered as additional costs for funding purposes are noted in 10.44.102 (a) through (f):~~

~~(a) -- Salary cost for that time prior to and immediately -- following the school year which is used by the teacher coordinator to prepare training stations, make home visitations, place students and evaluate the program. --~~

~~(b) -- Salary cost for time during the school day which is -- used by the teacher to coordinate individual trainees on the -- job activities. -- For example, if one third of the teacher coordinator's time during the day is devoted to on the job coordination, then one third of his or her salary must be considered an official cost item.~~

~~(c) -- Those travel expenses incurred by the teacher in -- coordinating on the job activities of training. --~~

~~(5) -- The student learner, during the training experience, shall be under the direct supervision of the designated on the job trainer, particularly when the work is in occupations as -- sified as hazardous, or with machines or processes that are -- classified as hazardous.~~

~~(6) (5) A signed training agreement must be entered into by the participating employer, educational agency, parent and trainee with a copy of each submitted to the Office of Public Instruction c/o distributive education/cooperative education specialist.~~

~~(6)~~ (6) Students placed in cooperative training stations must ~~receive at least the minimum wage~~ adhere to the state and federal labor laws.

~~(7)~~ (7) An employer with whom a contract is made shall be an equal opportunity employer and should interview and place male and female students in work experience dependent on their interests and abilities rather than on cultural sex-stereotypes. Female and male student-learners shall be paid on an "equal pay for equal work" basis within the same firm.

(8) Teacher coordination visits to training stations shall be made at least once a semester per student for evaluation and supervision.

(9) Students enrolled in a cooperative vocational education program shall receive academic credit for related classroom instruction and on-the-job training.

(10) Before a new vocational cooperative education program is established, the occupational needs of the community must be surveyed to warrant the training of students in identified occupational areas.

(11) The high school vocational cooperative education program must be one year in length.

(12) Student on-the-job training must average a minimum of 12 hours per week.

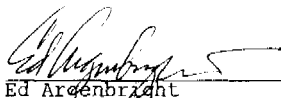
(Auth: Sec. 20-7-301(7) MCA; IMP, Sec. 20-7-303 MCA.)

3. The rules are proposed to be amended because of outdated language, clarification of language and needed expansion to facilitate rule changes at the state and federal levels.

4. Interested persons may present their data, views, or arguments orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Gene Christiaansen, Assistant Superintendent for Vocational Education Services, Office of Public Instruction, State Capitol, Room 106, Helena, Montana 59620, no later than February 27, 1984.

5. Gene Christiaansen has been designated to preside over and conduct the hearing.

6. The authority of the agency to amend these rules and the implementing sections are listed at the end of each rule.



Ed Argenbright
Superintendent of Public Instruction

Certified to the Secretary of State January 16, 1984.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
Rules 10.57.405 Class 5 Provisional) ON AMENDMENT OF RULE
Certificate and 10.55.302 Certificates) 10.57.405 CLASS 5
) PROVISIONAL CERTIFICATE
) and RULE 10.55.302
) CERTIFICATES

TO: All Interested Persons

1. On February 27, 1984 at 1:30 p.m., a public hearing will be held in the Board of Regents Conference Room, 33 South Last Chance Gulch, Helena, Montana, to consider the amendment of Rule 10.57.405 Class 5 Provisional Certificate and Rule 10.55.302 Certificates relating to Class 5 certificates.

2. The proposed amendments replace the present rules 10.57.405 and 10.55.302 found in the Administrative Rules of Montana. The proposed amendments would decrease the time period that teachers holding a Class 5 provisional certificate would have and would make the reporting procedures more specific.

3. The rules as proposed to be amended provide as follows:

10.57.405 CLASS 5 PROVISIONAL CERTIFICATE (1) Term:
5 3 years - not renewable. Exception: (a) Renewable for two
years under special circumstances. An individual who has not
made yearly progress on his program and has not completed the
deficiencies for full certification in the three year period
may have his certificate renewed for two additional years only
under special circumstances. The additional two years may be
approved if the individual provides signed evidence from the
district or college that the special circumstances were beyond
his control. (b) The specialist certificate will be a
one-year, non-renewable certificate except for citizenship
requirement provision which will be granted on the five-year,
non-renewable basis.

(2) Remains the same.

(3) A Class 5 provisional certificate may be issued to applicants who have major preparation toward regular certification, but have minor discrepancies such as program deficiencies, or lack of recent credits, ~~or U.S. citizenship~~. It also may be approved for individuals in programs authorized by the superintendent of public instruction.

(4) Remains the same.

(5) Remains the same.

(6) Provisional elementary endorsement: Elementary endorsement is granted to applicants who submit acceptable evidence of a partially completed elementary education program, or a completed non-approved program, provided the following

minimum requirements have been met and the individual is not already a regular certified employee of a district where he has been under contract as a certified teacher during the last academic year. This provision does not apply to a teacher who is selected for promotion upward to administration with the district.

(a) through (c) Remain the same.

(7) Provisional secondary endorsement: Secondary endorsement is granted to applicants who submit acceptable evidence of a partially completed secondary education program, provided the following minimum requirements have been met and the individual is not already a regular certified employee of a district where he has been under contract as a certified teacher during the last academic year. This provision does not apply to a teacher who is selected for promotion upward to administration within the district.

(a) through (c) and (8) through (10) Remain the same.

(11) A lapsed Class 5 certificate cannot be reinstated.

Auth: Sec. 20-4-102 IMP, Sec. 20-4-106 and 20-4-108

10.05.302 CERTIFICATES (1) through (5) Remain the same.

(6) All teachers holding a provisional (Class 5) certificate will file the plan of intent from the college where they are completing their program in the office of the chief administrator. The district will ensure a yearly reduction of the deficiencies from each teacher's plan.

Auth: Sec. 20-7-101 IMP, Sec. 20-4-101 and 20-4-202

4. The board of public education proposes to amend these rules because the present five year period has allowed for abuses and for unqualified teachers to be in the classroom for too long a period of time.

5. Interested parties 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 Harriett Meloy, Chairperson, Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620, no later than February 24, 1984.

6. Dr. Hidde Van Duym, Executive Secretary to the Board of Public Education, has been designated to preside over and conduct the hearing.

7. The authority of the Board to amend the rules are listed at the end of each rule.

Harriett C. Meloy
HARRIETT C. MELOY, CHAIRMAN
BOARD OF PUBLIC EDUCATION

By

Hidde Van Duym

Certified to the Secretary of State January 16, 1984.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
amendment of rules found in)	ON THE PROPOSED AMENDMENT OF
Chapter 58, Standards for)	RULES FOUND IN CHAPTER 58,
State Approval of Teacher)	STANDARDS FOR STATE APPROVAL
Education Programs Leading to)	OF TEACHER EDUCATION PROGRAMS
Interstate Reciprocity of)	LEADING TO INTERSTATE RECI-
Teacher Certification; and)	PROCITY OF TEACHER CERTIFICA-
proposed repeal of 10.58.105)	TION

TO: All Interested Persons

1. On Wednesday, February 15, 1984 at 1:30 p.m., a public hearing will be held in the Regents Conference Room at 33 South Last Chance Gulch, Helena, Montana, to consider the amendments of the above-stated rules.

2. The rules proposed for amendment can be found on pages 10-859 through 10-913 of the Administrative Rules of Montana. Rule 10.58.105, proposed for repeal can be found on page 10-860.

3. The rules as proposed to be amended read as follows:

10.58.101 ADVISORY GROUP (1) The board of public education shall appoint an advisory group, ~~to be known as the certification review panel, to provide continuous~~ continuously review of programs and ~~implementation of~~ implement the standards for state approval of teacher education programs leading to interstate reciprocity of teacher certification. Membership shall include professionals from all levels of education and other citizens concerned with teacher education. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

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

~~{1}~~ (2) The process leading to approval of teacher education programs shall be carried out by visiting teams appointed by the board of public education. These teams shall be broadly representative of the educational community. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.103 VISITATIONS (1) All teacher education programs shall be visited for approval ~~at least~~ every five years or upon request of ~~a college~~ an institution.

~~{2}--The board of public education shall adopt clearly stated procedures for implementing the process of teacher education certification approval--~~

~~{3}~~ (2) Joint visitations and cooperation with other accrediting agencies will be encouraged. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.104 APPROVED PROGRAMS (1) The office of public instruction shall issue lists of institutions with whose programs ~~approved by~~ have met the board of public education's as ~~meeting these standards for~~ teacher education. ~~Such lists shall also include 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. This information will be provided--~~ Each institution shall give this information to the office of public instruction ~~by each college~~ no later than December 1 of each year. Lists shall indicate the programs approved and the initial and expiration dates of such approval. ~~Provisions shall be made to provide these~~ These lists shall be made available to institutions, school personnel offices, counselors, and others within the state upon request and ~~to as exchanges lists~~ with education agencies in other states. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

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

- (a) each certification program offered;
- (b) the grade span for which state approval has been granted;
- (c) ~~clearly defined statements of~~ stated objectives;
- (d) the level at which programs are offered (basic and advanced); and
- (e) ~~the graduate programs offered for the preparation of those preparing to serve as specifically named school services personnel.~~

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

- (a) ~~members of the~~ faculty; members
- (b) students;
- (c) graduates;
- (d) lay citizens;
- (e) schools; and
- (f) ~~the~~ professional educational organizations. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.202 ORGANIZATION (1) Out-of-state institutions offering teacher training programs in Montana shall meet criteria equivalent ~~criteria~~ to those of Montana institutions:

- (a) The control of the institution shall reside in a board of trustees or an otherwise designated board. The board's functions ~~of the board~~ shall be ~~that of assuring~~ to ensure that institution philosophies and policies ~~which~~ will result in the best possible services to ~~the~~ students and ~~the~~ faculty and will ensure a sound educational program.

(i) ~~In the discharge of its functions, there--~~ There shall be clear evidence in the board's records ~~of the board's deliberations~~ that, in the discharge of its functions, it recognizes and fulfills its responsibility to teacher education.

(ii) Terms of office shall be arranged to provide desirable continuity within the board membership.

(b) Under the direction of a president or an otherwise designated chief administrative officer, adequate provision shall be made for ~~the performance of~~ competent personnel to perform all administrative functions affecting teacher education. ~~By personnel competent in their respective assignments--~~

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

(ii) Written policies shall ~~be provided pertaining to~~ show salary ~~schedules~~ procedures, rank, tenure, group insurance, sabbatical leave, sick leave, retirement allowances, funding of inservice faculty development ~~of faculty~~, and professional service by the faculty ~~in professional development~~ on a state, regional, or national basis.

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

(i) The institution shall operate on a budget prepared in accordance with sound financial and educational practices, and It shall issue an annual financial statement giving that gives a clear and accurate picture of its financial status. The financial statement shall be audited by a qualified outside agency.

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

(iii) The financial records shall be kept in ~~such a form that allows the easy determination of the institution's the~~ economic status. ~~of the institution may be readily determined.~~

(d) Institutions which offer extended services, such as summer sessions, evening and weekend programs, off-campus extension or correspondence classes, or survey and consultant services, shall provide have the needed resources needed to conduct such services. ~~Information shall be provided indicating the~~ The administrative and operational provisions established to assure the quality of such special services. ~~This information shall be available and shall indicate the extent to which these special services complement and/or relate to the regular program.~~ (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.203 STUDENT ADMISSION, RETENTION, AND EXIT AND-FOLLOW-UP POLICIES AND PRACTICES (1) ~~Provision shall be with in the~~ The institution shall provide ~~for~~ orderly methods ~~of for~~ obtaining and maintaining information ~~relative to candidates-- applying for~~ about admission to teacher education.

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

(3) The institution shall have a well-developed plan for the evaluation of the student performance ~~of students while enrolled in its teacher education programs.~~ Measures of academic ability, observation by faculty (in courses, laboratories, and field experiences), and other modes of appraisal shall be utilized used to assess specific strengths and weaknesses of students, Their retention status within the teacher education program, and their readiness to assume the professional role for which they are being prepared.

(4) ~~An~~ The institution shall have well-defined evaluation procedures to assess the quality of its graduates ~~upon their completion of when they have completed their preservice programs and application have applied for a recommendation to become certificated certified.~~ Increased Students must show increased human sensitivity -- including multicultural awareness, specified levels of competence in teaching skills and related knowledge, (including competence in teaching reading skills in each specific content area), and other predetermined qualifications -- must be demonstrated as a basis for an institutional recommendation for entry into the profession. Students shall be apprised of such evaluation procedures and qualifications.

~~(5)--The institution shall conduct periodic follow-up---- surveys of its graduates in teacher education in order to---- gather data pertaining to the effectiveness of its student---- personnel--services--~~ (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.204 STUDENT PERSONNEL SERVICES (1) The institution shall have a well-organized, ongoing student counseling program ~~which continues throughout the preparation program and includes an effective with a placement service assisting that effectively assists graduates in finding positions.~~

(2) The institution shall provide students with written ~~information describing descriptions of its student personnel services and the means of availing themselves of how they can use these services.~~

(3) Remains the same.

(4) The institution shall collect and maintain current data on teacher supply and demand, which shall be used by all faculty assigned to advise students. ~~preparing for teaching-~~

(5) The institution shall ~~maintain have~~ a system ~~of stu-- dent-- personnel-- accounting-- including~~ that maintains permanent cumulative records for each student enrolled. ~~As a part of the~~ The student records ~~there~~ shall be legible and intelligible transcripts ~~of records, including a statement of~~ that give information such as course titles, credits or the equivalent (waivers, substitutions, etc.), and degrees. The cumulative record shall also include a description of all professional laboratory experiences.

(6) The institution shall periodically survey its graduates in teacher education in order to gather data on the effectiveness of its student personnel services. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.205 STUDENT PARTICIPATION IN TEACHER EDUCATION PROGRAM DEVELOPMENT AND EVALUATION (1) Remains the same.

(2) The institution shall provide evidence that there are ~~clearly established~~ clear channels and opportunities for all students to express their views. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.206 FACULTY (1) Remains the same.

(2) The institution shall provide evidence that faculty members who teach courses in the various disciplines ~~areas~~ are involved in program development and are well informed ~~with respect to current practices concerning the disciplines~~ --- about how these disciplines are currently practiced in elementary and secondary schools.

(3) The institution shall provide evidence ~~regarding~~ of faculty experience and participation in ~~such~~ professional activities such as curriculum improvement, research, writing, and travel for educational purposes. The institution shall also provide evidence that faculty members are growing professionally through ~~advanced study, research, and~~ these experiences, as well as through participation in activities closely related to their instructional assignments.

(4) The institution shall provide evidence that its policies of personnel selection, retention, and promotion ~~of personnel~~ are ~~effective in~~ effectively providing competent and professional faculty members. ~~who are competent and professional~~

(5) The institution shall have provisions for the use of part-time or adjunct faculty as needed. Such part-time faculty shall meet all ~~institutional~~ of the institution's criteria ~~with respect to~~ on academic preparation, experience, and scholarly performance ~~as have been established for~~ that apply to the appointment of full-time faculty. ~~by the institution~~. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.207 INSTRUCTION (1) The institution shall provide evidence that its faculty uses a variety of instructional procedures which contribute to the student's preparation, ~~for teaching, such as class~~ Class discussions, work in large and small groups, ~~work,~~ lectures, laboratory work, and ~~the~~ use of teacher aids, and variety of media ~~are examples~~.

(2) The institution shall collect and use information ~~pertainning to the~~ about the degree to which ~~the-institution it~~ has attained its goals in ~~the-preparation-of~~ preparing professional school personnel. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.208 FACILITIES AND INSTRUCTIONAL MATERIALS

(1) Remains the same.

(2) ~~The library--as~~ As the institution's principal materials resource, ~~center-of-the-institution,~~ the library shall be ~~utilized~~ used for instructional research and other services ~~supporting~~ that support the teacher education program, including books and other materials of a multicultural nature. Administrative procedures and equipment shall conform to accepted modern practices, including ~~methods-of~~ cataloguing methods, arrangement of print and nonprint materials, availability of student and faculty stations, and accessibility of materials and facilities. The library shall be administered by a professionally-trained librarian.

(3) The institution shall provide laboratories and laboratory supplies and equipment needed for instructional purposes for each teacher education program offered, such as shops and shop equipment; resource materials for multicultural education; specialized equipment for the biological, earth, and physical sciences; specialized equipment for psychological, sociological, and child development sciences; specialized furniture, equipment, and supplies for music and art; gymnasiums and outdoor areas for physical education; equipment for business education; facilities, equipment, and supplies for home economics; and demonstration ~~farms-and-farm-buildings~~ laboratories and classrooms for agriculture. Space and equipment shall be ~~made~~ available for conducting and recording experiences such as micro-teaching, role-playing, and other simulated activities.

(4) ~~Institutions~~ The institution shall make teaching-learning materials and equipment available to students and faculty. ~~They~~ It shall ~~provide~~ give technical instruction in the use of the equipment, in the production and uses of teaching-learning materials, ~~and-their-uses~~ and in the classification and preservation of such materials.

(5) The institution shall demonstrate its commitment to the improvement of instruction by developing and following a plan for the ~~institutional~~ use of educational media and technology.

(6) The institution shall maintain an instructional materials laboratory or center either as a part of ~~the~~ its library or as one or more separate units. It shall be open to students ~~as-a-laboratory-of-instructional-materials-and-shall-be~~ and directed by a faculty member well informed ~~in~~ about the various instructional materials and media used at different grade levels. This laboratory shall include a wide array of books commonly used in elementary and secondary schools; ~~various-types-of~~ teaching aids such as maps, charts, pictures, filmstrips, films, video and audio recordings, computers and computer software; various patterns, courses of study, and teaching units; ~~including~~ and shall include books, teaching

aids, materials, and teaching units of multicultural nature. There shall be workshop facilities for preparing new curriculum materials, ~~including~~ with access to electronic, photographic, and other equipment. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA)

10.58.209 SCHOOL-INSTITUTION RELATIONSHIPS (1) Definitions and requirements ~~affecting~~ that affect working relationships between ~~the elementary and secondary schools and the institutions~~ shall be explicit, clear, and well-publicized. Officials of both ~~the preparing institution and the elementary and secondary schools~~ entities shall be certain that all programs are operated within all existing regulations.

(2) Student teaching ~~shall be done~~ through cooperative programs in selected schools ~~and shall have~~ well-planned curricula, ~~needed~~ the necessary teaching materials, ~~and professionally-educated professional staff~~, and provisions for supervision by the institutional faculty. ~~involving~~ The programs shall cover both academic subject and education areas, and ~~for~~ shall offer any special preparation ~~of~~ needed by supervisors from both the school and the or institution.

(3) Institutions Mutual agreements between schools and institutions shall ~~make mutually-agreed-upon arrangements with school systems which~~ include:

(a) descriptions of activities, services, and compensation;

(b) descriptions of roles and responsibilities;

(c) provisions for solving problems and for the ongoing ~~activities~~ coordination of activities; and

(d) means for ~~revision of~~ revising arrangements ~~to meet changing~~ as needs and conditions change.

(4) In addition to ~~these who will assume the~~ their specific instructional and supervisory ~~roles~~ functions, all institutions and elementary and secondary schools ~~engaged in providing~~ that provide laboratory experiences for prospective teachers shall ~~set up properly designated and publicized~~ establish adequate channels and offices for efficient operation and communication. Each school system and institution shall have an identifiable coordinator who ~~channels or~~ coordinates all student teaching contacts, operations, and activities ~~pertaining to laboratory experiences~~ for his/her institution, both prior to and during the student teaching, internship, or apprenticeship. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.301 CURRICULUM DEVELOPMENT, PLANNING AND PATTERNS
PLANNING AND DEVELOPMENT

(1) A designated administrative unit at the preparing institution shall coordinate the responsibilities for ~~the administration of a continuing program of~~ ongoing curriculum development, evaluation, and revision, and for the student advisement and ~~programming of students in the teacher education curricula~~ program guidance. This unit shall recommend students to the office of public instruction for certification approval.

(2) The ~~curriculum~~ development ~~process~~ of curricula for the various teacher education programs shall ~~include provisions for~~ enlisting the cooperation and participation of representatives of:

- (a) the public schools;
- (b) college and university teachers in fields related to the area of public school specialization;
- (c) the office of public instruction;
- (d) professional associations;
- (e) professional committees and commissions; and
- (f) teacher education students.

~~(3) -- A continuing curriculum evaluation program shall ---- utilize a systematic follow-up of graduates to determine the --- strength of their preparation and their competence as teachers.~~

~~(4) (3) Each A teacher preparation curriculum shall be planned for teaching in -- an each area of specialization. and The plan shall include:~~

- (a) general education designed to prepare students for purposeful and responsible living as individuals and citizens;
- (b) appropriate content and experiences in the specialization area of specialization that relates to and gives background for teaching service in public schools; and
- (c) the sequence in basic professional education designed to prepare students for roles as public school teachers. ~~in the public schools.~~

~~(5) (4) The curriculum shall be designed to develop the students' unique interests and capabilities through a system of academic guidance and electives.~~

~~(5) The institution's graduate follow-up system shall take into account the adequacy of the teacher education curriculum in preparing competent teachers. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)~~

10.58.302 GENERAL EDUCATION (1) General education refers to studies known as the basic skills, multicultural education and liberal arts. Liberal arts are those embracing studies that embrace the broad areas of the humanities, mathematics, the biological and physical sciences, and the social and behavioral sciences.

(a) The elements of the institution's general education program shall:

(i) stimulate scholarship that will promotes understanding of concepts not now extant and will helps prepare people for rapid adjustment to change;

(ii) foster individual fulfillment and nurture the development of free, rational, and responsible adults;

(iii) cultivate appreciation for the values associated with life in a free society and with responsible citizenship;

(iv) develop intellectually competent, imaginative, and vigorous leaders;

(v) contribute to and provide give direction for the use of professional knowledge;

(vi) encourage discernment in the examination of the values inherent in the variety of American ethnic cultures and in foreign cultures to the end that a clearer understanding of

other peoples will reduce local, national, and international tensions.

(b) General education shall be emphasized in the first two years of higher education, extended throughout the baccalaureate program, and continued in diminishing proportions into graduate study.

(c) A sequential general education program ~~will be constructed which will~~ shall help the student attain an understanding and appreciation of:

(i) language skills (see ARM 10.58.521) as essential tools in communication;

(ii) world literature with emphasis on, but not limited to, the writings of English and American authors;

(iii) aesthetic values in human experience expressed through the fine arts;

(iv) social, geographic, political, and economic conditions and their impacts on current national and world problems in the nation and the world;

(v) contemporary world culture;

~~(vi) social, geographic, political and economic conditions and their impacts on current problems in the nation and the world;~~

(vi) America's pluralistic culture and heritage;

(vii) growth and development of the United States as a nation and its place in world affairs; and

(viii) principles of physical and mental health as they apply to the individual and to the community.

~~(ix) America's pluralistic culture and heritage;~~

(2) All teaching areas shall include content and experiences that ~~will~~ contribute to knowledge and behavior in the specific teaching areas as well as an understanding of the variety of developments made by different cultural groups, inside within and outside the United States. to knowledge and behavior in the specific teaching areas. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.303 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) Each institution shall have a clearly-stated set of objectives for the professional education component of its teacher education program.

(b) The ~~component of~~ professional education component shall encourage individualization of the student's program while providing ~~for~~ a range of studies and experiences ~~which will~~ that help the student develop:

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

(ii) knowledge of current research, methods, materials, standardized tests, curriculum development, procedures, and media and technology appropriate to teaching. Emphasis shall be in the student's field(s) of specialization;

(iii) awareness of the impact of computers on society and the ability to incorporate the use of computers into the instructional process in the student's field(s) of specialization;

(iv) ability to teach effectively, ~~and to~~ work ethically and constructively with pupils, and articulate the nature and purposes of the curricula to professional peers, teachers, administrators, parents, and other concerned persons and organizations;

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

(vi) understanding of the all education aspects of the school, including its purposes, administrative organizations, finance aspects, board functions, and operations; ~~of the total education programs of the school;~~

(vii) ability and willingness to analyze teaching as a means of continually improving so that teaching skills continually improve;

(viii) ability to teach ~~reading~~ thinking, listening, speaking, reading, and writing skills appropriate to the level of the student level and to the content of the subject, field(s) of specialization, including:

(A) knowledge and use of the diagnostic techniques used to teach reading and writing in the content areas;

(B) knowledge of criteria used in the selection of to select instructional materials and the application of the instructional techniques used to teach reading and writing for the content areas;

(C) knowledge of and ability to integrate study skills instruction into the content areas;

(D) ability to provide opportunities for the practical application of reading and writing in the content areas;

(ix) knowledge of the legal aspects of teaching in the Montana school; professional ethics, conduct, rights and responsibilities; and the structure and financial basis of the Montana school system.

(c) The program shall provide experiences which will lead the preparing teacher candidate to develop these human qualities that will enhance pupil learning. ~~and to~~ Those qualities include but are not be restricted to:

(i) personal self-esteem and confidence;

(ii) open attitudes of for evaluating practices which affect social groups; and

(iii) knowledge, humaneness, and sensitivity which reduce conflict and tension and which promote constructive interactions among people of differing economic, social, racial, ethnic, and religious backgrounds; and

(iv) respect for the worth of all students, their language and desires, and their individual uniqueness.

(d) The component of professional education component shall include a comprehensive program of carefully designed basic experiences in a variety of relevant settings. ~~in addition, the institution~~ These experiences shall ~~make available~~ include a wide range of laboratory, clinical, and practicum experiences with school-age youth. ~~in order to meet the pre-teacher's needs.~~

(e) Student teaching, or other major practicums, shall be designed both as growth experiences and as opportunities ~~for evaluation of~~ to evaluate a student's potential for teaching, ~~Student teaching shall provide an opportunity for assessing a student's~~ including his or her commitment to teaching, skill in guiding learning in interpersonal relations, and growth as a professional in teaching. ~~In considering the approval of~~ teacher education programs, ~~the following statements shall be used for evaluating student teaching components.~~ These statements are not all-inclusive; they represent minimums. Teacher education institutions are encouraged to develop student teaching components of a quality superior to that implied.

(f) In the approval of teacher education programs, the following statements shall be used for evaluating student teaching programs. These statements are not all-inclusive, but represent minimums. Teacher education institutions are encouraged to develop student teaching programs of a quality superior to that implied:

(i) Student teaching shall be permitted only after a professional review of the student's record indicates that competence in the professional education component, performance in previous professional experiences, and personal characteristics directly related to the student's ability to function in a classroom setting, qualify that student for the responsibility of student teaching.

(ii) Student teaching shall be a comprehensive experience with expanding responsibilities, ~~and~~ in the full range of teacher activities in a school situation.

(iii) Student teaching shall provide ~~for~~ intensive and continuous involvement. The length of student teaching shall depend upon the performance of the student teacher ~~it~~ and shall continue until the program's objectives of ~~the program~~ have been achieved or until the student has been screened from the program.

(iv) The cooperating school or school system shall be chosen by the institution on the basis of the ~~commitment of the administrators' and staff members' commitment to participation in the preparation of new teachers~~ student teaching program.

(v) Cooperating teachers shall be selected jointly by school and institutional personnel. In addition to being ~~certificated~~ certified and experienced in the area of assignment, the cooperating teachers shall have a good performance record, show continued professional growth, and have the temperament ~~of~~ to work with student teachers assigned to ~~any~~ them. The participation of a qualified cooperating teacher shall be determined by ~~applying~~ two professional criteria:

(A) the level of support for pupil learning shall remain as high or higher than if the student teachers were not so assigned, and

(B) the teacher can feel comfortable and confident in providing an effective, supportive learning climate.

(vi) The institution shall ensure adequate supervision of student teachers, and this policy shall be in writing.

~~(vii)~~ (vii) ~~institutions~~ The institution shall study and

~~develop effective arrangements for administering and supervising~~ ways to effectively administer and supervise student teaching programs that best ~~utilize~~ use the resources of the institutional supervisor, cooperating teacher, and student. Where the institutional supervisor functions as a generalist, the institution and school system shall assure that expertise in content and methodology in the subject area is available to the student. All institutions shall study possible alternatives ~~arrangements~~ for administering and supervising student teaching, including the use of clinical professors.

(viii) Institutions and schools shall make cooperative, detailed studies of roles and responsibilities; ~~such studies shall be utilized in determining~~ and use them to determine the strengths and weaknesses of supervision ~~and in developing means to upgrade~~ and to continually upgrade the skills of all personnel involved. ~~Institutional staff who have responsibility for supervision~~ supervisors shall have equal status with other faculty. ~~The college shall assure adequate supervision for student teachers and this policy shall be in writing.~~
(Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.401 FIELDS OF SPECIALIZATION (1) All programs ~~for that preparing~~ prepare teachers in fields of specialization shall be designed to meet general standards as identified by the institution's faculty. (History: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA; NEW, 1979 MAR p. 492-493, Eff. 5/25/79.)

10.58.402 DEVELOPMENT OF TEACHER EDUCATION PROGRAM

(1) Each institution shall develop its teacher education program within the certification policies of the board of public education. (History: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA; NEW, 1979 MAR p. 492-493, Eff. 5/25/79.)

10.58.403 STATEMENT OF PURPOSE AND OBJECTIVES (1) Each teaching area or field of specialization shall be built upon a statement of the purpose and objectives of teaching in ~~this~~ an area of the public school curriculum. ~~and That statement~~ shall:

(a) include a well-formulated statement of the nature of the public school program needed to accomplish the purpose and objectives;

(b) be prepared by the faculty concerned with teacher education;

(c) be based on analyses of current practices and recommendations of the professional organizations representing ~~this~~ that field of the public school curriculum; and

(d) be available in writing. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.404 STATEMENT OF SKILLS (1) Each teaching area or field of specialization shall be built on a statement of the skills ~~needed by that teachers need in this~~ that area of the public school curriculum. ~~and That statement shall:~~

(a) include the attitudes, knowledge, understandings, abilities, and degree of expertise required for a beginning teacher;

(b) be based upon the statement of purpose and objectives developed in 10.58.403; ~~in the preceding guidelines regarding the objectives and program of the public school;~~ and

(c) be available in writing. (Auth: Sec. 20-2-115, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.405 PROGRAM OF STUDY (1) The program of study ~~constituting~~ for the teaching area or field of specialization shall:

(a) constitute minimum requirements for teaching in the field of specialization, with courses and content chosen for their relevance to the public school curriculum and in response to the careful study of individual needs, abilities, and objectives of the preparing teacher;

~~(a)~~ (b) be broadly conceived but include a thorough study of the aspects of the teaching area's subject-matter area as it is included in the public school curriculum;

(b) (c) take into account the sequential nature of the knowledge and skills to be developed needed to assure maximum continuity in the achievement of the program's objectives; of the program;

~~(c)~~ (d) provide prospective preparing teachers with a comprehension of the aspects of study which their students that they will meet in subsequent courses related to in their field of study;

~~(d)~~ constitute minimum requirements for teaching in the field of specialization, with courses and content chosen for their relevance to the public school curriculum and in response to the careful study of individual needs, abilities and objectives of the prospective teacher; and

(e) be broadly conceived, to include work in fields related to the teaching area; and of study to be taught;

(f) provide a schedule for adequately implementing the planned program of courses, including appropriate field and laboratory experiences. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.406 PROGRAM OF EVALUATION (1) Each teaching area or field of specialization shall ~~have~~ include provision for a systematic program of evaluation procedures ~~to~~ that determine the degree of the student's attainment of teaching skills. These evaluation procedures shall serve as the basis for recommending the teacher candidate for the appropriate teacher certificate. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.407 PROGRAM SUPPORT OF TEACHING AREA OR FIELD OF SPECIALIZATION (1) Each teaching area or field of specialization shall be supported by plant, facilities, equipment, library, and media resources. ~~A schedule of meeting time adequate to implement the planned program of courses, including appropriate field and laboratory experiences, shall be provided.~~ (Auth: Sec. 202-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.408 STAFFING (1) Each teaching area or field of specialization shall be staffed by faculty members who are well-qualified by graduate training and experience in the ~~subject matter of the~~ particular area of the public school curriculum area. ~~and who are~~ Staff also shall be sensitive to the needs of public school teachers. (Auth: Sec. 20-1-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.501 GENERAL REQUIREMENTS (1) Each teaching area or field of specialization shall consist of a carefully-planned ~~pattern~~ program of courses and experiences. The program shall be designed to produce the skills ~~identified by~~ the faculty identifies as necessary for successful teaching at the ~~particular~~ appropriate grade levels ~~for which the program is designed.~~ (elementary, secondary, or K-12). (Auth: Sec. 20-1-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.502 AGRICULTURE For the prospective teacher the program shall:

(1) assure that practical farm or other agricultural experience is a part of the program requirements ~~for completion of the program~~ leading to certification;

(2) Remains the same.

(3) provide study of the essentials ~~for~~ of production agriculture and the breadth ~~in~~ of the technical agricultural industry;

(4) provide basic knowledge in areas such as: ~~the following~~

(a) plant science and technology

(b) animal science and technology

(c) agricultural business management and technology

(d) agricultural mechanics science and technology;

(5) provide study of the following occupational areas:

(a) agricultural production and marketing

(b) agricultural equipment and supplies

(c) agricultural products

~~(d) ornamental horticulture~~

~~(e) agricultural resources~~

~~(f)~~ (d) natural resource management

~~(g)~~ (e) environmental development;

~~(h) forestry;~~

(6) ~~provide skills necessary for the utilization of~~ enable the preparing teacher to use agricultural youth organizations as a means ~~for~~ to teaching leadership skills through knowledge and practice of speech, parliamentary procedures, and group cooperative group efforts; and

(7) provide studies and experiences which enable the prospective preparing teacher to perform the appropriate occupational skills while working with pupils and adults in projects and programs relative to the agricultural instructional areas. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

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

(1) ~~provide opportunities~~ enable the prospective teacher to acquire knowledge, understanding, and appreciation of art in contemporary and past cultures ~~with emphasis on~~ and understand the relationship of art to the culture in which it was produced and its influence on subsequent cultures;

~~(2) provide for awareness, comprehension and ability to describe, analyze, interpret and evaluate works of art;~~

(3) ~~(2) provide for the development of knowledge and~~ develop an understanding of philosophical, social, and aesthetic aspects of the nature of art and of its meaning and the contributions art makes to the individuals and society;

~~(4) provide for the development of the ability to work as a professional educator with pupils of all age groups and the ability to aid pupils to develop the individualized capacities of;~~

(3) develop the prospective teacher's understanding of a wide variety of two- and three-dimensional works of art, including the ability to perceive describe, interpret, and evaluate his/her own work and the works of others;

(4) develop the ability to produce original and expressive art forms in a variety of media while participating in studio experiences that broaden the prospective teacher's personal and professional abilities;

(5) develop skills in the following:

(a) perception -- the ability to exercise and refine fundamental and discriminating sensory intake;

(b) ~~knowledge and understanding~~ organization -- the ability to value and understand project information, ~~particularly~~ that which is manifest in art forms;

(c) creation -- the an ability to produce or create original, expressive art from a variety of media;

(d) reflection/action -- the ability to respond to art, to enjoy it, and appreciate it, and to assimilate its meaning and presence into an individual lifestyle that complements-strengthens society;

~~(5) (6) provide training for in the development of art education curriculum-development curricula for all grades that assures competent guidance of pupils pupil development and competence in a wide variety of art activities and media;~~

~~(6) (7) provide the knowledge and skills relative to organizing, organize, planning, administering, and evaluating a program of evaluate art education and curricula;~~

~~(7) (8) provide for the development of the student's ability develop beginning abilities as an producing- artist, emphasis should be with emphasis on basic concepts and skills; related to the student's ability to recognize and structure original and expressive art form in a wide variety of media;~~

~~(8)~~ (9) ~~provide for knowledge and~~ develop an understanding of the technological and safety aspects of studio work, including materials, tools, and classroom design;

~~(8)~~ ~~provide for~~ ~~stude~~ ~~experiences related to a variety of~~ art media commensurate in breadth and depth with the teacher's personal and professional needs; and

(10) develop an understanding of the developmental levels of children in picture-making as they relate to current psychological studies;

(11) develop the skills to serve as a resource for educational and vocational counseling in art and related fields; and

~~(10)~~ (12) ~~provide for the development of~~ develop an understanding and appreciation of related areas such as dance, film, music, literature, theater and ~~practical~~ applied arts. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.504 BUSINESS EDUCATION For the prospective teacher the program shall provide:

(1) ~~provide for~~ knowledge of our economic system, business organization, and the philosophy and objectives of vocational education and occupational technology;

(2) ~~provide~~ experiences and ~~include~~ studies which develop the following skills to:

(a) ~~planning, organizing~~ organize, and ~~administering~~ a program which includes work experiences;

(b) ~~developing~~ and ~~understanding~~ concepts and operation of automated data processing systems and equipment;

(c) ~~planning for~~ laboratory facilities and equipment;

(d) ~~developing~~ a knowledge of job requirements and opportunities in business and ~~attied~~ related fields;

(e) ~~developing~~ the ability to operate and maintain the more common types of office equipment;

(f) ~~planning, organizing and advising~~ organize, and advise a student business organization; and

(g) ~~develop and understand~~ concepts and operation of automated word/information processing systems and equipment;

(3) ~~provide for~~ a study of meaningful survey activities; (e.g., surveys of business offices and follow-up studies of secondary school graduates) to enable teachers to offer current job-related information to their students;

(4) ~~provide~~ satisfactory occupational experience in one or more businesses and or other occupations;

(5) ~~provide~~ studies and experiences which develop competencies in teaching disadvantaged and handicapped persons;

(6) ~~provide~~ an understanding of career opportunities in business and office occupations;

(7) ~~provide preparation for the teaching of~~ the ability to teach clerical office occupations ~~combining~~ combined with intensive training in accounting skills; secretarial and related occupations ~~combining~~ that combine the intensive development of secretarial and communication skills ~~along~~ with some preparation in accounting skills;

(8) ~~provide for the development of~~ proficiency in type-writing /keyboarding and related office skills;

(9) ~~provide-for-the-development-of~~ an understanding of various office procedures; ~~and-relationships-of-various-procedures-to-job-opportunities-in-the-business-world;~~

(10) provide an understanding of the theories and skills of accounting; and

(11) ~~provide-for-the~~ development of skills in the art and techniques involved in recording, analyzing, classifying, and interpreting data. (Auth: Sec. 202-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.505 BUSINESS EDUCATION WITH SHORTHAND - SECRETARIAL OCCUPATIONS Section 10.58.504 is applicable. In addition, for the prospective teacher the program shall:

(1) ~~provide-for-the-development-of~~ develop proficiency in basic secretarial and related office skills; and

(2) ~~provide-for-the-development-of~~ develop an understanding of various secretarial procedures and their relationships of ~~various-procedures~~ to job opportunities in the business world. and

~~(3)--provide-an-understanding-of-accounting-theories-and-skills-~~ (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.506 DISTRIBUTIVE EDUCATION For the prospective teacher the program shall:

(1) ~~provide-for-the-development-of~~ develop competence in teaching, services, coordination, research, and leadership ~~competence~~ in purchasing, marketing, merchandising, and management;

(2) provide experiences that develop competence in data processing, business law, accounting/bookkeeping, general business, business math and business machines;

~~(2)~~ (3) provide experiences and include studies which develop the following skills to:

(a) planning, developing, and administering a comprehensive program of distributive education for both high school and adult students;

(b) ~~organizing-and-utilizing~~ organize and use a wide variety of methods and techniques for teaching youth and adults;

(c) conducting learning experiences for students with a broad array of abilities and career objectives, ~~and~~ recognizing and responding to individual differences in students;

~~(3)~~ (4) provide for a variety of occupational work experiences; and

~~(4)~~ (5) provide experiences ~~for-the-development-of~~ that develop a knowledge of and involvement in distributive education organizations. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.507 DRAMATICS For the prospective teacher the program shall:

(1) provide a knowledge of theater as a social and aesthetic experience and a reflection of culture, ~~and-include including~~ a broad view of the history of theater and acquaintance with representative plays of past and present;

(2) ~~provide-for-the-development-of~~ develop the ability to direct a theatrical production with artistic integrity, ~~involving~~ including selection, analysis, casting, rehearsal, performance, supervision, and all other elements of direction;

(3) provide a knowledge of basic oral communication and acting skills and techniques ~~in-order-to~~ that promote, stimulate, and guide the efforts of the individual as well as the interpreting group, ~~whether~~ in a creative dramatic context, or in a theatrical production;

(4) ~~provide-for-the-development-of~~ develop the ability to ~~handle~~ manage the technical requirements of a theatrical production by effectively planning ~~for~~ and ~~execution-of~~ executing scenery, lights, make-up, sound, properties, costumes, and special effects;

(5) ~~provide-for-the-development-of~~ develop the ability to evaluate the production or activity and to modify and adapt future goals and objectives in light of achievements as well as deficiencies;

(6) Remains the same

(7) ~~provide-for-the-development-of~~ develop the ability to design and provide environments conducive to the development of individual creativity; ~~in-the-individual-as-well-as-a-knowledge-of-potential-achievements-at-different-levels-and-the-time-----needed-to-accomplish-the-objectives-involved;~~

(8) provide a knowledge of methodology the methods for teaching theater, content and organization of coursework, and the development of individual units of study, and the evaluation of student achievement, and potential at various grade levels;

(9) ~~provide-for-the-development-of~~ develop the ability to organize an academic or nonacademic production or program, including audience services within the context of the school time, facilities, and monies, and to augment existing facilities and materials in an order of significant priority;

(10) ~~provide-for-the-development-of~~ develop the ability to promote and publicize an activity or production in order to gain the attention and support of the school and community ~~in relationship-to-the-development-of~~ and encourage appreciation of theater in school and community audiences;

(11) ~~provide-for-the-development-of~~ develop the ability to serve as a school's resource person ~~within a school-system~~ in the development of facilities, the preparation of classroom projects, assembly programs, or any activity in which elements of theater are found;

(12) ~~provide-for-the-development-of~~ develop the ability to assist in the organization of a progressively planned and comprehensive theater and/or other fine arts curriculum which includes experiences in music, film, literature, art, dance, and theater as they relate to elementary through high school students and to theater as a synthesis of the arts; and

(13) ~~provide-for-the-development-of~~ develop the ability to disseminate accurate information and to be a resource for educational and vocational counseling in theater arts and ~~and~~ related fields. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.508 ELEMENTARY For the prospective teacher the program shall:

(1) provide knowledge of child growth and development and of the social, emotional, physical and health characteristics and needs of children at the primary, intermediate, and middle school/junior high school levels;

(2) Remains the same.

~~(3) provide for the development of instructional competence in the teaching methods and the use of materials to promote effective pupil use of the language arts skills.~~

~~(a) reading to include but not be restricted to competencies in the following areas:~~

~~(i) Knowledge of and the ability to apply techniques for teaching the basic reading skills in the areas of vocabulary development, comprehension, work attack and study skills.~~

~~(ii) Knowledge of the scope and sequence of an elementary reading curriculum;~~

~~(iii) Knowledge of and ability to use formal and informal assessment techniques to assist in diagnosis and prescription of individual needs;~~

~~(iv) Knowledge of a variety of reading instructional approaches and the ability to apply them to meet individual learning needs;~~

~~(v) Knowledge of and ability to use criteria to evaluate and select appropriate reading instructional materials.~~

~~(4) provide preparation sufficient for competence in the subject areas normally found in the elementary school curriculum including art, health, mathematics, music, physical education, science, social studies, and traffic and safety education;~~

(3) provide sufficient preparation for competence in the subject areas normally found in the elementary school curriculum, including:

(a) art

(b) health

(c) music

(d) social studies

(e) language arts--specifically, the development of instructional competence in teaching methods and the use of materials that promote effective pupil use of the sequentially-developed language arts skills which include thinking, listening, speaking, reading, and writing. Competencies shall include but are not restricted to the following:

(i) knowledge of prerequisite readiness skills at all levels and the ability to assess and teach them;

(ii) ability to apply techniques for teaching basic reading skills in the areas of vocabulary development, comprehension, word attack, and study skills;

(iii) knowledge of the scope and sequence of an elementary language arts curriculum, including thinking, listening, speaking, reading and writing;

(iv) ability to use formal and informal assessment techniques to assist in diagnosis and prescription of individual needs;

(v) knowledge of a variety of instructional approaches to all the language arts skills and the ability to apply them to individual learning needs;

(vi) ability to use special materials and strategies that assist students with differing cultural or language backgrounds;

(vii) ability to use criteria to evaluate and select appropriate materials and strategies for teaching thinking, listening, speaking, reading, and writing in the content areas;

(viii) ability to use materials and practices that encourage independent and broad-based reading through children's literature; and

(ix) ability to use strategies and materials to educate students in becoming more efficient and analytical viewers;

(f) mathematics--specifically, the competence to:

(i) understand mathematics substantially beyond that which the teacher may be expected to teach;

(ii) identify, develop, and solve problems that are related to the pupil's environment and involve the mathematical concepts and principles usually taught in the K-8 curriculum;

(iii) identify and use problem-solving strategies appropriate to the K-8 curriculum;

(iv) illustrate prenumeration concepts (attributes, classification, ordering, patterns, and sets);

(v) illustrate and explain number and numeration concepts (cardinal and ordinal numbers, place value);

(vi) explain the concepts of whole numbers, integers, rationals, fractions, including decimals and reals, ratio, proportion, and percentage, using models appropriate to the K-8 curriculum;

(vii) develop and explain why the usual algorithms work for the four basic operations with whole numbers and illustrate these operations, using models and thinking strategies appropriate to the K-8 curriculum;

(viii) relate the properties of the real number system to the basic algorithms and to their use in problem-solving;

(ix) recognize alternate algorithms for the basic operations and explain them, using appropriate models or properties of the number system;

(x) use estimation whenever appropriate, in particular to pose and select alternatives concerning reasonable responses;

(xi) solve simple problems involving the reporting of data (measure of central tendency, dispersion, graphs, expectation, and prediction);

(xii) use calculators and computers appropriately in problem-solving and in exploring and developing mathematical concepts;

(xiii) employ the fundamental concepts of computer programming;

(xiv) model the process of mathematical discovery (conjecture, testing, refinement, more testing, and final statement of result);

(xv) relate examples in the pupil's environment to mathematics;

(xvi) develop basic planar and spatial relationships (parallelism, perpendicularity, etc.) and model them with examples from the pupil's environment;

(xvii) use standard and nonstandard units in measuring length, perimeter, area, capacity, volume, mass, weight, angle, time, and temperature;

(xviii) design classroom experiences illustrating the geometric and measurement concepts appropriate to the various grade levels;

(xix) use mathematical terminology and symbolism appropriately while working with the K-8 curriculum;

(xx) recognize and construct consistent and logical arguments appropriate to the pupil level;

(xxi) solve simple problems in two- and three-dimensional geometry involving parallelism, perpendicularity, congruence, similarity, translation, reflection, rotation, symmetry, incidence, perimeter, area, and volume;

(xxii) explain and solve problems involving the development, analysis, and practice of algebraic and geometric relationships found in the K-8 curriculum;

(xxiii) employ concepts related to functions and graphs in the K-8 curriculum;

(xxiv) describe the historical and cultural development of the main mathematical concepts and principles usually taught in the K-8 curriculum; and

(xxv) identify resource materials (such as manipulatives, games, kits, films, computer software, video tapes, periodicals, and books) that may be used to develop concepts and to generate enthusiasm for mathematics in pupils of these grades;

(g) physical education--specifically, the competence to:
(i) develop the body of knowledge involved in human movement and its application to various skill/development levels;

(ii) develop positive feelings toward the values of and attitudes about movement; and

(iii) develop basic movement patterns including locomotor, nonlocomotor, manipulative, spatial awareness, gymnastics, rhythms, games, and physical fitness;

(h) science--specifically, the competence to:

(i) provide a comprehensive knowledge of science appropriate for children in the elementary grades and teacher competence in developing children's sensitivity to and appreciation of the importance of general literacy in a scientific and technological society;

(ii) use methods and materials that promote effective pupil skills in elementary school laboratory science; and

(iii) provide specific experiences in laboratory science, in each of the areas of life science, earth science, and physical science.

(i) traffic and safety education--specifically, the competence to:

(1) provide a comprehensive knowledge of traffic and safety education, 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;

~~(5) (4) provide-for-the-development-of~~ develop instructional competence in the use of methods and materials ~~to that~~ promote effective pupil skills in the subject areas normally found in the elementary school curriculum;

~~(6) (5) provide a comprehensive knowledge of literature appropriate for children in the elementary grades and provide teacher competence in developing children's sensitivity to and enthusiasm for literature;~~

~~(7) (6) provide-for-the-development-of~~ develop knowledge and understanding of the techniques involved in the individual ~~ization of instruction, team teaching, and various methods of grouping within a self-contained classroom;~~

~~(8) (7) provide-an-adequate-preparation adequately prepare the pre-teacher for teaching atypical children; and~~

~~(9) (8) provide-preparation-for-the-development-of~~ develop skills ~~related to~~ in the diagnosis, prescription, and correction of learning difficulties of elementary school children. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.509 ENGLISH For the prospective teacher the program shall:

~~(1)--provide-knowledge-of-the-structure-and-history-of-the English-language,-including-phonology,-morphology,-syntax,---- semantics,-and-basic-grammatical-principles;~~

~~(2)--provide-knowledge-of-the-various-personal,-social-and communication-purposes-of-language,-including-attention-to---- factors-such-as;~~

~~(a)--social-and-regional-language-variation~~

~~(b)--language-for-control-and-management-of-others,-i.e.,- language-abuse,-e.g.,-the-rhetoric-of-politics,-advertising,- etc.;~~

~~(3)--provide-knowledge-of-the-basic-differences-and-similarities-in-the-structural-and-semantic-attributes-of-written- and-oral-discourse,-attendant-classical-and-contemporary---- rhetorical-theories-regarding-both-modes-of-discourse;~~

~~(4)--provide-knowledge-of-the-nature-of-non-print-and- non-verbal-expression-as-well-as-their-relationship-to-verbal- expression;~~

~~(5)--provide-knowledge-of-the-processes-whereby-individ- uals-acquire,-understand,-and-use-their-language;~~

~~(6)--provide-knowledge-of-the-attributes-of-oral-and- --- written-language-in-the-developing-student;~~

~~(7)--provide-knowledge-of-the-ability-to-teach-processes- by-which-one-learns-to-read;~~

~~(8)--provide-knowledge-of-a-representative-body-of-Eng- --- lish,-American,-and-non-western-literature,-including-contem- porary,-adolescent,-children's-and-minority-groups'-literature;~~

~~(9)--provide-knowledge-of-approaches-to-literary-analysis, both-classical-and-contemporary;~~

~~(10)--provide-knowledge-of-approaches-to-English-currien- lum-evaluation,-design-and-development,-and-the-ability-to- --- articulate-the-nature-and-purposes-of-that-curriculum-to-pro- fessional-peers,-school-administrators,-and-parents;~~

(11)--provide knowledge of approaches to assessment and diagnosis of students' encoding and decoding abilities in various settings and for various purposes;

(12)--provide for the development of the ability to help assess and interpret students' progress in both decoding and encoding language in various social, regional and cultural settings;

(13)--provide for the development of the ability to prescribe suitable techniques and materials for overcoming specific decoding and encoding difficulties and design effective instructional strategies and teaching approaches for the teaching of decoding and encoding skills;

(14)--provide for the development of the ability to help students become aware of the various social and cultural backgrounds and purposes of language use; and

(15)--provide for the development of the ability to make literature a substantive and worthwhile part of the students' education, and relate the purpose of English to everyday needs of students.

(1) provide knowledge of language including:

(a) the structure, history, and grammars of the English language;

(b) the processes by which individuals acquire, understand, and use language;

(c) the influence of social, regional, economic, and cultural factors on language variations and use;

(2) provide knowledge of composition including:

(a) the linguistic, rhetorical, and stylistic concepts that influence the substance and structure of oral and written discourse;

(b) the processes and criteria by which oral and written discourse can be evaluated;

(c) the development of individuals' oral and written language abilities;

(3) provide knowledge of an extensive body of literature, including:

(a) American, English, world, nonwestern, and contemporary literature, literature by women and multicultural groups, and literature for children and adolescents;

(b) approaches to literary analysis and criticism as well as varied ways to respond to, discuss, understand and evaluate literature;

(4) provide knowledge of the processes involved in thinking, listening, speaking, reading, writing and viewing for a variety of purposes and in a variety of formats;

(5) provide knowledge about the nature, function, and structure of nonprint and nonverbal media and their relationship to print and verbal expression;

(6) provide knowledge of English curricula including:

(a) the development, implementation, and evaluation of curricula;

(b) the procedures used to design English curricula for students of different ages, abilities, and linguistic and cultural backgrounds;

(c) the selection, evaluation, and use of instructional

resources and materials, including nonprint media and computer software;

(d) the communication of curriculum objectives to colleagues, parents, and the public;

(7) develop the ability to identify, assess, evaluate, and interpret student progress in thinking, listening, speaking, reading, and writing in a variety of communicative contexts and purposes;

(8) develop the ability to help students improve their skills in using and responding to language, including:

(a) designing contexts in which students have a purpose for creating, improving, and evaluating their own and other's oral and written discourse;

(b) responding specifically and constructively to a student's oral and written discourse;

(c) helping students distinguish between effective and ineffective discourse in relation to audience, purpose, context, and other relevant criteria;

(d) helping students identify and weigh facts, inferences, implications, and judgments in oral and written discourse;

(e) helping students recognize and practice the language options available and appropriate in various social, regional, and cultural environments and communicative contexts;

(9) develop the ability to help students learn to listen and read effectively for information, understanding, and pleasure;

(10) develop the ability to help students respond to, discuss, understand, analyze and evaluate all forms of print, nonprint, and nonverbal media;

(11) develop the ability to help students ask questions that elicit facts, opinions, generalizations, and judgments that are appropriate to the subject and occasion;

(12) develop the ability to design instruction that engages the intellect, imagination, and emotions of students in their thinking, listening, speaking, reading, writing, and viewing;

(13) develop the ability to use a variety of appropriate teaching methods, materials, and resources to match the students' needs, abilities, and interests with the objectives of the curriculum;

(14) develop the ability to help students increase their power to use and respond to language both creatively and responsibly. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.510 EXCEPTIONAL CHILDREN K-12 (1) Common standards applicable to all areas of special education are followed by specialized specific standards for the-respective areas of specialization. Programs leading to K-12 certification for teachers of exceptional children shall meet the common standards and have an emphasis in at least two of the special areas.

(2) Common standards: For the prospective teacher the program shall provide:

(a) ~~provide~~ an understanding of the types of exceptionalities among children and youth and their educational relevance;

(b) ~~provide~~ experiences in individual and group classroom management procedures appropriate to exceptional children, such as:

(i) use of diagnostic procedures to identify ~~the learning difficulties of~~ the exceptional child's learning difficulties;

(ii) ability to develop and implement prescriptive programs based on diagnostic findings; and

(iii) knowledge of the techniques ~~utilized~~ used in behavioral control;

(c) ~~provide for the development of~~ social skills and attitudes ~~to~~ that enable the prospective teacher to work effectively with other school personnel in coordinated programs for exceptional children;

(d) ~~provide for the development of~~ the ability to interpret the educational program to parents, teachers, administrators, and community groups;

(e) ~~provide~~ opportunities to observe institutions and facilities concerned with the education, health, and welfare of all types of exceptional children;

(f) ~~provide~~ early opportunities for supervised laboratory experiences with exceptional children as one means of determining the candidate's maturity for work with exceptional children;

(g) ~~encourage~~ encouragement of student affiliation with professional groups, and ~~create~~ an awareness of the referral agencies available for aid to exceptional children;

(h) ~~provide for~~ a specific understanding of federal and state rules and regulations related to ~~funding-awards~~ educating exceptional children;

(i) opportunities to work with groups of children and individuals within groups who have different educational needs; and

(j) opportunities to work with children who have difficult handicapping conditions.

(3) Specialized standards: The program shall require in-depth study and experience which develop competence in at least two of the following ~~specialized~~ areas of concentration:

~~{a}--Pre-School--For-the-prospective-teacher-the-program-shall:~~

~~{i}--provide-general-knowledge-of-major-handicapping-----conditions-to-include--characteristics,-etiology,-diagnosis,-and-intervention;~~

~~{ii}--provide-specialized-preparation-for-working-with---children-with-severe-and-profound-handicapping-conditions;~~

~~{iii}--provide-for-demonstrated-ability-to-identify-and---use-appropriate-diagnostic-procedures-for-developing-individ---uained-educational-programs-and-instructional-plans;~~

~~{iv}--provide-for-demonstrated-ability-to-communicate-ef-fectively-with-parents,-referral-agencies,-and-other-non-school-groups;~~

~~{v}--provide-understanding-of-normal-growth-and-develop-ment-from-birth-to-age-five;~~

~~(vi) provide for demonstrated ability to develop, implement and monitor individual educational programs;~~

~~(vii) provide for demonstrated general knowledge of ----- program administration and supervision to include legal requirements, state and local policies, financing, organization, and evaluation strategies;~~

~~(viii) provide for completion of successful supervised experience with young handicapped children to include exposure to a wide range of handicapping conditions and varied degrees of severity;~~

(b) (a) Emotionally Disturbed: For the prospective teacher the program shall provide:

(i) provide the theoretical bases of counseling and psychotherapy with in-depth studies in emotional and social problems;

~~(ii) provide for the development of~~ specific techniques for the diagnosis and ~~remediation~~ remedy of learning problems caused by maldevelopment of personality as manifested by a variety of symptoms and problems, such as adjustment reactions of childhood, conduct disorders, neuroses, character disorders, and psychoses;

~~(iii) provide for the development of~~ an awareness of the significant role of parents and the influence of the total environment of the pupil; and

(iv) provide knowledge of the results of research in the area of emotional disturbance and closely allied fields.

~~(e) (b) Hard-of-Hearing- Hearing Impaired:~~ For the prospective teacher the program shall:

~~(i) provide for the development of~~ develop skills in ~~management of managing~~ pupils with speech and hearing disorders, including diagnosis and evaluation, therapeutic methods and materials;

(ii) provide study in audiometry and hearing rehabilitation, including studies in hearing problems and ~~testing of~~ hearing tests;

~~(iii) provide for development of~~ develop skills in auditory training and speech reading, ~~in~~ speech for the acoustically handicapped, ~~in~~ sign language, and ~~in~~ working with the deaf;

(iv) provide opportunities to observe procedures of diagnosis and case management by qualified clinicians; and

~~(v) provide for the development of~~ develop therapeutic skills and judgments and provide opportunities to perform therapeutic services under supervision; and

~~(vi) provide study of the anatomy and physiology of the auditory system and knowledge of the symptoms and diagnosis of hard-of-hearing and deafness.~~

~~(d) (c) Mentally Retarded:~~ For the prospective teacher the program shall:

(i) provide knowledge related to the needs of the mentally retarded, knowledge of programs and procedures for working with the mentally retarded, and professional laboratory experiences with mentally retarded children;

(ii) include studies and experiences which ~~will provide~~ give the prospective teachers ~~with~~ knowledge of the following:

- (A) etiology of mental retardation;
- (B) characteristics of the mentally retarded and classification and diagnosis of mental retardation;
- (C) social control and adjustment of the mentally retarded;
- (D) information about the educational processes of the mildly, moderately, and severely mentally retarded;
- (E) interpretation of psychological tests;
- (F) screening and selection of children for class placement;
- (G) curriculum development, methods, materials, and special teaching techniques; and
- (H) problems related to integration of mentally retarded students into general school organization; and
 - (iii) provide knowledge of all levels of mental retardation and allow for emphasis in one or more of these levels.
 - ~~(e)~~ (d) Orthopedically Impaired: For the prospective teacher the program shall provide:
 - (i) provide knowledge of learning environments for children who are medically defined as physically handicapped, who have other health problems, or who have central system disorders that place them within a definition of chronic conditions;
 - (ii) provide understanding and knowledge of the special problems and processes of assessing the physically handicapped, and shall with emphasis on the effects that of the physical handicap has on the learning processes and the diagnostic procedures to be used in the teaching role; and
 - (iii) provide experiences to develop skills in curriculum development and special methodologies relative to children who may be minimally or multiply handicapped.
 - ~~(f)~~ (e) Visually Handicapped, Impaired: For the prospective teacher the program shall provide:
 - (i) provide study of the anatomy and physiology of the eye and knowledge of the symptoms and diagnosis of partial vision and total loss of sight;
 - (ii) provide knowledge of local, state, and national facilities for serving the visually handicapped impaired and the blind and knowledge of the provisions available for the partially seeing child;
 - (iii) provide knowledge of common plans of organization and current facilities for serving partially seeing children, and the principles of preparation, selection, and effective use of appropriate instructional materials;
 - (iv) provide for the development of skills to solve the problems of adaptation of school environments to meet the needs of partially seeing children; and
 - (v) provide for the development of skills with in using teaching methods and testing programs and interpretations applied to the special needs and capabilities of partially seeing and blind children, and study and experience in testing programs and interpretations of test results.
 - ~~(g)~~ (f) Specific Learning Disabilities: For the prospective teacher the program shall:

(i) provide knowledge of learning theory as well as educational psychology, ~~and shall provide~~ orientation in psychological testing, and in diagnosis and correction of learning disabilities;

(ii) require experience in the education of those with learning disabilities (such as dyslexia, perceptual handicaps, brain injury, minimal brain dysfunction, and developmental aphasia), ~~in remediation~~ remedial work in basic skills, ~~in teaching~~ of reading, and in curriculum development for teaching of students with learning disabilities;

(iii) provide for adequate understanding of group dynamics, interviewing, and counseling and for knowledge of community resources; and

(iv) provide professionally supervised experiences with pupils, teachers, and administrators that are properly planned and professionally supervised and of such duration to prepare the graduate pre-teacher for working in this field.

~~(h)--Speech-and-Language-impaired--For-the-prospective--teacher-the-program-shall--~~

~~(i)--provide-knowledge-of-the-study-of-normal-speech,----typical-and-common-speech-defects,--and-basic-techniques-for---their-prevention-and-correction--~~

~~(ii)--provide-knowledge-of-etiology-and-treatment-of-the--more-severe-speech-deviations-such-as-articulation,--stuttering, voice-organic--and-symbolization-disorders--~~

~~(iii)--provide-knowledge-of-phonetics-and-language-development--~~

~~(iv)--provide-knowledge-of-physiological,--psychological,--and-social-foundations-of-speech-and-hearing-disorders-in-----including-anatomy,--physiology,--and-the-function-of-auditory-and--speech-mechanisms--~~

~~(v)--provide-study-in-audiometry,--speech-reading,--and----speech-for-the-acoustically-impaired--~~

~~(vi)--provide-opportunities-to-observe-procedures-of-diagnostic-and-case-management-by-qualified-correctionists,--and---~~

~~(vii)--provide-for-the-development-of-skills-and-judgments and-for-opportunities-to-perform-under-supervision-with-the---equipment-essential-for-the-conduct-of-speech-correction--~~

(Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.511 FOREIGN LANGUAGES Certificate endorsements available in Montana are French, Spanish, German, Russian, and Latin. For the prospective teacher the program shall provide:

~~(1)--provide-study-in-phonology,--conversation,--grammar-and composition,--linguistics--(applied-to-the-specific-language-or--applied-to-foreign-languages-as-a-whole)--and-literature--~~

~~(2)--provide-for-the-development-of-the-ability-to-understand-conversation-at-a-normal-tempo,--lectures-and-news-broadcasts--~~

~~(3)--provide-for-the-development-of-the-ability-to-converse-with-a-native-with-a-command-of-vocabulary-and-syntax---sufficient-to-express-thoughts-in-conversation-at-normal-speed-with-good-pronunciation--~~

(4)--provide-for-the-development-of-the-ability-to-read---with-immediate-comprehension-both-prose-and-verse-of-average---difficulty-and-mature-content;--

(5)--provide-for-the-development-of-the-ability-to-write-a "free-composition"-(such-as-a-letter-or-message);--

(6)--provide-understanding-of-the-differences-between-the-sound-systems,-forms,-structures-of-the-foreign-language-and-English-and-the-ability-to-apply-its-understanding-to-modern---foreign-language-teaching;

(7)--provide-an-awareness-of-language-as-an-essential-----element-of-culture,-an-understanding-of-the-principal-ways-in-which-the-foreign-culture-differs-from-our-own,-firsthand-----knowledge-of-literary-masterpieces,-and-acquaintance-with-the-geography,-history,-art,-and-social-customs-of-major-lands-in-which-the-language-is-dominant;

(8)--provide-knowledge-of-the-present-day-objectives-of---foreign-language-teaching-as-communication-and-an-understanding-of-the-methods-and-techniques-for-attaining-these-objectives;

(9)--provide-knowledge-of-the-use-of-specialized-tech-----niques,-such-as-educational-media,-the-relation-of-modern-----foreign-language-study-to-other-areas-of-the-curriculum,-and---the-ability-to-evaluate-the-professional-literature-of-foreign-teaching;

(10)--provide-a-study-of-the-literature,-history,-geog---raphy,-and-contemporary-civilizations-of-the-appropriate-----country-or-countries,-and-

(11)--provide-for-the-preparation-of-teachers-of-classical-languages-through-adherence-to-the-preceding-standards-with---additional-emphasis-on-appreciation-of-the-language-and-gaining-control-of-its-sounds,-structure,-and-vocabulary-rather-than-on-conversational-objectives;--

(1) study in phonology, conversation, grammar and composition, linguistics (applied to the specific language or applied to foreign languages as a whole), literature, and culture;

(2) sufficient listening comprehension to understand most routine social conventions, conversations on school or work requirements, and discussions on concrete topics related to particular interests and special fields of competence;

(3) the speaking ability to satisfy most work requirements, and show some ability to communicate on concrete topics relating to particular interests and special fields of competence;

(4) the ability to read with comprehension factual information in nontechnical prose, as well as concrete topics related to special interests; read for information and description; follow a sequence of events and react to that information; and separate main ideas and details in material written for the general public;

(5) the ability to write about most common topics with some precision and in some detail; write detailed resumes and summaries; take accurate notes; write social and informal business correspondence; describe and narrate personal experiences; explain simple points of view in prose discourse; and write about concrete topics relating to particular interests and special fields of competence;

(6) a working social and professional competence in cultural skills, including the ability to: participate in social situations and those within one vocation; handle unfamiliar situations with ease and sensitivity, including those involving common taboos or other controversial subjects; and comprehend most nonverbal responses, including some culture-related humor;

(7) an awareness of language as an essential element of culture, an understanding of the principal ways in which the foreign culture differs from our own, first-hand knowledge of literary masterpieces, and acquaintance with the geography, history, art, and social customs of major lands in which the language is dominant;

(8) an understanding of the differences between the sound systems, forms, and structures of the foreign language and English and the ability to apply this understanding to modern foreign language teaching;

(9) a knowledge of the present-day objectives of foreign language teaching as communication, and an understanding of the methods and techniques for attaining these objectives;

(10) a knowledge of the use of special techniques, such as educational media, the relation of modern foreign language study to other curricular areas, and the ability to evaluate the professional literature of foreign language teaching;

(11) preparation of teachers of classical languages through adherence to the preceding standards, with additional emphasis on appreciation of the language and gaining control of its sounds, structure, and vocabulary rather than on conversational objectives. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-1-121, MCA.)

10.58.512 GUIDANCE AND COUNSELING. For the prospective counselor the program shall provide:

(1) provide evidence that careful screening is employed to assure that only persons who have the potential for developing effective relationships with students, teachers, administrators, and parents are accepted as candidates;

(2) provide understanding of the philosophy, organization, and professional activities related to the practice of school counseling K-12;

(3) provide knowledge of referral agencies and other services outside the school setting;

(4) provide--an a developmental understanding of the individual, including the dynamics of human behavior;

(5) provide--for the extension of ~~his/her~~ the pre-teacher's understanding of basic educational philosophies and school curriculum patterns K-12;

(6) provide understanding of societal forces and cultural changes, with particular reference to socio-economic, ethnic, and racial groups;

(7) provide--for--skills competence in both elementary and secondary guidance and counseling in the following areas:

(a) interpretation of I-Q- intelligence, aptitude, and interest, and achievement, and personality assessment;

(b) individual and group guidance;

(c) individual and group counseling;

~~(d) assisting students in developing vocational, career--
planning-and-lifestyle-decision-making-skills~~

(e) (d) assisting students in developing personal, so-
cial, and educational, and career/life planning decision-mak-
ing skills;

(f) (e) placement and follow-up;

(g) (f) planning, implementation, administration, and
evaluation of counseling guidance and counseling programs;
(h) (g) performance, interpretation, and utilization use
of educational research; and

(i) drug and alcohol prevention/intervention programs;

(j) computer applications in guidance and counseling; and

(k) consultation with families and professional staff;

~~(8) provide supervised laboratory and practicum experi-
ences in a school setting to include opportunity to work effec-
tively with pupils, teachers, parents, and the community in the
following areas:-~~

~~(a) practice of guidance and counseling methods and ----
techniques~~

~~(b) observation of how the duties of a counselor are dis-
charged~~

~~(c) performance of the duties of a school counselor-~~

(8) functional knowledge of special education rules and
regulations and other state and federal laws as they pertain to
guidance and counseling;

(9) an understanding of career development theories and
processes; and

(10) supervised laboratory and practicum experiences in a
school setting, including observation, practice and performance
of the duties of a school counselor. (Auth: Sec. 20-2-114,
MCA; IMP, Sec. 20-2-121, MCA.)

10.58.513 HEALTH For the prospective teacher the program
shall provide:

~~(1) provide knowledge and understanding of the aims and--
objectives of health education in the schools;~~

(1) knowledge of child growth and development and the
social, emotional, physical and health characteristics and
needs of children, including personal health, use and misuse
of substances, human sexuality, nutrition, and safety;

(2) provide basic knowledge of the biological sciences
which primarily deal with the human's quest for a healthy life,
~~More especially, to provide~~ including knowledge and under-
standing in human physiology and anatomy, basic body chemistry,
microbiology, genetics and ecology;

(3) provide basic background studies in the behavioral
and social sciences pertinent to the study of health;

(4) provide an understanding of:

(a) personal health and physical fitness, including
basic understanding of the body and its vital organs;

(b) community and environmental health, including sani-
tation and pollution;

(c) nutrition, including weight control, food fads, and
diet supplements;

(d) emotional and mental health;

- (e) physical, social, and emotional health hazards of drugs, alcohol, and tobacco;
- (f) physical and emotional aspects of sex;
- (g) communicable diseases (including venereal disease), body defenses, and immunization programs;
- (h) common physical and mental exceptionalities and degenerative diseases;
- (i) consumer health, including the selection of health products and professional services and the evaluation of advertising;
- (j) first aid and emergency care;
- (k) safety, including outdoor, water, home, industrial, and traffic; and
- (l) values processes and clarification; ~~and~~
- (5) ~~provide~~ opportunities for developing, promoting, and implementing a school health environment and cooperative relationships with voluntary, community, and other ~~official~~ health agencies. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.514 HOME ECONOMICS For the prospective teacher the program shall:

- (1) ~~provide basic information about experiences in working with the developmental processes of children and in creating and maintaining~~ child development and the creation and maintenance of an environment in which children and families develop and interact as individuals and family members;
- (2) provide an understanding of the multiplicity of factors involved in clothing and textiles ~~which satisfy the needs of persons for personal and families family needs~~;
- (3) ~~provide an emphasis on~~ emphasize the importance of making value judgments and decisions about shelters needs, furnishings, and equipment for individuals and families family needs;
- (4) provide the knowledge and experience ~~of~~ for selecting, planning, preparing, and serving foods ~~according to~~ that meet the nutritional needs of various individuals, families, and groups;
- (5) provide knowledge and experience in managing individual and family resource management ~~to achieve~~ that meets individual and family goals at the various stages of the life cycle;
- (6) provide ~~proficiency in maintaining human relations, knowledge in~~ planning, developing, teaching, supervising, and evaluating programs in occupational home economics;
- (7) provide an opportunity for interdisciplinary and multi-agency approaches ~~for to~~ the preparation of home economics teachers;
- (8) provide study in the humanities and the social, behavioral, and natural sciences; and
- (9) ~~provide skills necessary for the utilization of~~ enable the preparing teacher to use home economics youth organizations as a means ~~for to teaching~~ leadership skills through ~~knowledge and practice of speech~~ public speaking, and parliamentary procedures, and cooperative group efforts. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.515 INDUSTRIAL ARTS For the prospective teacher the program shall:

(1) ~~provide-preparation~~ prepare the pre-teacher for teaching a general industrial arts course ~~offering-instruction in that covers the main divisions of industrial arts, subject matter and teaching a general unit-type laboratory or shop unit in one of the main divisions of industrial arts subject-matter;~~

(2) ~~provide for-the~~ study of the philosophy, principles, and methods of industrial arts in elementary, secondary, adult, and ~~collegiate-schools~~ higher education;

(3) provide a fundamental knowledge of the historical development of technology and its impact on ~~man~~ humans and society;

(4) ~~provide-for-the-development-of~~ develop technical skills in the following:

(a) Drafting: learning activities concerned with communicating ideas or illustrations graphically;

(b) Electricity and electronics: study of technology involved in the industrial uses of electrical energy ~~including and the theory, applications, and control of electrical energy;~~

(c) ~~Graphics-arts~~ Communications: learning activities concerned with the tools, materials, and processes used in the printing industries, ~~(study-of including the technical aspects of printing, related occupations, management problems, and the consumer/printing industry relationships) ;~~

(d) Manufacturing and construction ~~industries:~~ studies of the ~~technological achievements-concerned-with~~ methods and processes used in manufacturing articles for mass consumption. These studies shall be concerned with the industry, technology, and products ~~derived-from-such~~ of materials and processes ~~such~~ as ceramics, crafts, metals, plastics, textiles, and woods;

(e) Power and ~~transportation~~ transmission: study of the technology involved in harnessing and controlling power, including its source, generation, and transmission and the use of powered devices and vehicles;

(5) ~~provide-for-the~~ allow the student to study of industrial problems, ~~including-provisions-for-making- and make independent investigations of the origins and evolution of present industrial conditions;~~

(6) ~~provide offer~~ opportunities to design, construct, and test individual projects; and

(7) ~~provide-skills-necessary-for-the-utilization-of-----~~ enable the preparing teacher to use industrial arts youth organizations as a means ~~for to teaching~~ leadership skills through ~~knowledge-and-practice-of~~ speech, and parliamentary procedure s, and group cooperative group efforts. (Auth: Sec. 20-2-II4, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.516 JOURNALISM For the prospective teacher the program shall enable him or her to:

(1) and (2) Remain the same.

(3) ~~relate~~ interviewing and conduct ~~other aspects-of~~ research;

(4) Remains the same.

(5) develop knowledge and skills in the technical methods and tools used in journalism; such as grammar, copy reading, editing, makeup, headline writing, production process, photography, advertising copy, and design;

(6) Remains the same.

(7) develop an understanding of the ~~functioning~~ functions of the American economic system as it relates to mass media (advertising, media sales, circulation, and distribution);

(8) possess a knowledge of the history and development of the mass media, illustrating their technological developments and impact upon society; and the effects of technological developments upon the mass media;

(9) develop knowledge of the social responsibilities, and of laws, and ethics of mass media; and illustrate the effects of the news media upon law and the effects of law upon the news media;

(10) Remains the same.

(11) convey the news media's responsibility ~~of the news media~~ for comprehensive reporting of ~~the many faceted~~ diverse economic and social environments;

(12) ~~recognize and deal~~ work effectively with public relations ~~problems related to~~ between the school and ~~to~~ the community served by the school; and

(13) develop an awareness of career opportunities in journalism and ~~describe~~ the preparation required for such ~~professional~~ careers. (Auth: Sec. 20-2-112, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.517 ~~LIBRARY-K-12~~ LIBRARY MEDIA K-12 For the prospective ~~librarian-~~ library media specialist the program shall:

(1) provide a liberal arts education as stated in sub-chapter 47 (Teaching Areas: General Standards), and for a professional core as stated in Specific Standards, sub-chapter 5, section ARM 10.58.501 (Specific Standards);

(2) ~~provide for the development of~~ develop skill in selection as it relates to:

(a) developing criteria for evaluating and selecting materials and equipment;

(b) planning and implementing processes, procedures, and policies for the evaluation and selection of materials and equipment;

(c) ~~utilizing~~ using bibliographic aids and tools and other sources to ~~provide~~ obtain current reviews and information about materials and equipment; and

(d) developing a knowledge and understanding of literature for children and young adults;

(3) ~~provide for the development of~~ develop skill in the ~~utilization~~ use of media as it relates to:

(a) teaching skills in the retrieval and ~~utilization~~ use of materials and equipment;

(b) ~~assisting~~ helping teachers and students in identify ~~ing~~, obtaining, and adapting media to their specific needs;

(c) ~~providing reading, listening and viewing guidance for~~ guiding students and teachers in reading, listening, and viewing;

(d) identifying and ~~utilizing~~ using community resources;
and

(e) providing specific information and responses to reference requests;

(4) ~~provide-for-the-development-of~~ develop skill in the production of media as it relates to:

(a) designing and producing materials to meet stated learning objectives;

(b) operating production equipment; and

(c) producing media for ~~specified~~ specific learning objectives which ~~utilize~~ use the basic principles of design;

(5) ~~provide-for-the-development-of~~ develop skill in research and evaluation of media programs as it relates to:

(a) developing plans to assess needs and evaluate the media program;

(b) applying the principles of research to improve the media program; and

(c) designing, developing, and writing proposals for funds to support the media programs;

(6) ~~provide-for-the-development-of~~ develop skill in the organization of media as it relates to:

(a) ~~establishing-and-implementing~~ procedures for acquisition, processing, distribution, and maintenance of materials and equipment; and

(b) ~~applying-and-adapting~~ rules and procedures for classifying and cataloguing all ~~materials~~ (print and nonprint) materials;

(7) ~~provide-for-the-development-of~~ develop skill in administration, supervision, and management as it relates to:

(a) assessing the ~~current~~ status of the media program in terms of local, state, regional, and national guidelines and establishing short- and long-range plans;

(b) initiating and developing policies and procedures for the operation of a media center;

(c) applying the principles of budgeting and management to the administration of the media program; and

(d) establishing job specifications and applying principles of personnel management;

~~(e)--participating-in-the-planning,-arrangement,-utilization-and-development-of-the-media-program-and-the-instructional program;~~

(8) ~~provide-for-the-development-of~~ develop skill in the application of the principles of learning and ~~teaching-methodologies~~ methods as it relates to:

(a) determining goals for the media program as an integral part of ~~the a school's~~ educational program; ~~of-the-school~~

(b) participating as a member of the educational team in ~~designing~~ curriculum design and the integration of media;

(c) planning activities and opportunities for increasing independence in learning;

(d) evaluating media programs as they relate to curriculum needs; and

(e) planning, ~~providing~~ using, and evaluating methods and procedures for teaching media skills in a variety of school curricula;

(9) ~~provide for the development of~~ develop skill in leadership and professionalism as it relates to:

(a) ~~designing and implementing~~ using methods of interpreting media programs to teachers, students, administrators, and the community;

(b) providing the right of access to information for students and teachers within the existing legal framework;

(c) participating in local, regional, state and national professional organizations; and

(d) engaging in self-evaluation to identify ~~the areas of~~ needs for continuing education and professional growth; and

(10) provide opportunities for a supervised practicum that includes a wide variety of ~~instructional and operational~~ experiences ~~which relate to a~~ in library media program. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.518 MATHEMATICS For the prospective teacher the program shall:

(1) ~~provide a knowledge of the sequential nature of~~ ~~mathematics and an understanding of the various aspects of~~ ~~mathematics which their pupils will meet in subsequent courses;~~

(2) ~~provide for the development of the capacity and disposition for continued learning in mathematics and shall include studies and experiences which are relevant to the school curriculum, e.g., basic math, general math, consumer math, algebra, geometry, etc.,~~

(3) ~~provide knowledge of curriculum improvement studies in mathematics currently being made by various national groups;~~

(4) ~~provide opportunities to acquire a knowledge of ways to apply the principles of mathematics to other disciplines, e.g., logic, science, psychology, economics;~~

(5) ~~provide for the development of the ability to select, adapt, evaluate and use strategies and materials for teaching mathematics, provide laboratory experiences in working with pupils of both high and low academic abilities and develop the ability to teach computational as well as abstract mathematics;~~

(6) ~~provide experience in the field of computing as it relates to mathematics and to teaching of mathematics; and~~

(7) ~~provide experience with mathematical model building;~~

(1) develop the pre-teacher's capacity and disposition for continued learning in mathematics, including current research in mathematics education;

(2) include studies and experiences relevant to mathematics curricula grades 5-12 and a knowledge of curriculum improvement projects;

(3) include laboratory experiences that develop competence to teach mathematics from computational to abstract levels;

(4) develop the competence to:

(a) understand mathematics prerequisite to, consistent with, and substantially beyond that which the teacher may be expected to teach;

(b) employ appropriate strategies to identify, develop, and solve problems involving mathematical concepts and principles;

(c) use number theory and algebra to analyze standard or unusual algorithms for computation with real numbers;

(d) select or develop appropriate mathematical models to solve problems in several areas of application (e.g., science, psychology, economics);

(e) identify, select, adapt, and evaluate, resource materials (such as manipulatives, games, kits, films, computer software, video tapes, periodicals, and books) that may be used to develop concepts and generate enthusiasm for mathematics;

(f) recognize and construct proofs involving mathematical concepts and principles usually taught in these grades;

(g) demonstrate the interrelationship of different branches of mathematics and describe the historical, cultural, and philosophical significance of mathematical principles;

(h) use estimation and approximation skills when appropriate;

(i) use statistical methods (organizing and tabulating data), probability, inference, and hypothesis testing to solve problems;

(j) use mathematical terms and symbols appropriate to grades 5-12;

(k) select, develop, and explain problems that require the student's use of a computer as a tool; and

(l) solve problems using a programming language on a computer. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

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

(1)--provide-a-functional-knowledge-of-the-language-and-grammar-of-music;

(2)--provide-an-understanding-of-the-common-elements-of-music--rhythm, melody, harmony, timbre, texture, dynamics, form--and-their-interaction--and-an-ability-to-employ-this-understanding-in-both-aural-and-visual-analysis;

(3)--provide-for-the-development-of

(a)--basic-conducting-skills, score-reading-and-rehearsal-techniques

(b)--ability-to-compose, arrange-and-adapt-music-from-a-variety-of-sources-to-meet-the-needs-and-ability-levels-of-school-performing-groups-and-classroom-situations

(c)--ability-to-guide-creative-experiences-and-improvise-in-an-extemporaneous-performance

(d)--proficiency-on-piano, guitar, or-other-appropriate-keyboard-or-fretted-instrument-sufficiently-advanced-for-demonstration-and-accompaniment

(e)--advanced-ability-sufficient-to-assure-accurate-and-musically-expressive-performance--

(f)--ability-to-perform-in-large-ensembles-and-a-variety-of-small-ensembles;

(4)--provide-knowledge-and-understanding-of-music-history-and-literature-with-emphasis-on-the-relationship-of-music-to-other-arts-and-humanities-in-contemporary-and-past-cultures-and-the-ability-to-place-compositions-in-historical-and-stylistic-perspectives;

(5)--provide-for-the-development-of-knowledge-of-a-comprehensive-music-program-based-upon-sound-philosophy-and-understanding-of-what-music-to-teach-and-how-to-teach-it-at-any-level--The-program-shall-include-procedures-for-organizing-a-comprehensive-music-curriculum-for-a-school-or-school-system;

(6)--provide-for-the-study-of-vocal/choral-music-in-the-areas-of--

(a)--ability-to-perform-on-keyboard-and-fretted-instruments-sufficient-to-employ-these-instruments-as-teaching-tools--

(b)--ability-to-transpose-and-improvise-accompaniments

(c)--basic-knowledge-of-vocal/choral-problems-and-strategies-and-sufficient-vocal-skill-to-assure-effective-use-of-the-voice-in-demonstrating-vocal-technique

(d)--solo-and-ensemble-vocal-performance

(e)--use-of-wind,-string,-and-percussion-instruments,----which-develop-the-knowledge-and-skills-necessary-to-conduct----instrumental-as-well-as-choral-ensembles

(f)--laboratory-experiences-in-teaching-various-vocal/----choral-types-of-classes-such-as-choruses-and-general-music;-and

(7)--provide-for-the-study-of-instrumental-music-in-the-areas-of--

(a)--performance-ability-on-wind,-string-and-percussion-instruments-sufficient-to-teach-students-in-heterogeneous-and-homogeneous-groups

(b)--solo-or-instrumental-performance-experiences,-as-well-as-small-and-large-instrumental-ensembles-experiences-

(c)--use-of-the-singing-voice-as-a-teaching-tool-and----knowledge-and-skills-necessary-to-conduct-choral-as-well-as----instrumental-ensembles

(d)--laboratory-experience-in-teaching-instrumental-students-individually,-in-small-groups,-and-in-larger-classes--

(1) a functional knowledge of musical notation and language;

(2) aural perception in dealing with tonal and temporal relationships;

(3) an understanding of the function and interaction of the elements of music, including duration, frequency, intensity, timbre, texture, and form;

(4) the ability to use the common elements of music in both aural and visual analysis;

(5) knowledge and skills in basic conducting for choral and instrumental ensembles, score reading, rehearsal, and motivation techniques;

(6) the ability to use, arrange, transpose, and adapt music from a variety of sources to meet the needs and ability levels of school performing groups and classroom situations;

(7) the ability to guide students into creative and/or improvisational experiences and performances at both elementary and secondary levels;

(8) functional proficiency on keyboard and/or fretted instruments sufficiently advanced to use the instruments for demonstration, accompaniment, transposition, and as teaching tools;

(9) individual performance ability sufficient to assure accurate and musically expressive performance;

(10) the ability to perform in large vocal and instrumental ensembles;

(11) the ability to perform in a variety of small ensembles in their primary performance area;

(12) knowledge, understanding, and appreciation of music in contemporary and past cultures, including multicultural and world music;

(13) knowledge of the relationship of music to other arts and humanities in contemporary and past cultures;

(14) the ability to place compositions in historic and stylistic perspective;

(15) an understanding of the philosophical, emotional, social, and aesthetic aspects of music as well as the meaning and contribution music makes to individuals and to society;

(16) the ability to formulate a comprehensive music program, including curricula for a school or school system which is based upon a sound philosophy of aesthetic education;

(17) performance ability on wind, string, and percussion instruments as well as the singing voice for the purpose of developing the knowledge and skill necessary to conduct instrumental and choral ensembles;

(18) skills for teaching various vocal/choral classes, such as chorus and general music, and various types of instrumental groups through laboratory experiences;

(19) an awareness of new or recent trends and technologies in music education;

(20) knowledge of current music series for elementary education and appropriate supplementary materials;

(21) a knowledge of music literature (solo/ensemble) appropriate for general music, vocal/choral music (considering range, tessitura, and the growing and changing voice), and instrumental music with emphasis on what music to teach and how to teach it at the elementary and secondary levels;

(22) skill to promote and publicize music education programs to gain appreciation and support from the school and community;

(23) a knowledge of and skills to disseminate music career information; and

(24) the ability to plan and program musical performances and productions. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.520 PHYSICAL EDUCATION AND HEALTH K-12 For the prospective teacher the program shall:

(1) provide develop a knowledge of the aims and objectives of physical education in schools and the competence a teacher needs to provide learning experiences;

(2) provide study in the ~~sciences-with-preparation-in-the~~ biological sciences for understanding the structure and function of the human body, including an understanding of the principles of human movement, human physiology and anatomy, body chemistry, microbiology, genetics, and ecology;

(3) provide understanding of skills ~~and-capabilities~~ used to observe, analyze, prescribe, and manage student learning in

a wide variety of physical activities, such as fundamental motor skills and exercises, gymnastics, individual and dual sports, team sports and games, mass games and activities, rhythms and dance, camping, and outdoor recreation;

(4) provide knowledge and skill ~~relative to~~ in organizing, planning, administering, and evaluating a total ~~program of~~ physical education program. The following competencies are illustrative:

(a) relate physical education ~~as a part of~~ to the total education program;

(b) select, purchase, ~~care~~ and maintain facilities, equipment and supplies;

(c) organize and administer intramural, recreational, and interscholastic programs;

(d) select and use appropriate ~~evaluative~~ techniques ~~of~~ for evaluating student performance;

(e) relate principles, standards, and procedures of safety;

(f) possess techniques of good public relations in interpreting the health and physical education program;

(g) organize and administer programs for atypical students;

(h) possess knowledge of legal aspects of liability and insurance; ~~aspects and~~

(i) possess knowledge of first aid and athletic training methods and techniques;

(5) provide an understanding of:

(a) personal health and physical fitness, including a basic understanding of the body and its vital organs;

(b) community and environmental health, including sanitation and pollution;

(c) nutrition, including weight control, food fads, and diet supplements;

(d) emotional and mental health;

(e) physical, social, and emotional health hazards of drugs, alcohol, and tobacco;

(f) physical and emotional aspects of sex;

(g) communicable diseases (including venereal disease), body defenses, and immunization programs;

(h) common physical and mental exceptionalities and degenerative diseases;

~~(8)~~ (i) consumer health, including the selection of health products and professional services and the evaluation of advertising;

(j) first aid and emergency care; and

(k) safety, including outdoor, water, home, industrial, and traffic;

(6) provide ~~for~~ knowledge to assess programs and evaluate atypical students;

(7) provide opportunity for a variety of practicum experiences in addition to student teaching early in the curriculum; and

(8) Remains the same.

(Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.521 READING SPECIALISTS K-12 For the prospective reading specialist the program shall provide:

(1) ~~provide~~ a planned sequence ~~to include~~ of study, including but not be limited to: general background (~~and~~ psychology of the reading process, nature and scope of reading program), reading skills and abilities (~~and~~ readiness for reading at any level, word recognition skills, vocabulary development), diagnosis and remedial teaching, organization of the reading program (~~and~~ classroom organization, varied approaches to reading instruction), selection and use of materials (~~and~~ how to select and use), and the application of reading skills;

(2) provide understanding of the nature of the learner and the learning process with specific application to reading;

~~(3) provide for the development of the ability to work effectively with children and youth in developing reading skills and in diagnosing and correcting reading disabilities;~~

~~(4) (3) provide~~ knowledge of the techniques and materials used in reading instruction;

~~(5) (4) provide for the development of~~ skills to diagnose reading problems of exceptional students, including those who are bilingual, and design appropriate instruction;

~~(6) (5) provide~~ a supervised practicum with children and youth in developmental, corrective, ~~and remedial~~, and accelerated reading instruction;

~~(7) (6) provide~~ studies, experiences, and activities in language arts which increase knowledge and skill in relation to: the following-

(a) development of oral and written language;

(b) communication skills, including vocabulary and concept development;

(c) effect of dialects;

(d) relationship of writing and spelling to reading; and

(e) relationship of listening to reading;

~~(8) (7) provide for the development of~~ knowledge and competence in: relation to the following-

(a) developing staff understanding and support of the reading program, and

~~(e) (b)~~ organizing, managing, and evaluating a reading program for all children; and

~~(9) (8) provide for~~ understanding of the relationship of reading to and in all other subject areas, with an understanding of tactics for increasing students' reading abilities in those subject areas. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.522 SCIENCE (1) The science program may follow the subject-major pattern, or the comprehensive-major pattern (General Science). ~~embracing~~ It shall cover a broad base of science, ~~program~~ including biology, chemistry, physics, physical science, and earth science, with an emphasis of at least 20 quarter credits in one field. ~~In Montana this~~ This General Science concentration must be coupled with the equivalent of 15 quarter credits in at least three other science areas. Curricula leading to a certificate in a discrete subject (biology, chemistry, et al) must meet ~~provision (2) of~~ section 10.58.522

(2) and the appropriate provisions (3)(a) through (3)(e) of that section.

~~(2)--Common Standards~~

~~(a) (2) For the prospective teacher the Common Standards:~~
The program shall: ~~provide for the attainment of:~~

~~(a) enable the prospective teacher to attain:~~

~~(i) at least minimum specified levels of preparation in the processes of science common to the several disciplines;~~

~~(ii) at least minimum specified levels of preparation in the concepts and principles in several areas of science; and~~

~~(iii) a specified high level of preparation in a specialized field in order to be so that the prospective teacher is prepared to provide courses and experiences relevant to the high school curriculum in that field;~~

~~(b) provide the knowledge and experience to illustrate the cultural significance of science, to relate science through and technology to social conditions, and to apply the analytical methods of science in multidisciplinary approaches to studying and solving societal problems such as the use of the environment;~~

~~(c) provide opportunities for gaining insight into the intellectual and philosophical nature of science and mathematics;~~

~~(d) provide for the development of develop the capacity and the disposition for continued learning in science and in the teaching of science subjects;~~

~~(e) provide work in areas related to the teaching subjects, to be taught with at least minimal preparation in mathematics;~~

~~(f) provide experiences related to the nature of learning, conditions that help young people learn, and the maintenance of a proper learning environment;~~

~~(g) provide for the development of develop the ability to select, adapt, evaluate, and use strategies and materials for the teaching of science or mathematics so that teaching-learning situations will be consistent with general knowledge about teaching and learning methods and will be appropriate both to the special needs of the learners and to the special characteristics of the science disciplines or the interdisciplinary problem;~~

~~(h) provide emphasis on the processes used in investigating scientific phenomena and those used in communicating the findings of such investigations to other science students and to the general public;~~

~~(i) provide an awareness of the recommendations for curriculum improvement currently being made by various national scientific groups, and incorporate, as well, new teaching strategies that research demonstrates are effective;~~

~~(j) provide emphasis of the program on a program that emphasizes breadth rather than on depth, including interrelationships among the sciences and the history and philosophy of science;~~

~~(k) provide for the development of develop competence in the use of teaching aids and laboratory equipment of all appropriate science fields; which are appropriate;~~

(1) provide a knowledge of the current curriculum studies in the various science fields; and

(m) ~~provide an emphasis on~~ emphasize lab safety.

(3) Specialized Standards

(a) Biology. For the prospective teacher the program shall:

(i) provide study and experiences ~~with emphasis on the--~~ that emphasize actual living materials ~~through~~ by using laboratory and field experiences which promote investigation, inquiry, and experimental methods;

(ii) provide knowledge of the significant biological phenomena as they appear in micro-organisms, plants and animals, and the relation of these phenomena to the broad areas of biology;

(iii) provide knowledge of the interrelationship of living organisms with their physical and biotic environments;

(iv) provide understanding of the characteristics of living organisms in terms of maintenance, regulation, behavior, reproduction, genetics, development, evolution, and systematics;

(v) provide studies and experiences in areas which emphasize the relationships ~~with~~ of biology to other sciences, such as chemistry (including introduction to organic and biochemistry), physics, paleontology, behavior, and mathematics;

~~(vi)--provide opportunities to design, develop and evaluate effective laboratory activities using the special skills--and techniques with equipment, facilities and specimens--and~~

~~(vii)~~ (vi) provide preparation in organizing, presenting and evaluating subject matter content; and

~~(vii) provide laboratory skills necessary to design experiments and demonstrations for a biology classroom.~~

(b) Chemistry. For the prospective teacher the program shall:

(i) provide a systematic and quantitative study of the fundamental principles of chemistry, interrelated and illustrated with descriptive and historical material;

(ii) provide preparation in organizing, presenting, and evaluating subject matter content in a manner which develops the pupil's understanding ~~by pupils~~ of the concepts of chemistry;

(iii) provide preparation in construction of meaningful pupil learning experiences through lecture and laboratory in organic, inorganic, analytical, and physical chemistry;

(iv) provide studies and experiences which develop basic knowledges in other natural sciences and mathematics; and

~~(v) provide laboratory skills necessary to design experiments and develop demonstrations which are adjuncts to science and methods courses--~~ provide laboratory skills necessary to design experiments and demonstrations for a chemistry classroom.

(c) Earth Science. For the prospective teacher the program shall:

(i) provide preparation in mathematics and the basic sciences (biology, chemistry, and physics) and a concentration in one of the earth sciences (astronomy, geology, meteorology, and/or oceanography), with supporting work in the other three. A major in the broad field of the earth science is recommended;

(ii) provide an understanding of earth science as an interdisciplinary science ~~involving~~ that involves the study of the lithosphere, atmosphere, and hydrosphere and their relationship to ~~man's~~ human environment;

(iii) provide emphasis on field work, assuring a mastery of technique in using the local environment as a laboratory; ~~in-addition-to-laboratory-demonstrations,-experimentation-and-research,-and-~~

(iv) provide preparation in organizing, presenting, and evaluating subject matter content; and

(v) provide laboratory skills necessary to design experiments and demonstrations for an earth science classroom.

(d) Physical Science. For the prospective teacher the program shall:

(i) provide experiences in chemistry and physics in nearly equal proportions;

(ii) provide experiences in a least three of the following disciplines: astronomy, biology, geology, meteorology, and physical geography;

(iii) ~~provide-for-the-development-of~~ develop a knowledge of mathematics;

(iv) provide laboratory experience in chemistry and physics as well as in one other science area;

(v) provide an understanding of the integration of the physical sciences and ~~the~~ their implications ~~of-the-various---sciences~~ for contemporary society; and

(vi) ~~provide-for-the-development-of~~ develop skills in organizing, presenting, and evaluating subject matter content in ways which ~~provide-for~~ are optimal for learning; and

(vii) provide laboratory skills necessary to design experiments and demonstrations for a physical science classroom.

(e) Physics. For the prospective teacher the program shall:

(i) provide a systematic and quantitative study of the fundamental topics of physics, interrelated and illustrated with descriptive and historical material;

(ii) ~~provide-emphasis-in-~~ emphasize mathematical preparation concurrently with the preparation in physics;

(iii) ~~provide-for-the-development-of~~ develop skills in organizing, presenting, and evaluating subject matter content in a manner which ~~enhances-the-development-of~~ enhances the pupil's understanding of concepts-in physics; ~~by-secondary---school-pupils,~~

(iv) ~~provide-for~~ develop knowledge of ~~varieties-of-~~ various pupil learning experiences appropriate for areas of classical and modern physics;

(v) provide studies and experiences which develop basic knowledges in biology, chemistry, and mathematics, ~~and-include-~~ including an introduction to differential equations; and

(vi) ~~provide-the-laboratory-skills-necessary-to-design,-develop,-and-evaluate-effective-laboratory-activities-using---proper-maintenance-of-equipment-~~

(vi) provide laboratory skills necessary to design experiments and demonstrations for a physics classroom. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.523 SOCIAL SCIENCE (1) The social science programs may follow the subject-major pattern, or the comprehensive-major pattern. ~~embracing~~ It shall embrace a broad base of social studies, ~~program~~ including history, sociology, government, economics, psychology, and geography, with an emphasis of at least 20 quarter credits in one field. ~~In-Montana,~~ This concentration must be coupled with the equivalent of 15 quarter credits in at least three other social studies areas. Curricula leading to a certificate in a discrete subject (history, political science, et al) must meet ~~subsection-(2)-of-section--~~ subsection provisions of 10.58.523(2) and the appropriate ~~subsections~~ provisions of (3) through (8) of that section.

(2) Common Standards: For the prospective teacher the program shall:

(a) ~~provide-for-the-development-of~~ develop the ability to organize learning experiences which facilitate growth in group processes and human relations skills, including:

- (i) the ability to feel for others;
- (ii) the ability to examine one's own feelings in the process of developing a positive self-concept;
- (iii) the recognition that all human problems cannot be handled with scientific precision; and
- (iv) the ability to work effectively with others as a member of a group;

(b) ~~provide-for-the-development-of~~ develop a process approach to teaching social studies which ~~utilizes-the~~ uses various structures and inquiry tools ~~drawn-from~~ in the social science disciplines;

(c) ~~provide-for-the-development-of~~ develop the ability to organize the content of social sciences ~~content-data~~ into teaching/learning sequences that:

- (i) reflect meaningful factual information as ~~the-content~~ a base;
- (ii) arrange the major concepts and data into learning sequences which ~~that~~ help students discover the relationships between facts, concepts, and generalizations; and
- (iii) organize teaching/learning strategies in a manner that ~~students-may~~ lets pupils proceed from factual information to the development of theories;

(d) provide for the study of the scientific processes in teaching social studies; ~~and-for-the-development-of-the-ability-to-organize-instructional-material-which-provides-maximum-opportunity-for-students-to-make-~~

(e) develop the ability to organize material in ways that maximize pupils' opportunities to make:

(i) observations that ~~utilize~~ use all of the senses for ~~purposes-such-as~~ data collection or ~~problem-areas~~ awareness ~~for~~ of problem areas, or other classroom study purposes;

(ii) classifications which ~~emerge~~ from the observations of objects and events with ~~schemes-based-on-observable-~~ and their similarities and differences;

(iii) inferences about what is not directly or immediately observable and ~~involving~~ involves the evaluation and judgment of data;

(iv) hypotheses from inferences and predictions that can be tested by a proof process;

(v) reliable predictions about the consequences of a solution to a particular problem ~~or issue~~ based on past observations and the nature of the event being predicted; and

(vi) ~~hypotheses~~ tests of hypotheses by designing and using data ~~gathering~~ collection procedures;

~~(e)~~ (f) provide knowledge of a variety of processes used in examining controversial and value-related issues, including those that permit examination of both affective and cognitive input;

~~(i)--the valuing process and a process which permits examination of both affective as well as the cognitive input;~~

~~(f)~~ (g) provide for the development and demonstration of develop and demonstrate the ability to think critically and to formulate a rational basis for decision-making through:

(i) application of social studies data by constructing charts, maps, tables, graphs, and other pictorial models;

(ii) knowledge of the ~~necessary skills in~~ library research ~~which utilize the latest~~ skills that use current information from national repositories and clearinghouses; and

(iii) ~~utilization~~ use of appropriate levels of questioning which ~~will~~ elicit ~~student~~ pupil response from recall through evaluation;

~~(g)~~ (h) provide understanding of the use of simulation and ~~gaming~~ game techniques ~~resulting in ability~~ which enable the pre-teacher to:

(i) ~~organize materials for instruction using~~ use simulations and games ~~as a means of providing students to give pupils~~ direct experience with selected social studies concepts; and

(ii) develop a simulation game or role-playing situation for selected content;

~~(iii)--employ aspects of gaming in teaching social studies--~~

(3) Economics: For the prospective teacher the program shall provide:

(a) ~~provide~~ knowledge of the impact of economic principles and processes ~~as related to problems and practices~~ in diverse economic systems;

(b) ~~provide~~ knowledge of how basic economic decisions are made with regard to production, consumption, and distribution;

(c) ~~provide~~ knowledge ~~that all~~ of how economic systems ~~are confronted by~~ confront the problem of unlimited wants and limited resources;

(d) ~~provide~~ knowledge of how the economic patterns of ~~economic arrangements~~ within a society reflect the values and objectives of that society;

(e) ~~provide~~ study of the concept of comparative advantage and its relationship to the exchange of goods and services among developed and developing nations of the world;

(f) ~~provide for~~ knowledge of the ~~comparison of the~~ comparative economic performance of different cultural groups;

(g) ~~provide for~~ knowledge of the ~~comparison of the~~ comparative effect of production on the industrial power of different nations;

(h) ~~provide for~~ the analysis of the potential standards of living among nations by examining factors of production;

(i) ~~provide-for~~ the examination of the concept of specialization and the resultant interdependency within and among nations;

(j) ~~provide-for~~ the analysis of economic fluctuations ~~that~~ which have resulted from periods of inflation, deflation, or depression;

(k) ~~provide-for-the-study-of~~ the feelings and perceptions of people during periods of economic fluctuations;

(l) ~~provide-for-the-development-of~~ the ability to assess the major value differences and resulting conflicts ~~-situations-that-occur~~ during periods of inflation, deflation, or depression; and

(m) ~~provide-for~~ the analysis of the causes of economic fluctuations and the development of policies to cope with these problems.

(4) Geography: For the prospective teacher the program shall provide:

(a) ~~provide~~ knowledge of the effects ~~that~~ of spatial relationships, physical environments, and regionalization ~~have~~ on the development of the human experience;

(b) ~~provide~~ knowledge of the changes affecting the nature of a locale through time;

(c) ~~provide-for~~ the analysis of the effects of site and situation on developing cultures and life patterns;

(d) ~~provide-for~~ study of reasons ~~why~~ for different human activities ~~occur~~ in regions of similar natural factors;

(e) ~~provide-for~~ study of reasons ~~why~~ for similar human activities ~~occur~~ in regions of different environmental conditions;

(f) ~~provide-for-the-development-of~~ the ability to assess the impact of the uneven geographical distribution of humans ~~numbers~~ and ~~the~~ their ~~resultant~~ pressures ~~of-these-numbers~~ on the physical resources of selected areas of the world;

(g) ~~provide-for~~ the study of adverse conditions associated with the use of human space, including crime, slums, pollution, value systems, degeneration and deterioration, and deterioration of other physical, mental, and moral qualities;

(h) ~~provide~~ a knowledge of the earth's physical environment and its influences on the development of culture;

(i) ~~provide-for~~ the study ~~of-the-factors~~ of the natural environment and man's ability to alter ~~them~~ it in a positive or negative way;

(j) ~~provide-for-the-development-of~~ the ability to analyze the physical and cultural components ~~parts~~ of a portion of the world;

(k) ~~provide-for~~ the analysis of current environmental problems and ~~examine~~ the roles of individuals, societal agents, and technology on developing and effecting solutions;

(l) ~~provide-for~~ the analysis of the use of formal and functional regions in the organization of space;

(m) ~~provide-for-the-development-of~~ the ability to ~~evaluate~~ ate-the use a region as a planning device for making rational use of the earth's resources ~~by-evaluating~~ through strategies and establishing priorities;

(n) ~~provide-for~~ the analysis of the region as a method of ~~organizing to organize~~ space and ~~employ use~~ regional systems as a ~~useful framework~~ for handling large amounts of diverse information; and

(o) ~~provide-for~~ the assessment of the regional disorganization of space and ~~these~~ factors that account for discontinuity.

(5) Government- : For the prospective teacher the program shall provide:

(a) ~~provide~~ knowledge of the fact that every society has some authority structure which can be recognized as a government and has been created by the interdependence of individuals and groups within the society;

(b) ~~provide-for~~ the study of a society's decisions, policies, and laws of a ~~given society~~ as a reflection of the ~~society's~~ its values, beliefs, and traditions;

(c) ~~provide-for~~ the study of ~~the inter-relatedness~~ of how the political aspects of a culture interrelate with ~~the its~~ economic, social, geographic, and environmental factors and problems; ~~within a culture;~~

(d) ~~provide-for~~ the analysis of the current political actions and attitudes of a society in relation to its ~~present~~ history;

(e) ~~provide-for~~ the development of the ability to critically examine ~~critically~~ governmental systems, not only as forms of government, but also as methods, processes, and reflections of societal convictions;

(f) ~~provide-for~~ the study of sources of political power and authority;

(g) ~~provide-for~~ the development of the ability to examine political ethics as a reflection of the moral conduct of the society as a whole;

(h) ~~provide~~ knowledge of ~~the a society's~~ processes ~~involved in~~ of conflict resolution and public policy adjudication ; ~~in a society;~~

(i) ~~provide~~ knowledge of how public policy evolves from ~~the bargaining and compromising among~~ competing demands on influential groups;

(j) ~~provide-for~~ the analysis of the governmental structures and institutions established to protect public policy decisions and ~~to~~ enforce them on the society at large;

(k) ~~provide-for~~ the development of the ability to examine the agencies created to protect the rights, liberties, and obligations of each member or group within the society; and

(l) ~~provide-for~~ the study of methods of interest articulation and communication as practiced by interest groups, pressure groups, and lobbies in various systems.

(6) History- : For the prospective teacher the program shall provide:

(a) ~~provide~~ a knowledge of the human past as a means ~~in~~ to understanding the present and the possibilities for the future;

(b) ~~provide-for~~ the study of the relationship of history to the social sciences ~~in explaining~~ as means to explain the human experience;

(c) ~~provide-for~~ the study of history as a response to the eternal desire of humans to know about themselves and others;

(d) provide an understanding that history is concerned with societies and collective human experiences as well as individuals and their uniqueness;

~~(e) provide for the study of history as it emphasizes the uniqueness of individual and collective human experience;~~

~~(f) (e) provide an understanding that continuous and unrelenting change has been a universal condition of human society throughout remembered and recorded time;~~

~~(g) (f) provide an understanding that each generation tends to create and rewrite interpret history in terms of its own needs, aspirations, and points of view;~~

~~(h) (g) provide for a recognition that the record of the past is irremediably fragmentary, selective, and biased;~~

~~(i) (h) provide knowledge that the past should be examined in light of contemporary standards, values, attitudes, and beliefs rather than exclusively by modern standards;~~

~~(j) provide an understanding that history has the obligation to reassess and reinterpret the past, bringing it to bear on the present and translating it into a form each new generation can use;~~

~~(k) provide an understanding that a knowledge of the possibilities of history can help people in influencing a more favorable course for the human race;~~

~~(l) (i) provide for the development of an awareness of the value dilemmas of modern times and the prospects for resolving the dilemmas;~~

~~(m) (j) provide for the development of an understanding of the interrelated factors-economic, social, cultural, political, geographical and intellectual factors that have shaped historical development- history;~~

~~(n) (k) provide an understanding that multiple causation is the dominant pattern in explaining the human past and that historical events can seldom be explained in terms of a simple one-to-one cause and effect relationship; and~~

~~(o) (l) provide for knowledge from areas of study that are important to the modern student pupil and relevant to his or her needs as an intelligent being living in:~~

~~(i) Montana and the Rocky Mountain region, including attention to knowledge of minority groups;~~

~~(ii) the United States, including attention to knowledge of minority groups;~~

~~(iii) and as a part of a European and non-Western civilization, including attention to knowledge of minority groups.~~

(7) Psychology: For the prospective teacher the program shall provide:

(a) ~~provide for~~ the development of an understanding of behavior in man humans and other animals;

(b) ~~provide~~ knowledge of investigative and scientific methods used in the study of behavior;

(c) ~~provide for the development of~~ an understanding of the effects of stimuli on behavior;

(d) ~~provide for the study of the cultural how culture influences on and modifies behavior and the modification of them; and~~

(e) ~~provide for~~ the recognition and explanation of behavior classified as deviant.

(8) Sociology: For the prospective teacher the program shall provide:

(a) ~~provide-for~~ the development of an awareness of the various aspects of human behavior ~~which-are~~ related to the fact that ~~man~~ humans lives in groups;

(b) ~~provide-for~~ the study of the diverse and similar patterns of human grouping in relation to specific cultural values;

(c) ~~provide-for~~ the recognition that every society develops a system of roles, norms, values, and sanctions to guide behavior of individuals and groups;

(d) ~~provide-for~~ the analysis of the society's general structure ~~of-society~~ in terms of ~~the-following-concepts~~, values, institutions, organizations, groups, status positions, and social roles;

(e) ~~provide-for~~ the study of diversity and variations existing within a given and comparative social structure; and

(f) ~~provide~~ knowledge of how culture is adapted to serve ~~man's~~ human needs as well as how ~~man~~ humans adapts to cultural conditions. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.524 SPEECH COMMUNICATION For the prospective teacher the program shall:

(1) ~~provide-for~~ develop skills and knowledge in the-area-of-speech-fundamentals,-public-address,-oral-interpretation,---dramatics-and-simple-speech-problems; public speaking, persuasion and argumentation, oral interpretation, interpersonal, group, and mass communication, listening, communication theory, nonverbal communication, drama, and parliamentary procedure;

(2) ~~provide-for-the~~ development and allow for demonstration of personal proficiency in various aspects of oral communications;

~~(3)--provide-experiences-with-dialects-and-other-regionalisms-regarding-their-origin,-development-and-place-in-contemporary-culture;~~

~~(4)~~ (3) provide knowledge of the various personal, social and communication purposes of language, including-attention-to-factors such as:

(a) social and regional language variation and

(b) ~~language-for-control-and-management-of-others,-i-e,-language-abuse,-e-g,-~~ manipulative uses of language, such as the rhetoric of ~~politics,-~~ advertising,-~~etc.~~ and politics;

~~(5)~~ (4) provide knowledge of the nature of nonprint and nonverbal expression as-well-as- and their relationship to verbal expression;

~~(6)~~ (5) provide knowledge of the processes whereby individuals employ to acquire, understand, and use their language;

~~(7)~~ (6) provide knowledge of the attributes-of-oral special language in-the-developing-child-through-adolescence characteristics and speech patterns of children from infancy through grade 12;

~~(8)--provide-knowledge-of-approaches-to-assessment-and-diagnosis-of-students'-encoding-and-decoding-abilities-in-various-settings-and-for-various-purposes;~~

(7) provide knowledge of diagnostic techniques, progress

assessment, and prescriptions for improving pupils' formal and informal verbal communication skills, as appropriate to situations, purposes, audiences, forms, and styles;

(8) provide knowledge to design effective instructional strategies in speech communication;

(9) provide for the development of the ability to assess and interpret students' progress in both decoding and encoding language in various social, regional, and cultural settings;

(10) provide for the development of the ability to prescribe suitable techniques and materials for overcoming specific decoding and encoding difficulties and the ability to design effective instructional strategies and teaching approaches for the teaching of encoding and decoding skills;

(11) (9) provide for the development of develop the ability to help students become aware enhance pupil awareness of the various social and cultural backgrounds and purposes of language use; and

(12) provide for the development of the ability to articulate the nature and purposes of the speech communication curriculum to professional peers, school administrators, and parents; and

(13) (10) provide for the development of a develop an understanding and respect for the worth of all students, their language and desires, and their individual uniqueness; responsible communication as outlined in the First Amendment of the U.S. Constitution. (Auth: Sec. 20-2-113, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.525 TRADES AND INDUSTRY (1) Teacher preparation for teaching in many such occupational areas requires the baccalaureate degree as a prerequisite for beginning teaching. For the prospective teacher the program shall provide:

(a) (1) provide or arrange vocational training and/or supervised work if the student has not had such pre-teacher does not have experiences in trades or industry;

(b) (2) provide general education requirements in the humanities, mathematics, natural sciences, social studies, and behavioral sciences that are designed to acquaint the learner with areas of human experience to which he/she has not yet been exposed;

(c) (3) provide on-the-job supervision during the first year of teaching if the new teacher has not student taught. Modification from the requirements had student teaching experience, with modifications of this rule shall be allowed if necessary; and

(d) (4) provide skills necessary for the utilization use of trades and industry youth organizations as a means for teaching leadership skills through knowledge and practice of speech, parliamentary procedures, and group cooperative group efforts. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.526 TRAFFIC EDUCATION For the prospective teacher the program shall:

(1) require that the candidate for the traffic education certificate possess a standard teacher's certificate in another area of certification;

(2) assure that the ~~student~~ prospective teacher possesses a valid driver's license;

(3) ~~provide-for-the-development-of~~ develop an understanding of the basic principles of motor vehicle systems, dynamics, and maintenance, and visual perception skills;

(4) ~~provide-for-the-development-of~~ develop an understanding of the interaction of all elements of highway transportation systems. elements;

(5) and (6) Remain the same.

(7) provide for study of the physiological and psychological influences of alcohol and drug abuse as they relate to ~~the-highway-transportation-system~~ motor vehicle operation;

(8) provide for study of the frequency, severity, nature, and ~~directions for~~ trends of accident prevention ~~of accidents~~ which occur to particular age groups ~~while-participating-in~~ during various life activities;

(9) ~~provide-for-the-development-of~~ develop an ability to communicate effectively with appropriate agencies concerned with safety;

(10) ~~provide-for-the-development-of~~ develop an awareness of the necessity to provide ~~students~~ pupils with positive attitudes toward safe driving as well as ~~with~~ the required skills for safe driving;

(11) Remains the same.

(12) ~~provide-for-the-development-of~~ develop the ability to assist ~~students~~ pupils in examining and clarifying their beliefs, attitudes, and values as they relate to safety;

(13) Remains the same.

(14) ~~provide-for-the-development-of~~ develop the ability to assess current trends and provide information about current materials and innovative methods in traffic materials education; and

(15) ~~provide-for-the-development-of~~ develop the ability to structure and implement driver education learning experiences and to identify and develop support materials related to : ~~the-following-modes~~;

(a) regular classroom

(b) multi-media

(c) driving simulation

(d) off-street multiple car driving range

(e) on-street.

(Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.527 TEACHING AREAS: ADDITIONAL FIELDS (1) ~~These programs are~~ Programs designed for teachers who hold a regular teaching certificate and ~~who~~ desire to ~~develop~~ skills in a different teaching field. shall:

~~(2) (a) The program shall~~ be designed to produce skills at least equivalent to those developed by programs ~~approved as~~ meeting that have met the standards ~~for basic programs in~~ for the teaching fields as outlined above; and

~~(3) (b) when necessary, have~~ laboratory experiences shall be ~~provided~~ under the jurisdiction of the preparing institution. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.601 PROGRAM PLANNING AND DEVELOPMENT
~~7. PLANNING AND PATTERNS~~

(1) A single, ~~specifically~~ designated administrative unit shall be responsible for assuring the quality of post-baccalaureate programs ~~of advanced study~~ in education. This unit shall:

(a) share aspects of this responsibility with appropriate units or committees;

(b) see that the responsibility ~~shall be~~ is unified, specific, widely understood, and generally accessible;

(c) make clear provisions for communication, cooperation, and ~~deliberate~~ coordination ~~clear in~~ among institutions operating several programs;

(d) provide ~~data to indicate~~ information about program objectives, ~~being served, the~~ unique and cooperative program provisions, and the means of program evaluation; and

(e) ~~provide for the accessibility of evidence concerning~~ make information on program evaluation accessible.

(2) Those institutions offering both undergraduate and graduate programs shall ~~maintain consistency in~~ be consistent in the programs' philosophy, principles, and objectives. ~~upon which the teacher education programs are based.~~

(3) The institutions shall be responsible for designing programs within the meaning and scope of ~~educational program--~~ teacher education objectives and within the guidelines of the its governing board.

(4) The board of public education is responsible for stimulating the development of program objectives by all concerned, and for evolving and carrying out appropriate procedures for ~~certifying teachers~~ teacher certification.

(5) All ~~post-baccalaureate educational~~ advanced programs shall include the following:

(a) the publication of ~~specifically-stated~~ program objectives and program outlines ~~giving evidence of the provision for achieving the~~ that show how those objectives ~~of the program~~ can be achieved. When two or more related ~~kinds of student~~ objectives are served within one broad program, the provisions for achieving each shall be made clear;

(b) provisions for maintaining quality and depth of scholarship ~~and for assuring scholarship in depth~~ appropriate to the ~~announced level~~ program objectives;

(c) ~~sufficient~~ a breadth of coverage ~~to that~~ enables the ~~student~~ preparing teacher to develop supporting and related skills and insights in addition to a major emphasis;

(d) program support by from adequate resources of staff, equipment, special facilities, including library, and any other general institutional backing to provide maximum support that maximizes the quality in of each program;

(e) a program of supervised practical experience in curricula ~~designed for the development of~~ to develop initial competence in teaching or in an area of educational specialization. This program shall ~~be designed both to~~ develop skill in and ~~to~~ serve as a basis for evaluating the ~~student's~~ preparing teacher's performance and ~~for~~ recommending appropriate certification and/or a master's degree. Adequate time for both on-campus and off-campus experiences shall be provided to permit

adaptation to the individual student backgrounds and objectives; ~~of the students; and~~

~~(g) (f) -the-responsibility-for~~ evaluating and recommending graduate students (with reference to their special competencies in terms of specific program objectives) to the board of public education.

(6) ~~The application of~~ The institution's operating controls shall ~~be such as to~~ guarantee the integrity of each program and shall include:

(a) an advisory system for advanced study programs which:

(i) reflects attention to individual student ~~potentialities~~ potential;

(ii) ~~utilizes~~ uses all instructional resources, and

(iii) recognizes the rapid growth of knowledge;

(b) selective admission and retention procedures to maintain a quality of students in each program; ~~appropriate-to-its objectives;~~

~~(d) (c)~~ (c) student evaluation and degree requirements to support the admission and selective retention procedures ~~in as well as maintain~~ harmony with program objectives ~~over-and-above that are beyond~~ general institutional requirements;

(d) program evaluation procedures to assure continued professional appraisal and improvement;

(e) residence requirements academically appropriate to the applicable program objectives; ~~of-the-programs-in-which-they-apply;~~ and

(f) internal provisions to give evidence of harmony between objectives and prerequisites, to the effect that ~~such prerequisites and program provisions shall~~ they form a consistent and interrelated whole. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.602 TEACHING AREAS: ADVANCED PROGRAMS (1) Admission to such programs shall be open to persons who already hold ~~the-initial~~ a regular teaching certificate in ~~the~~ a teaching field. The emphasis, in both content and rigor, should be on advanced study in that field.

(2) Learning procedures shall be appropriate to the competence of the students and ~~to~~ their growing knowledge in the area of specialization.

(3) The content of special area programs ~~in-subject---fields;~~ and/or professional education shall provide:

(a) breadth in the field;

(b) the detailed study of one or more specialized aspects of the field; and

~~(d) (c)~~ (c) access to new research and developments. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.701 SUPERVISORS For the prospective supervisor the program shall provide:

(1) provide well-defined criteria for admission, which shall-include including professional experiences field work in the schools;

(2) ~~provide-for~~ increased understanding of the crucial and dynamic role of the school in our culture and ~~for~~ the development of the knowledge and skills needed to focus the school resources of ~~the school~~ on recognized social concerns;

(3) ~~provide~~ an advanced level of preparation ~~with emphasis on~~ that emphasizes recent research and new developments in the area to be supervised;

(4) ~~provide-for-the-development-of~~ skill in understanding principles and practices in curriculum development and interpreting ~~this-development~~ them to others;

(5) ~~provide-for~~ the understanding of learning theory and ~~the its~~ application ~~of-such-theory~~ to the improvement of teaching;

(6) ~~provide-for-the-development-of~~ skill in school supervision, with emphasis on the individual and ~~on~~ group processes; and

(7) ~~be-designed-to-facilitate~~ the acquisition of those skills deemed essential for effective supervision, ~~and-shall include including~~ supervised experiences in schools ~~to-provide-an-opportunity~~ that offer opportunities to:

(a) observe how supervisors discharge ~~supervisory~~ their duties;

(b) gain knowledge of essentials in successful school supervision;

(c) acquire theoretical understanding of successful ~~school~~ supervisory practices;

(d) learn about school organization and the essentials of ~~coordination-of~~ coordinating various aspects of the school program; and

(e) acquire supervisory competence through practice ~~that~~ is carefully assessed by administrative or supervisory personnel. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.702 SCHOOL PRINCIPALS For the prospective principal the program shall provide:

(1) ~~provide~~ well-defined criteria for admission, ~~which shall-include including~~ professional ~~experiences~~ field work in the schools;

(2) ~~assure~~ the acquisition of the following:

(a) knowledge of a broad range of learning experiences and an understanding of the interrelationships involved;

(b) ~~knowledge-and-skills-of-administration-and-supervision~~ administrative and supervisory skills;

(c) knowledge and skills related to group dynamics and curricular improvements;

(d) understanding of the particular rights, responsibilities, and ethics inherent in professional service;

(e) knowledge and skills related to school-community relations;

(f) ability to conceptualize the interrelationships of the various disciplines;

(g) knowledge of school law; and

(h) experience in research and development with specific application to school programs and administration;

(3) ~~provide flexibility to allow~~ for individualized programs of study and experience;

(4) ~~provide for~~ supervised off-campus practicum which aids in integrating theory and effective school practices;

(5) ~~provide for~~ the identification of candidates ~~possessing qualities of~~ who have leadership, sensitivity, and scholarship ~~along with~~ qualities and the human relations skills and insights necessary for effective ~~selection and continuing development of personnel through the use of~~ personnel selection, retention, and ~~final~~ evaluation procedures;

(6) ~~provide for~~ comprehension of learning theory and the competence ~~in applying to apply~~ such theory ~~and to the evaluation as well as evaluate~~ and improvement ~~of~~ learning and teaching; and

(7) ~~provide for~~ understanding of the crucial and dynamic role of the school in our culture and the knowledge and skills needed to focus the school resources ~~of the school~~ on recognized social concerns. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.703 SCHOOL SUPERINTENDENTS For the prospective superintendent the program shall provide:

(1) provide well-defined criteria for admission, ~~which shall include~~ including professional experiences- field work in the schools;

(2) ~~provide for the development of~~ skill in ~~administration of~~ administering educational programs, ~~administration of~~ funds, and facilities, personnel, ~~administration and continuing~~ staff development;

(3) ~~provide for the development of~~ skill in such administrative processes such as: discovering, diagnosing, and setting goals; planning and making decisions; establishing priorities; organizing, delegating responsibilities, communicating, and evaluating;

(4) ~~provide for~~ understanding of the crucial and dynamic role of the school in our culture and ~~for~~ the knowledge and skills needed ~~in focusing to focus the school resources of the school~~ on recognized social concerns;

(5) ~~provide for~~ the identification of candidates ~~possessing qualities of~~ who have leadership, sensitivity, and scholarship ~~along with~~ qualities and the human relations skills and insights necessary for effective ~~selection and continuing development of all school~~ personnel ~~through the use of~~ selection, retention, and ~~final~~ evaluation procedures;

(6) provide studies, experiences, and activities which increase a candidate's comprehension, knowledge, and skill in ~~relation to~~ the following:

(a) the learner and the learning process;

(b) curriculum development;

(c) school organization and operation;

(d) supervision of professional and nonprofessional personnel;

(e) school board relationships, school law, professional personnel responsibilities, negotiations, school finance, and public relations;

(f) relevant concepts from the social and behavioral sciences;

(g) performance and interpretation of research and development with specific applications to school programs and administration; and

(h) ~~dealing-with~~ handling school/community needs.

(Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.707 SCHOOL PSYCHOLOGISTS For the prospective school psychologist the ~~professional~~ advanced program shall:

(1) and (2) Remain the same.

(3) ~~conduct~~ implement a well-defined plan for evaluating the school psychologists it prepares and use the results in ~~the study,-- development-and-improvement-of~~ its program;

(4) provide full-time faculty who ~~possess-the~~ have a doctorate degree in psychology or education or related disciplines or have training and experience deemed equivalent. At least one faculty member shall possess a doctorate with advanced study in school psychology and experience as a school psychologist. ~~in-the-schools.~~ Part-time faculty shall meet the requirements for ~~appointment-to~~ the full-time faculty and shall be employed only when they can make special contributions to the school psychology program;

(5) ~~provide--evidence~~ ensure that faculty members who teach laboratory and clinical practicums and supervise ~~internship-experiences-of~~ school psychologists interns shall have ~~continuing-association-and~~ ongoing involvement with elementary and secondary schools;

(6) ensure that the department responsible for the school ~~psychology~~ psychologist training program has a cooperative relationship with other departments in the educational and behavioral sciences;

(7) Remains the same.

(8) ~~provide-that~~ allow students to develop appropriate knowledge of the organization, administration, and operation of the elementary and secondary schools, ~~and~~ the major roles of ~~the personnel-employed-in~~ public schools personnel, and curriculum development at all grade levels;

(9) ~~provide-that~~ allow training school psychologists ~~in~~ training to develop competencies in consultation, counseling, psychoeducational assessment, report writing, and individual and group prescriptive programming procedures, ~~--utilizing~~ and the use of applied research techniques and ethical decision-making; and

(10) Remains the same. (Auth: Sec. 20-2-121, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.801 TYPES OF PROGRAMS (1) Innovative and experimental programs include but are not necessarily limited to the following:

(a) New Approaches: programs designed to develop new approaches, new arrangements, and/or new contexts for the preparation of school personnel.

(b) New Positions: programs designed to prepare school

personnel for new types of positions that are emerging ~~on-the--~~
~~in modern education scene.~~

(c) Special Needs: programs designed to meet the special needs of particular segments of ~~our~~ society.

(d) Specific Curricular Areas: programs designed for specific curricular areas for which recognized standards have not yet been developed. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.802 STANDARDS FOR APPROVAL (1) A The institution shall provide a clear statement justifying the request for the approval of an experimental or innovative program. ~~shall-be-provided-and~~ That statement shall include the program's assumptions, rationale, and objectives. ~~on-which-the-program-is---based-~~

(2) Each program shall:

(a) be based upon a statement of the purpose and objectives of teaching in ~~their~~ this area and upon a well-formulated statement of the nature of the public school program that is needed to accomplish these objectives. These statements shall:

(i) be prepared cooperatively by the agencies concerned with teacher education;

(ii) be based on analyses of current practices and trends in this field of the public school curriculum; and

(iii) be available in writing;

(b) include a clearly ~~formulated~~ statement of the competencies ~~needed-by~~ teachers need in this area. ~~These~~ This statement of competencies shall:

(i) include required attitudes, knowledges, understandings, and skills, and the degrees of expertise ~~in-each-need-~~
~~sary-for-the-beginning-teachers~~ teachers need;

(ii) be based upon the program's statement developed ~~in--the-preceding-standards-regarding-the~~ of objectives and ~~program~~
~~of-the-sch-~~ outlined in subsection (2)(a) above; and

(iii) be available in writing;

(c) include a description of the process ~~by-which-the---~~
~~used to prepare personnel will-be-prepared-;~~

(d) develop provisions for keeping records of the students' progress in the program;

(e) make arrangements for systematic and scheduled program review of ~~the-process-at-stated-intervals~~ by both the institution and the office of public instruction;

(f) be supported by identifiable human and physical resources that will be available throughout the duration of the program. Any resources not under the control of the ~~teacher~~
~~education~~ institution shall be outlined and confirmed by the board of public education;

(g) include a timetable setting forth:

(i) the program's beginning and ending dates;

(ii) the sequence of activities that will occur;

~~(iii)--the-anticipated-schedule-of-evaluative-check--~~
~~points-;~~

~~(iv)~~ (iii) selected selection and schedules of intervals
for competency and the-identification-of-competencies-or-other
changes-in-the program evaluations;

~~(v)~~ (iv) the approximate dates ~~on which~~ for submitting periodic program reports ~~will be submitted~~ to the appropriate institutional officials and to the superintendent of public instruction;

(h) ~~provide for continuing~~ ensure that program evaluations with have definite provisions for performance criteria and follow-up at specified intervals. The evaluations shall:

(i) be guided by a plan that ~~includes definitions~~ defines and ~~specifications of~~ specifies the kinds of evidence that will be gathered and reported;

(ii) ~~provide~~ give information ~~to identify~~ that identifies areas in the program that need strengthening;

(iii) be used to suggest new directions for program development.

(3) The preparing institution shall ~~be vested with~~ be responsible for the administration ~~responsibility for~~ of the program. ~~Institutions which accept the responsibility for the education of teachers~~ Within this responsibility it shall establish and designate the appropriate division, school, college or department within the institution to act ~~within the framework of general institutional policies~~ on all matters relating to such program, according to general institutional policies. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

10.58.901 STANDARDS FOR APPROVING COMPETENCY-BASED OR PERFORMANCE-BASED PROGRAMS (1) These standards apply to all competency-based and performance-based teacher education programs. For each ~~preparation~~ program, the institution shall:

(a) develop and adopt an explicit statement of "program exit" competencies that relate to the entry-level professional role. These competencies must include all of the criteria implicit in the general standards (Sub-Chapter 4) and specific standards (Sub-Chapter 5);

(b) provide a program design that:

(i) relates the competencies (cited in ~~(2)~~ (a) above) to modules, subcourses, or courses;

(ii) lists the learning activities involved; and

(iii) specifies the assessment techniques used to verify the attainment of these competencies;

(c) formally assesses follow-up data to determine the relationship between "exit" competencies and initial professional role performance. Such assessment shall be considered in program development; and

(d) ~~Have~~ use an on-site evaluation team, designated by the ~~office of public instruction~~ board of public education, to determine the institution's performance in the ~~development~~ and verification of a candidate's role competency and in the collection and use of follow-up data. (Auth: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, MCA.)

4. The board proposes to amend these rules as a result of a five-year process to make the teacher education standards fit the particular needs of the state of Montana. The amendments are a result of suggestions from teachers, teacher educators and other interested citizens of the state of Montana.

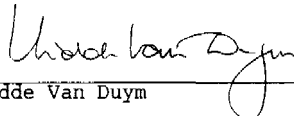
5. Interested parties may present their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Harriett Meloy, Chairperson, Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620, no later than February 24, 1984.

6. Dr. Hidde Van Duym, Executive Secretary to the Board of Public Education, has been designated to preside over and conduct the hearing.

7. The authority of the Board to amend the rules is based on Section 20-2-114, MCA, and the rules implement Section 20-2-121, MCA.


HARRIETT MELOY

Chairperson
Board of Public Education

BY: 
Hidde Van Duym

Certified to the Secretary of State January 16, 1984.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED ADOPTION OF
ADOPTION OF RULES for	)	RULES DEFINING DISABILITY and
defining disability and	)	RELATING TO LICENSE AGENT
relating to license	)	SECURITY, and the PROPOSED
agent security, and the	)	AMENDMENT OF RULE 12.3.202,
AMENDMENT OF RULE 12.3.202	)	CLASSES OF LICENSE AGENTS
regarding classes of)	
license agents	)	NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons.

1. On February 27, 1984, the Montana Department of Fish, Wildlife and Parks proposes to adopt rules relating to the definition of disability and license agent security, and to amend rule 12.3.202 which establishes classes of license agents.

2. The proposed rule defining disability provides as follows:

RULE I DISABLED PERSONS (1) For the purposes of Sec. 87-2-803, MCA, a disabled person is defined as follows:

(a) A disability must be medically determined to be of a permanent and substantial nature resulting in significant impairment of a person's functional ability and specifically includes amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, and renal failure.

(b) A person who, because of lack of social competence, mobility, experience, skills, training, or other successful characteristics, is in need of sheltered employment or work activities services in a protective setting.

(2) The department will provide application forms for disabled persons to submit to their Montana licensed physicians for certification of disability. Upon receipt of a completed application the department will issue a certification of disability.

AUTH: 87-2-803 MCA; IMP: 87-2-803 MCA.

3. This rule is proposed in response to the enactment of 87-2-803 (Effective March 1, 1984), MCA, which provided for department certification of disability.

4. The proposed amendment of Rule 12.3.202, which establishes classes of license agents, provides as follows:

(1) There are two three classes of license agents, ~~general and limited.~~

2-1/26/84

MAR Notice No. 12-2-75

(a) The general license agent is authorized upon certification by the director to sell all hunting and fishing licenses and such other certificates or permits as provided by law. Class I. Class I license agents sell more than \$2,000 of licenses per license year. Class I agents must remit all moneys and submit all duplicates on or before the 10th of the month following the sale of the licenses.

(b) The limited license agent is authorized upon certification by the director to sell those licenses, permits, or certificates as designated upon the certificate of appointment of that agent. Class II. Class II license agents sell less than \$2,000 of licenses per license year and serve at the request of the department. Class II agents must remit all moneys and submit all duplicates on or before June 10, September 10, December 10, and March 10 of each license year, or when \$500 in sales is accumulated.

(c) Class III. Class III license agents are limited to selling specific licenses as determined by the department. Class III agents must remit all moneys and submit all duplicates on or before the 10th of the month following the sale of the licenses.

AUTH: 87-2-901, 87-2-903 MCA; IMP: 87-2-901, 87-2-903 MCA.

5. This amendment is proposed in response to the enactment of 87-2-903 (Effective March 1, 1984), MCA, which provides for the submission of license money, and to relax bonding requirements of low volume license agents.

6. The proposed rule relating to license agent security provides as follows:

RULE I. ACCEPTABLE LICENSE AGENT SECURITY (1) The department will only accept license agent security in the following forms:

(a) Corporate Security Bond in the amount of at least \$1,000, on forms prescribed by the department.

(b) Certificate of Deposit Assignment Agreement, on forms prescribed by the department.

(2) All license agents shall provide security in an amount of at least 40% of the previous year's consignments or as determined by the department.

(3) If a license agent does not remit on a timely basis, the department may require 100% security for the following license year.

AUTH: 87-2-902 MCA; IMP: 87-2-902 MCA.

7. This rule is proposed in response to the enactment of 87-2-902 (Effective March 1, 1984), MCA, which requires license agents to provide bond or security as established by the department.

8. Interested parties may submit their data, views or arguments concerning the proposed rules or amendment in writing to Kevin C. Meek, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, Montana 59620, no later than February 23, 1984.

9. If a person who is directly affected by the proposed rules or amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Mr. Meek no later than February 23, 1984.

10. If the department receives requests for a public hearing on the proposed rules or amendment from either 10% or 25, whichever is less, of the persons directly affected; from the Administrative Code 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 by the proposed rule relating to license agent security and the proposed amendment of Rule 12.3.202 regarding classes of license agents has been determined to be 42. Ten percent of those persons directly affected by the proposed rule defining disability has been determined to be 50.

11. The authority of the agency to adopt the proposed rule defining disability is based on 87-2-803, MCA, and the rule implements 87-2-803, MCA. The authority of the agency to adopt the proposed amendment of rule 12.3.202 concerning classes of license agents is based on 87-2-901 and 87-2-903, MCA, and the amendment implements 87-2-901 and 87-2-903, MCA. The authority of the agency to adopt the proposed rule regarding license agent security is based on 87-2-902, MCA, and the rule implements 87-2-902, MCA.

By: Richard Johnson
for: JAMES W. FLYNN, Director
Department of Fish, Wildlife and
Parks

Certified to the Secretary of State: January 16, 1984

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING
of rule 16.8.1102, establishing) ON PROPOSED AMENDMENT OF
when an air quality permit is) ARM 16.8.1102
required) (Air Quality)

TO: All Interested Persons

1. On March 9, 1984, at 9:00 a.m., a public hearing will be held in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of rule 16.8.1102.

2. The proposed amendment replaces present rule 16.8.1102 found in the Administrative Rules of Montana. The proposed amendment would add provisions specifying when a source of air-borne lead contamination must obtain an air quality permit.

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

16.8.1102 WHEN PERMIT REQUIRED -- EXCLUSIONS (l) Except as hereafter specified, no person shall construct, install, alter or use any air contaminant source or stack associated with any source without first obtaining a permit from the department or the board. A permit shall not be required for the following:

(a) - (i) Same as existing rule.

(j) Agricultural and forest prescription fire activities (the adoption of this exclusion does not exempt such activities from regulation under ARM 16.8.1301 through 16.8.1307, Open Burning Restrictions; ~~and~~

(k) Drilling rig stationary engine and turbines of less than:

(i) 2000 HP if burning natural gas, or

(ii) 1000 HP if burning liquid fuels; ~~and~~

(l) All other sources and stacks not specifically excluded which have the potential to emit less than 25 tons per year of any pollutant, other than lead, for which a rule has been adopted in this chapter-;

(m) A new or altered stack or other source of airborne lead contamination whose potential to emit lead is less than 5 tons per year; and

(n) An alteration or modification of an already constructed stack or other source of lead contamination which results in an increase in the maximum potential of the source or stack to emit airborne lead contaminants by an amount less than 0.6 tons per year.

AUTHORITY: Sec. 75-2-111, 75-2-204, MCA

IMPLEMENTING: Sec. 75-2-204, 75-2-211, MCA

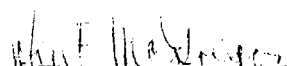
4. The Board is proposing these amendments to the rule because they are necessary in order to meet the Environmental Protection Agency's requirements for review and control of

sources of lead in the ambient air, which in turn are considered necessary to prevent violations of the ambient air quality standard for lead.


5. Interested 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 Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than March 7, 1984.

6. Robert L. Solomon has been designated to preside over and conduct the hearing.

7. The authority of the Board to make the proposed amendments is based on sections 75-2-111 and 75-2-204, MCA, and the rule implements sections 75-2-204 and 75-2-211, MCA.



JOHN F. MCGREGOR, M.D., Chairman

By 

JOHN W. BARTLETT, Deputy Director
Department of Health and
Environmental Sciences

Certified to the Secretary of State January 16, 1984

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
repeal of rules 16.14.801	)	REPEAL OF RULES
through 16.14.805 relating)	
to cleaning of cesspools,	)	(Cesspools, Septic Tanks
septic tanks and privies	)	and Privies)
		NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On March 5, 1984, department proposes to repeal rules 16.14.801 through 16.14.805 relating to cleaning of cesspools, septic tanks and privies.

2. The rules proposed to be repealed can be found on pages 16-797 and 16-798 of the Administrative Rules of Montana.

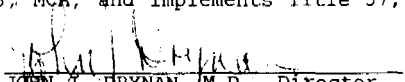
3. The rules are proposed to be repealed because they have been replaced by new rules (16.14.806 through 16.14.813). The proposed adoption of the new rules was published in the Montana Administrative Register on November 10, 1983, and the final notice of adoption of the new rules appears in this issue of the Register.

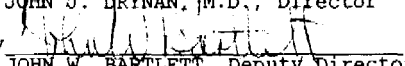
4. Interested persons may submit their data, views, or arguments concerning the proposed repeal in writing to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than February 24, 1984.

5. If a person who is directly affected by the proposed action wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Robert L. Solomon at the above address, no later than February 24, 1984.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action, from the Administrative Code 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 more than 25, based on the number of septic tank pumpers, sanitarians and affected landowners in Montana.

7. The authority of the department to repeal the rules is based on section 37-41-103, MCA, and implements Title 37, Chapter 41, MCA.


JOHN J. DRYNAN, M.D., Director

By 
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State January 16, 1984

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

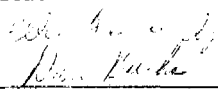
IN THE MATTER OF THE ADOPTION)
TICN of Rule 1 relating to)
the deduction of the windfall)
profits tax from net proceeds)

NOTICE OF WITHDRAWAL of Rule
1 relating to a deduction of
the windfall profits tax from
net proceeds.

TO: All Interested Persons:

1. On September 29, 1983, the Department of Revenue published notice of the proposed adoption of Rule 1 relating to the deduction of the windfall profits tax from net proceeds at pages 1326 and 1327 of the 1983 Montana Administrative Register, issue number 18.

2. The Department hereby withdraws this notice of proposed adoption. The rule as proposed reflected an incomplete interpretation of the statutes it implements especially with respect to procedures concerning a request by taxpayers for an adjustment of the windfall profits tax deduction.



ELLEN PEAVER, Director
Department of Revenue

Certified to Secretary of State 1/16/84

OFFICE OF THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION of Rule I relating to the deduction of the windfall profits tax from net proceeds.)	NOTICE OF PUBLIC HEARING on the PROPOSED ADOPTION of Rule I relating to the deduction of the windfall profits tax from net proceeds.
--	---	--

TO: All Interested Persons:

1. On February 15, 1984, at 1:30 p.m., a public hearing will be held in Room C209 of the Cogswell Building, Corner of Broadway and Sanders Streets, Helena, Montana, to consider the proposed adoption of Rule I relating to deduction of the windfall profits tax from net proceeds. (Please use the Broadway Street entrance.)

2. The rule as proposed to be adopted provides as follows:

RULE I WINDFALL PROFITS TAX (1) Effective for production years beginning on or after January 1, 1980, the amount of the windfall profits tax deduction allowed in the computation of the oil net proceeds is 70% of the amount paid or withheld in satisfaction of the liability for windfall profits tax or the actual windfall profits tax.

(2) The base to which the 70% factor will be applied is the amount withheld or payment made incident to a bona fide and orderly discharge of the actual tax liability during the production year. It will not include duplicate withholding or withholding for nontaxable royalty interests without regard to whether or not these interests have filed exemption certificates. It will include any adjustments from prior tax periods. No attempt will be made to allocate adjustments to prior periods.

(3) In lieu of adjusting amounts claimed as a deduction for windfall profits tax in production years 1980, 1981, and 1982, to the actual liability after refunds, credits, other adjustments, etc., the department will reduce the deductions claimed for windfall profit tax in 1980, 1981, and 1982, by 30%. The retroactive adjustments will be assessed in 1984 using the mill levy in effect for the year adjusted.

(4)(a) For the purpose of requesting an adjustment under § 15-23-615, MCA, the request must be made by the taxpayer who for the purposes of this rule is the operator designated pursuant to § 42-22-1201(2) and (3), ARM.

(b) No adjustment by either the department or taxpayer to the windfall profit tax deduction can be made without considering all interests in the property and their respective windfall profit tax liability.

(5) In the event of an adjustment (by either the taxpayer or the department) the taxpayer-operator will provide the following applicable information for each interest owner in the producing property:

(a) Form 6248, Annual Information Return of Windfall Profits Tax;

(b) Form 6249, Computation of Overpaid Windfall Profit Tax, or Form 6249-A, Royalty Owner's Credit for Overpaid Windfall Profit Tax;

(c) Form 720, Quarterly Federal Excise Tax Return;

(d) Form 843 Claim (for refund) and any other federal form documenting refund claims relating to the windfall profits tax liability; and

(e) Supporting workpapers for the above forms with sufficient detail and any other documentation necessary to enable the department to determine the amount of windfall profits tax paid and the amounts refunded or allowed as a credit for each lease. AUTH: 15-23-108, MCA; JMP: 15-23-603, 15-23-605, 15-23-615, and 15-23-616, MCA.

3. The Department of Revenue is proposing this rule because Chapter 383 of the 1983 Laws of Montana provides that either 70% of the windfall profits taxes withheld and paid by an operator or the actual windfall profits tax liability after considering all refunds and credits due each working interest or royalty owner is deductible in computing net proceeds taxes on oil and gas. This rule sets forth the base to which the 70% factor is to be applied. The rule also clarifies the mill levies that will be used in implementing the retroactive provisions of Chapter 383. Finally, the rule lists the specific information which must be provided if the 70% factor is not used. The rule also defines "taxpayer" for the purposes of requesting adjustments to the windfall profits tax deduction. It establishes a process for making the adjustment that is consistent with the process required for filing the returns under Part 6, Chapter 23, Title 15, MCA. That process requires a filing of a return for all interests in a property by the operator or producer.

4. Interested parties 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:

Ann Fenny
Legal Bureau
Department of Revenue
Mitchell Building
Helena, Montana 59620

no later than February 23, 1984.

5. Sarah Power, Agency Legal Services, Department of Justice, has been designated to preside over and conduct the hearing.

6. The authority of the Department to make the proposed rule is based on § 15-23-108, MCA. The rule implements §§ 15-23-603, 15-23-605, 15-23-615, and 15-23-616, MCA.

Ellyn Ffaver
ELLYN FFAVER, Director
Department of Revenue

Certified to Secretary of State 1/16/84

2-1/26/84

MAR Notice No. 42-2-261

STATE OF MONTANA
BEFORE THE DEPARTMENT OF COMMERCE

In the matter of the adoption) NOTICE OF ADOPTION OF A
of a new rule setting a renewal) NEW RULE 8.10.406
date for licenses for barbers,) RENEWALS
barber shops, schools and)
apprentices.)

TO: All Interested Persons:

1. On December 15, 1983, the Department of Commerce published a notice of adoption of the above-stated rule at pages 1764-1765, 1983 Montana Administrative Register, issue number 23.

2. The department has adopted the rule exactly as proposed.

3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF COSMETOLOGISTS

In the matter of the repeal of) NOTICE OF REPEAL OF ARM 8.14.
8.14.1002 concerning applica-) 1002 APPLICATIONS and ADOPTION
tions for electrolysis and) OF 8.14.909 EXAMINERS -
adoption of a new rule 8.14.) STUDENT EXAMINATIONS
909 concerning examiners and)
student examinations)

TO: All Interested Persons:

1. On September 15 and December 15, 1983, the Board of Cosmetologists published notices of amendments, repeals, adoptions of the above-stated rules at pages 1225 through 1237, and pages 1766 and 1767, 1983 Montana Administrative Registers, issue numbers 17 and 23.

2. The board has repealed and adopted the rules exactly as proposed.

3. David Niss, Legal Counsel for the Administrative Code Committee telephoned the department to bring to the attention of the board that the authority and implementing sections were not included in the notice. The authority of the board to make the repeal is based on section 37-32-201, MCA, the rule implemented sections 37-32-302, and 303, MCA. No other comments or testimony were received.

DEPARTMENT OF COMMERCE

BY: 

GARY BUCHANAN, DIRECTOR

Certified to the Secretary of State, January 16, 1984.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF THE ADOPTION
adoption of Rule 12.6.510	)	OF RULE 12.6.510
relating to outfitters and)	
professional guides.)	

TO: All Interested Persons.

1. On December 15, 1983, the Department of Fish, Wildlife and Parks published notice of a proposed adoption of a rule concerning licensing of outfitters and professional guides at pages 1785-6 of the 1983 Montana Administrative Register issue number 23.

2. The agency has adopted the rule as proposed.

3. No comments or testimony were received.

By: Richard Flynn
for: JAMES W. FLYNN, Director
Department of Fish, Wildlife
and Parks

Certified to the Secretary of State: January 16, 1984

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE ADOPTION
ADOPTION OF RULES	)	OF RULES CONCERNING
regarding game bird farms,	)	GAME BIRD FARMS, FUR FARMS,
fur farms, and game farms	)	AND GAME FARMS.

TO: All Interested Persons.

1. On October 13, 1983, the Department of Fish, Wildlife and Parks published notice of public hearing on the proposed adoption of rules relating to the operation of game bird farms at pages 1428-1429 of the 1983 Montana Administrative Register, Issue No. 19. Public hearing was held at 7:00 p.m. on November 15, 1983.

2. The department has adopted the rules as follows:

12.6.1601 APPLICATION FOR AND RENEWAL OF GAME BIRD FARM LICENSE (1) Application for a game bird farm license shall be made in writing on a form prescribed by the Department of Fish, Wildlife and Parks.

(2) The applicant shall include a ~~\$50~~ \$25 license fee with the initial application.

(3) A game bird farm license may be renewed prior to January 31 upon payment of a fee of ~~\$25~~ \$15.

(4) All game bird farm licenses expire on January 31 following the date of issuance.

(5) A game bird farm operator whose license has expired for more than ~~30-days~~ 1 year will be considered a new applicant and pay the ~~\$50~~ \$25 initial application fee accompanied by an initial application form.

(6) The department may not renew a game bird farm license until the licensee has submitted the report described by section 87-4-912, MCA.

(7) If a person is issued more than one license under sections 87-4-406 - 87-4-423, sections 87-4-901 - 87-4-916, and sections 87-4-1001 - 87-4-1013, MCA, the total assessment for initial fees or for renewal fees for all licenses issued to such person may not exceed the amount of the largest individual license fee.

(8) No initial license fee shall be assessed against any person who held a game bird farm license on October 1, 1983, unless there is a break in licensing of more than 1 year.

(Auth. 87-4-913, MCA; Imp. 87-4-904, 87-4-905, MCA.)

12.6.1602 PURCHASE AND SALE OF GAME BIRDS

~~{1}--No game bird farm operator may purchase, sell, or otherwise transfer any diseased game birds.~~

~~{2}~~ (1) No person may purchase live game birds from within the state except from the holder of a current game bird farm license. This rule does not prohibit the purchase of live game birds delivered from outside the state, under import permits issued by the Department of Livestock.

(Auth. 87-4-913, MCA; Imp. 87-4-911, MCA.)

12.6.1603 FENCING (1) The licensee shall fence or enclose his operation sufficiently to prevent the entry of wild game birds and to prevent the escape of game farm birds into the wild.

(2) The fencing enclosures of all game bird operations licensed on October 1, 1983, are deemed adequate for compliance with this rule.

(Auth. 87-4-913, MCA; Imp. 87-4-904, MCA.)

12.6.1604 REPORTING (1) Reports required by section 87-4-912, MCA, shall be filed on forms provided by the department.

(Auth. 87-4-913, MCA; Imp. 87-4-912, MCA.)

3. The department received the following comments and responds as follows:

COMMENT: The proposed fee of \$50 for an additional license and \$25 for renewal is too high and will discourage the small-scale operator.

RESPONSE: The department has reviewed the fee structure and assessed the administrative cost and has amended the fees to be \$25 for the initial license fee and \$15 for renewal fees.

COMMENT: The provision in Rule I which would require an operator to get a new license if his license has expired for more than 30 days appears to be inconsistent with language in the session laws which allows a 1-year lapse.

RESPONSE: While the provision in the session laws is somewhat ambiguous, the department agrees that it appears to be the legislative intent to allow a 1-year expiration before requiring a new initial application and has changed the rule accordingly.

COMMENT: The provision in Rule II which would prohibit the transfer or conveyance of diseased game birds is unnecessary since the Department of Livestock already imposes obligations upon the transport of game birds.

RESPONSE: The department agrees with this comment and has changed the rule accordingly.

COMMENT: The department should provide some sort of grandfather provision for currently licensed game bird farm operators with regard to the fencing requirements.

RESPONSE: Since the session laws appear to contemplate such a provision, the department has placed one in the rule.

4. The authority of the department to adopt the new rules is found in 87-4-913, MCA. The new rules implement sections 87-4-904, 87-4-905, 87-4-911, and 87-4-912, MCA.

5. On October 13, 1983, the Department of Fish, Wildlife and Parks published notice of public hearing on the proposed adoption of rules relative to the operation of fur farms at pages 1426-1427 of the 1983 Montana Administrative Register, Issue No. 19. Public hearing was held at 7:00 p.m. on November 15, 1983.

6. The department has adopted the rules as follows:

12.6.1701 APPLICATION FOR AND RENEWAL OF FUR FARM LICENSE (1) Application for a fur farm license shall be made in writing on a form prescribed by the Department of Fish, Wildlife and Parks.

(2) The applicant shall include a \$50 \$25 license fee with the initial application.

(3) A fur farm license may be renewed prior to January 31 upon payment of a fee of \$25 \$15.

(4) All fur farm licenses expire on January 31 following the date of issuance.

(5) A fur farm operator whose license has expired for more than 30-days 1 year will be considered a new applicant and pay the \$50 \$25 initial application fee accompanied by an initial application form.

(6) The department may not renew a fur farm license until the licensee has submitted the report described by section 87-4-1011, MCA.

(7) If a person is issued more than one license under sections 87-4-406 - 87-4-423, sections 87-4-901 - 87-4-916, and sections 87-4-1001 - 87-4-1013, MCA, the total assessment for initial fees or for renewal fees for all licenses issued to such person may not exceed the amount of the largest individual license fee.

(8) No initial license fee shall be assessed against any person who held a fur farm license on October 1, 1983, unless there is a break in licensing of more than 1 year.

(Auth. 87-4-1013, MCA; Imp. 87-4-1003, 87-4-1004, MCA.)

12.6.1702 PURCHASE AND SALE OF FURBEARERS

(1) Live furbearers may be sold only by the holder of a valid fur farm license.

(2) No person may purchase live furbearers from within the state except from the holder of a current fur farm license. This rule does not prohibit the purchase of live furbearers from outside the state.

(Auth. 87-4-1012, MCA; Imp. 87-4-1007, MCA.)

12.6.1703 FENCING (1) The licensee shall fence or enclose his operation sufficiently to prevent the entry of wild furbearers and to prevent the escape of fur farm animals into the wild. The department, upon request, will provide guidelines to applicants for the construction of minimally adequate facilities.

(2) The fencing enclosures of all fur farm operations licensed on October 1, 1983, are deemed adequate for compliance with this rule.

(Auth. 87-4-1012, MCA; Imp. 87-4-1003, MCA.)

12.6.1704 REPORTING (1) Reports required by section 87-4-1011, MCA, shall be filed on forms provided by the department.

(Auth. 87-4-1012, MCA; Imp. 87-4-1011, MCA.)

7. The department has received the following comments and responds as follows:

COMMENT: The proposed fee of \$50 for an additional license and \$25 for renewal is too high and will discourage the small-scale operator.

RESPONSE: The department has reviewed the fee structure and assessed the administrative cost and has amended the fees to be \$25 for the initial license fee and \$15 for renewal fees.

COMMENT: The provision in Rule I which would require an operator to get a new license if his license has expired for more than 30 days appears to be inconsistent with language in the session laws which allows a 1-year lapse.

RESPONSE: While the provision in the session laws is somewhat ambiguous, the department agrees that it appears to be the legislative intent to allow a 1-year expiration before requiring a new initial application and has changed the rule accordingly.

COMMENT: The department should provide some sort of grandfather provision for currently licensed fur farm operators with regard to the fencing requirements.

RESPONSE: Since the session laws appear to contemplate such a provision, the department has placed one in the rule.

COMMENT: The department should promulgate a rule allowing fur farm operators to take live furbearers from the wild as foundation stock.

RESPONSE: The 1983 Legislature specifically repealed a provision allowing for the taking of foundation stock from the wild. While the department has no objections from a biological standpoint to that provision, it must acknowledge a legislative intent to preclude that by the legislature's action, and therefore cannot lawfully promulgate such a rule.

8. The authority for the department to adopt these rules is based on section 87-4-1013, MCA. The new rules implement sections 87-4-1003, 87-4-1004 and 87-4-1007, MCA.

9. On October 13, 1983, the Department of Fish, Wildlife and Parks published notice of public hearing on the proposed adoption of rules relating to the operation of game farms at pages 1422-1425 of the 1983 Montana Administrative Register, Issue No. 19. Public hearing was held at 7:00 p.m. on November 15, 1983.

10. The proposed rules have been adopted as follows:

12.6.1501 APPLICATION FOR AND RENEWAL OF GAME FARM LICENSES (1) Application for a game farm license shall be made in writing on a form prescribed by the Department of Fish, Wildlife and Parks.

(2) The applicant shall include a \$100 license fee with the initial application.

(3) A game farm license may be renewed prior to January

31 upon payment of a fee of \$25.

(4) All game farm licenses expire on January 31 following the date of issuance.

(5) A game farm operator whose license has expired for more than ~~30 days~~ 1 year will be considered a new applicant and pay the \$100 initial application fee accompanied by an initial application form.

(6) The department may not renew a game farm license until the licensee has submitted the report described by section 87-4-417, MCA.

(7) If a person is issued more than one license under sections 87-4-406 - 87-4-423, sections 87-4-901 - 87-4-916, and sections 87-4-1001 - 87-4-1013, MCA, the total assessment for initial fees or for renewal fees for all licenses issued to such person may not exceed the amount of the largest individual license fee.

(8) No initial license fee shall be assessed against any person who held a game farm license on October 1, 1983, unless there is a break in licensing of more than 1 year.

(Auth. 87-4-422, MCA; Imp. 87-4-409, 87-4-411, MCA.)

12.6.1502 PURCHASE AND SALE OF GAME

(1) ~~No game farm operator may purchase, sell, or otherwise transfer any diseased game.~~ Game farm operators must purchase, sell, transport, or otherwise transfer game in compliance with all applicable livestock statutes and regulations.

(2) No person may purchase live game from within the state except from the holder of a current game farm license or zoo and menagerie license. This rule does not prohibit the purchase of live game delivered from outside the state.

(3) The licensee shall use forms provided by the department to record all purchases, sales, or other transfers of game farm animals.

(Auth. 87-4-422, MCA; Imp. 87-4-416, MCA.)

12.6.1503 FENCING FOR CLOVEN-HOOVED GAME REQUIREMENTS

(1) ~~The height of a fence shall be at least 8 feet from ground level to top wire.~~ Fencing requirements for game farms shall be as follows:

(a) For whitetail deer, mule deer, elk, moose, red deer, or other large cloven-hoofed ungulates covered by this rule, fencing shall be, as a minimum:

(i) 7½ feet high, constructed of woven wire of 12½ gauge or cyclone fence of 12½ gauge; or

(ii) shall be of a construction and material that the applicant can document has been successfully used in other locales for the same species and under similar conditions.

(b) For sika deer, mouflon sheep and other small cloven-hoofed ungulates covered by this rule, fencing shall be, as a minimum:

(i) 4 feet high, of woven wire of 12½ gauge; or

(ii) of a construction and material that the applicant can document has been successfully used in other locales for

the same species and under similar conditions.

(c) For all other species of game farm animals under section 87-4-406(4), MCA, and section 12.6.1508, fencing will be required that has been documented in other areas as being sufficient to keep animals of the same species confined under similar conditions as is proposed by the applicant.

(2) The materials, their specification, and construction shall be as follows:

(a) -- Posts: -- Posts shall be durable material of sufficient weight and length to construct and support the fence described without constant replacements, firmly set in the ground and anchored or braced at necessary points, spaced at intervals not to exceed 16 1/2 feet, minimum top diameter of 3 1/2 inches at the 8-foot height, for wood posts. -- Pine, spruce or fir posts are not acceptable unless pressure-treated with creosote or equivalent preservative.

(b) -- Wire: -- Woven and barb wire to be securely fastened to the outside of the posts.

(i) -- Woven wire: -- Woven wire to be not less than 84 inches wide and at least equal to the following specifications:

(A) -- Top and bottom wire not less than 10-gauge or the equivalent, on all width rolls.

(B) -- Horizontal wires not less than 12 1/2-gauge or the equivalent, with spacing graduated from not more than 4 inches at the bottom to not more than 6 inches at the top.

(C) -- Vertical wire (stays) not less than 12 1/2-gauge or the equivalent, spaced at intervals not to exceed 6 inches. (To make the mesh at the bottom not more than 4 inches X 6 inches and at the top not more than 6 inches X 6 inches.)

(D) -- The wire to be properly stretched with the smaller openings at the bottom and the bottom wire not to exceed 2 inches above a ground wire. -- All depressions exceeding 4 inches below the woven wire and ground wire to be either "aproned" with woven wire or filled with rock or other permanent material.

(ii) -- Barb wire:

(A) -- Two-point, 12 1/2-gauge galvanized.

(B) -- A ground wire to be placed at ground level below the woven wire.

(C) -- A top wire spaced 6 inches above the woven wire to complete a fence measuring overall not less than 8 feet from ground to top wire.

Fence right-of-way shall be cleared for a distance of 8 feet on each side of the fence, and of all dead timber with a height greater than the distance to the fence shall be felled. 8 feet for a distance of 8 feet on the inside of the fence.

(3) Gates shall be constructed to measurements and specifications consistent with the fence. The fence shall be maintained in a game-proof condition at all times. If cloven-hoofed game are able to pass through, under, or over the fence because of any local topographic or other conditions, the licensee shall supplement the fence so as to prevent such passage.

~~(4) Bear and elk proof swinging water gaps, supported from steel cables (not less than 4 inch in diameter) constructed to equal the specifications of the fence, shall be provided across all permanent streams and dry watercourses.~~

The standards described in this rule shall apply only to those game farms not licensed as of October 1, 1983, and to any new fencing constructed after the effective date of this rule by game farms licensed as of October 1, 1983.

(5) The fence shall be maintained in a game-proof condition at all times. If cloven-hoofed game are able to pass through, under, or over the fence because of any local topographic or other conditions, the licensee shall supplement the fence so as to prevent such passing.

(Auth. 87-4-913, MCA; Imp. 87-4-904, MCA.)

12.6.1504 FENCING FOR BEARS AND MOUNTAIN LIONS REPORTING

~~(i) Minimum specifications:~~

~~(a) Size:--50 feet by 20 feet with 6 square feet house-~~

~~(b) Materials:~~

~~(i) Chain-link fence fabric:--9-gauge~~

~~(ii) Posts:--4 inch outside diameter galvanized steel pipe or 6 inch wood pressure-treated~~

~~(iii) Tie wire:--9-gauge galvanized~~

~~(iv) Gates:--Steel frame~~

~~(c) Construction:--Vertical wire fabric, 1 foot below surface to 6 feet above ground level;--2 feet extensions above 6 feet vertical fence, slanted or arched inward to prevent climbing out;--One electric fence wire, 1 foot above ground level and 1 foot away from chain-link enclosure fence around interior of enclosure~~

(1) Reports required by section 87-4-417, MCA, shall be filed on forms provided by the department.

(Auth. 87-4-422, MCA; Imp. 87-4-417, MCA.)

12.6.1505 RECOVERY OF ESCAPED ANIMALS

(1) A game farm licensee must notify the department immediately when a game farm animal has escaped from the game farm.

(2) The licensee must recapture the animal within 5 days following escape. ~~If the game farm operator fails to recapture the escaped game animal within 5 days, the department may remove it from the wild by whatever means necessary when the game farm animal will conflict with native species or cause damage to public or private property.~~ 15 days of the licensee's notification to the department that the animal has escaped. If the licensee is unable to recapture the animal within 15 days because of circumstances outside the licensee's control which have intervened to prevent the recapture of the escaped animal, the department may approve an additional 30 days' time for the licensee to recapture the escaped animal. If, at the end of that period, the licensee fails to recapture the escaped game animal, the department

may remove it from the wild by whatever means necessary when the game animal will conflict with native species or cause damage to public or private property.

Nothing in this rule precludes the licensee from continuing to attempt to capture the game farm animal after the expiration of the 45-day period described in this subsection.

(3) Upon recapture of an escaped game animal, the licensee must notify the department immediately. The department may inspect the recaptured animal to confirm that it is a game farm animal.

(Auth. 87-4-422, MCA; Imp. 87-4-419, MCA.)

RULE VI--IDENTIFICATION OF GAME FARM ANIMALS

~~(1) Game farm licensees shall provide some identifying mark on each game farm animal. The identification may be provided by any one of the following: ear tag, lip tattoo, brand, or neck collar.~~

12.6.1506 CLOVEN-HOOFED ANIMALS AS GAME FARM ANIMALS

(1) All animals of the order Artiodactyla, except the families suidae, camelidae, and hippopotamidae, are game farm animals under the definition described in section 87-4-406(4), MCA, provided that the following animals in the family bovidae are not considered game farm animals under section 87-4-406(4), MCA: domestic cows, domestic sheep, domestic goats which are not naturally occurring in the wild, and bison.

(Auth. 87-4-422, MCA; Imp. 87-4-406(4), MCA.)

11. The department received the following comments and makes the following responses:

COMMENT: The provision in Rule I which would require an operator to get a new license if his license has expired for more than 30 days appears to be inconsistent with language in the session laws which allows a 1-year lapse.

RESPONSE: While the provision in the session laws is somewhat ambiguous, the department agrees that it appears to be the legislative intent to allow a 1-year expiration before requiring a new initial application and has changed the rule accordingly.

COMMENT: The provision in Rule II which would prohibit the transfer or conveyance of diseased game animals is unnecessary since the Department of Livestock already imposes obligations upon the transport of game animals.

RESPONSE: The department agrees with the comment and has promulgated a provision which acknowledges the game farm operator's responsibility to comply with all applicable livestock statutes and regulations.

COMMENT: The department, in Rule II(2), should not limit the purchase of live game from only the holders of current game farm licenses. This would preclude a menagerie

license holder from selling out his stock if he should go out of business.

RESPONSE: The department agrees with this response and has broadened that subsection to allow the purchase of game from zoo and menagerie license holders.

COMMENT: The proposed fencing requirement is too narrow in that (1) it does not allow for shorter fencing for animals which do not need 8 feet fences, and (2) it does not provide any flexibility for innovations in the area of live-stock fencing that may result in an adequate fence that is not contemplated by the rule, and (3) it does not acknowledge the legality of existing licenced game farm fences.

RESPONSE: The department agrees with these comments and has changed the rule to allow for more flexibility in the fencing, to allow an applicant to provide proof of a new fencing's capabilities of holding game farm animals, and to provide a grandfather provision for existing licensed game farms.

COMMENT: The department's provision for the recovery of escaped animals does not allow sufficient time for the recovery of an escaped animal.

RESPONSE: The department agrees with this comment and has provided a longer period of time to recover escaped animals and has provided for the game farm operator to get an extension to recover the escaped animals where circumstances beyond his control have precluded recapture.

COMMENT: The department's proposed provision on the identification of each game farm animal is unnecessary and burdensome for the game farm operator.

RESPONSE: The department agrees with this comment and has deleted the rule which required identification of game farm animals.

COMMENT: The department's proposed rule for identifying cloven-hoofed animals as game farm animals is too broad and inspecific, and it is difficult to identify what constitutes a domestic cow, domestic sheep or domestic goat.

RESPONSE: The department has used the specific identifying names of the families of cloven-hoofed animals which it intends to cover. The scientific names are as precise an identification as is available. Further, the department acknowledges the difficulty in attempting to identify domestic farm animals and has added language to attempt to clarify what constitutes a domestic sheep, goat, or cow.

12. The authority for the department to adopt these rules is based on section 87-4-422, MCA.

for: *James W. Flynn*
JAMES W. FLYNN, Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State: January 16, 1984

Montana Administrative Register

2-1/26/84

BEFORE THE STATE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of Rule 12.9.202 relating to)	OF RULE 12.9.202
the Brinkman Game Preserve)	RELATING TO THE
	BRINKMAN GAME PRESERVE

TO: All Interested Persons.

1. On November 10, 1983, the Fish and Game Commission published a Notice of Public Hearing in the proposed repeal of Rule 12.9.202 which established the Brinkman Game Preserve, at page 1602 of the 1983 Montana Administrative Register, issue number 21. The public hearing was held on December 1, 1983, at 7:00 in Chester, Montana.

2. The Notice of Public Hearing indicated that the proposed action was a repeal of the rule establishing the Brinkman Game Preserve. Because of the public comment, the commission elected to amend the rule to change the status of the preserve.

3. Rule 12.9.202 is amended as follows:

12.9.202 BRINKMAN GAME PRESERVE (1) The boundary of the Brinkman Game Preserve is as follows: The S $\frac{1}{2}$ section 7, and E $\frac{1}{2}$, NE $\frac{1}{4}$ section 7, and S $\frac{1}{2}$ section 8, and NW $\frac{1}{4}$ section 8, S $\frac{1}{2}$ section 9, S $\frac{1}{2}$ and E $\frac{1}{2}$, NE $\frac{1}{4}$ section 10. All of sections 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 35, 36; all in township 29N, range 7E, M.P.M., Liberty County, Montana.

(2) The Brinkman Game Preserve is closed to the hunting of all species except deer.

(3) Except as specifically permitted by the commission for the hunting of deer, no person may carry or discharge firearms within the preserve.

4. The commission has thoroughly considered all verbal and written comment received.

a. Comment: The preserve is important in maintaining many wildlife species in addition to deer. It is a resting place for waterfowl, particularly Canada goose, and provides habitat for a variety of other kinds of wildlife, and those species should be protected by preserve status.

Response: The commission acknowledges the necessity to protect the other species within the reserve's boundaries, and in response to that comment has abandoned the preserve only with respect to deer.

b. Comment: The need to hold a special deer hunt is clear, but the preserve should not be abandoned.

Response: By statute, the commission cannot authorize hunting on a preserve unless some action is taken to abandon it. Thus, before the department can authorize deer damage hunts, some action must be taken to change the status of the preserve.

By: Spencer S. Heggstad
SPENCER S. HEGSTAD, Chairman
Montana Fish and Game Commission

Certified to the Secretary of State: January 11, 1984

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF THE ADOPTION
of rules I through VIII	)	OF RULES
16.14.806 through 16.14.813)	
relating to licensure of)	
cesspool, septic tank and	)	(Cesspool, Septic Tank
privy cleaners	)	and Privy Cleaners)

To: All Interested Persons

1. On November 10, 1983, the department published notice of the proposed adoption of Rules I through VIII (16.14.806 through 16.14.813) relating to the licensure of cesspool, septic tank and privy cleaners at pages 1611-1617 of the 1983 Montana Administrative Register, issue no. 21. A public hearing was held on December 9, 1983.

2. The department has adopted the rules with the following changes:

16.14.806 RULE I PURPOSE Same as proposed rule.

16.14.807 RULE II DEFINITIONS In addition to the definitions in section 37-41-104, MCA, the following definitions apply in this sub-chapter:

(1) "Crops for direct human consumption" means crops that are consumed by humans without processing to minimize pathogens prior to distribution to the consumer. Examples may include, but are not limited to lettuce, potatoes, and other garden produce.

(2) - (4) Same as proposed.

(5) "Applied to the land surface" means the uniform application of liquid or semi-liquid waste material at a rate closely approximating that which will result in maximum benefit to the crop or vegetative cover in the field, without ponding, runoff, or leaching.

(6) "Control of public access" means reasonable precautions to prevent excessive exposure of humans to pathogenic materials. "Controlled" does not mean that all entry must be precluded. For example, waste land may still be used by hunters, but should not be used for parklands, playgrounds or other areas for general use by the public.

AUTHORITY: Sec. 37-41-103, MCA

IMPLEMENTING: Title 37, Chapter 41, MCA

16.14.808 RULE III LICENSURE; DURATION OF LICENSE; FEES

(1)(a) - (d) Same as proposed.

(e) pertinent water quality information estimated depth to groundwater at each disposal site, and the basis for the estimates;

(f) geological and soil information general statement of soil type (example: clay, gravel, sandy loam) at each disposal site;

(g) - (j) Same as proposed.

2-1/26/84

Montana Administrative Register

(2) The exclusion provided in section 37-41-105, MCA, is available only to private individuals wishing to dispose of their own septage on ~~privately owned land~~ land which they own or lease.

(3), (4) Same as proposed.

(5) During the term of the license, the licensee may add new disposal sites to the service area with the approval of the department and after fulfilling the requirements of subsection (1)(j) of this rule. For purposes of this paragraph, the certification required in subsection (1)(j) of this rule may be satisfied with verbal approval of the health officer or his designated representative. Within 30 days after use of the site, a disposal site approval form must be completed by the pumper and certified by the health officer or his designated representative. The form must then be submitted to the department to be added as an amendment to the license.

(6) - (8) Same as proposed.

AUTHORITY: Sec. 37-41-103, MCA

IMPLEMENTING: Sec. 37-41-201, 37-41-202, MCA

16.14.809 RULE IV PROCESSING OF LICENSE APPLICATIONS

Same as proposed rule.

16.14.810 RULE V INSPECTIONS AND ENFORCEMENT Same as proposed rule.

16.14.811 RULE VI OPERATION AND MAINTENANCE REQUIREMENTS

(1) - (1)(a)(ii)(A) Same as proposed.

(B) grazing animals whose milk or milk products are consumed by humans must be prevented on the disposal site during the period of disposal and for at least one month after the final application or incorporation.

(1)(b) - (5) Same as proposed.

(6) For the purposes of this rule, "processes to further reduce pathogens" means any of the following:

(a) Composting: Using the within-vessel composting method, the solid waste is maintained at operating conditions of 55° C or greater for three days. Using the static aerated pile composting method, the solid waste is maintained at operating conditions of 55° C or greater for three days. Using the windrow composting method, the solid waste ~~attained~~ attains a temperature of 55° C or greater for at least 15 days during the composting period. Also, during the high temperature period, there will be a minimum of five turnings of the windrow.

(b) - (e) Same as proposed.

(7) Same as proposed.

AUTHORITY: Sec. 37-41-103, 75-10-204, MCA

IMPLEMENTING: Sec. 37-41-103, 75-10-204, MCA

16.14.812 RULE VII SPECIFIC SITE CRITERIA (1) There must be no occupied building or drinking water supply well within 500 feet of the land application area.

(2) There must be no surface water body or drainageway within 150 feet of the land application area. Greater distances may be required where slopes or other factors may increase chance of runoff from the land application area.

(2) (3) There must be no state, federal, county or city maintained highways or roads or surface water bodies, within 500 feet of the land application area.

(4) There must be no drinking water supply sources within 100 feet of the land application area.

(3) (5) Topographical slopes on cultivated fields must be no more than 4 percent. Slopes on seeded fields must be no more than 8 percent. Forest slopes must be no more than 8 percent for year-round operations but for seasonal operation, forest slopes up to 14 percent may be acceptable, taken into account when selecting land application areas. All reasonable efforts must be made to insure that ponding or runoff of seepage does not occur.

(4) (6) If trench or burial disposal is used, there must be at least twenty feet of separation between the seepage and the seasonally high groundwater with no soil percolation rate within this zone exceeding 1½ inches per hour. Examples of suitable soils may include, but are not limited to those containing organic or inorganic clay or silts. In general, sandy or gravelly soils are suitable only when finer soils are present.

(5) (7) If seepage is applied to the land surface or seep-perated into the soil, there must be at least ten six feet separation between the seepage and the seasonally high groundwater. Greater separation may be required where soil types or specific application processes might increase the chance of groundwater contamination.

AUTHORITY: Sec. 37-41-103, MCA

IMPLEMENTING: Sec. 37-41-103, MCA.

16.14.813 RULE VIII SPECIAL CONDITIONS Same as proposed rule.

3. The following is a summary of the comments received in writing and at the hearing, and the department's responses:

Specific Comments:

RULE II DEFINITIONS - subsection (1) - Comment: "Crops for direct human consumption" is not specific enough.

Response: Specific examples of crops have been added to provide greater clarity in intent. The examples provided help show the differences between those crops which may be eaten "raw" or "unprocessed" such as garden vegetables, and those which undergo further processing prior to consumption, such as most small grain crops.

RULE II DEFINITIONS - subsection (5) - A new definition of "applied to the land surface" has been added to clarify land application procedures, and to allow greater coordination between this rule and commonly accepted septic tank installation standards.

RULE II DEFINITIONS - subsection (6) - Comment: "Access control" is not clear.

Response: A new definition of "control of public access" has been added to clarify the intent of access restrictions.

RULE III LICENSURE; DURATION OF LICENSE; FEES - subsections (1)(e) and (f) Comment: Some of the site information required may not be available to the pumper.

Response: The department has revised these subsections to allow for use of best available information without the need in most cases for test holes or wells.

RULE III LICENSURE; DURATION OF LICENSE; FEES - subsection (5) - Comment: The procedure for adding sites is too difficult.

Response: To further clarify intent, this subsection has been amended to specifically allow verbal approvals "from the field".

RULE V INSPECTIONS AND ENFORCEMENT - Comment: Inspections authorized in Rule V should be up to local authorities.

Response: The statute gives primary licensing authority to the department. It is therefore appropriate for the department to share inspection authority with local authorities. In practice, most inspections will be conducted locally, with department involvement for special circumstances.

RULE VI OPERATION AND MAINTENANCE REQUIREMENTS - subsection (1) - Comment: Three to four months is adequate for neutralization of pathogens at a land application site. Eighteen months is too long.

Response: Available evidence indicates that certain pathogens such as viruses, parasites ova (eggs), larvae, and cysts may be viable up to eighteen months or longer. Eighteen months is consistent with EPA criteria. It should be noted that the 18 month criterion applies only when septage is applied to land used to grow crops normally consumed raw.

Comment: There is no difference between animal manure and septage. Grazing restrictions are unnecessary.

Response: It has been well documented that septage contains pathogenic bacteria, viruses, and parasites and may contain small quantities of pesticides and other household chemicals which can adversely affect both humans and animals. The proposed thirty day grazing restriction for animals whose products are consumed by humans is appropriate because (1) the animal acts as a first line of defense against human contact with pathogens, and (2) a large part of the pathogen accumulations will be washed off the crop or destroyed by weather during the one month restricted period. Language has been added to clarify that the concern is only with animals whose milk or milk products is consumed.

RULE VI OPERATION AND MAINTENANCE REQUIREMENTS - subsection (2) - Comment: Burial of septic tank pumpings should be prohibited. The burial is a waste of a valuable resource and inevitably leads to groundwater contamination.

Response: The department agrees that burial is a waste of a valuable agricultural resource. In certain cases, however, local municipal or regional sewage authorities may not allow septage in their wastewater plants, and land application sites may be difficult to locate due to population densities or high groundwater restrictions, etc. In these cases, trench disposal or burial may be the only viable alternative.

RULE VII SPECIFIC SITE CRITERIA Several commenters stated that the rules as proposed were more stringent than local rules regarding installation of septic systems. The department, after review, is in agreement and has modified sections of Rule VII to reflect the comments.

RULE VII SPECIFIC SITE CRITERIA - subsection (3) - Distances to drinking water supply sources have been changed to 100 feet, consistent with many local septic tank regulations. The 500 foot setback to occupied buildings has been preserved to allow for protection to neighboring residences from odors and vectors.

RULE VII SPECIFIC SITE CRITERIA - subsection (2) - The setback distance to drainageways and surface water bodies has been decreased to 150 feet. This potentially will allow greater use of many disposal areas. The amendment still allows for special circumstances where increased slopes or other factors might force the need for greater setback distances.

RULE VII SPECIFIC SITE CRITERIA - subsection (4) - Specific slope designations have been removed. Several commenters suggested that the old slope designations were difficult to judge from the field and too site-specific to be of value. The new language allows site evaluations on a performance basis.

RULE VII SPECIFIC SITE CRITERIA - subsection (5) -

Comment: Percolation requirements in Rule VII(5) are inadequate. Soil typing and permeability measurement is more effective.

Response: The department agrees that percolation rates are less satisfactory, but feels that the rule in question must be as simple and easy to interpret as possible, both by regulatory officials and pumpers. In the majority of cases, trench or burial situations will be carefully scrutinized prior to approval, by both state and local officials, and other laws and regulations will also be applied.

RULE VII SPECIFIC SITE CRITERIA - subsection (7) - The separation distance from land application sites to groundwater has been decreased to six feet to more closely coordinate with current septic tank installation requirements and local regulations. Special situations may require greater separation.

General Comments

Comment: The rules should make a distinction between septic tank waste and the more offensive privy vault wastes.

Response: Septic tank sludge consists of a combination of raw and partially digested sludges. From a pathogenic and public health standpoint, septic tank pumpings and privy vault wastes are nearly identical. Therefore, the department believes that no change in the proposed rule is in order.

Comment: The rule doesn't cover garage sump wastes.

Response: The Act does not provide for regulation of garage sump wastes.

Comment: The rule doesn't provide for "temporary" and "occasional" disposal sites as required by the law.

Response: The law does not mention "occasional" sites. It is not clear what is intended by the term "temporary" disposal. Nevertheless, the department feels that the provisions of Rule III(5) (verbal approval of new sites) addresses this situation. In addition, temporary holding facilities for septage are more properly addressed under the Solid Waste Management Act (Title 75, Chapter 10, Part 2, MCA) for which rules have been adopted (ARM Title 16, Chapter 14, Subchapter 5).

Comment: Current nuisance statutes are adequate to control poor disposal practice.

Response: The department is required by statute to develop these rules to control pumping and disposal of septic wastes, as an additional enforcement tool.

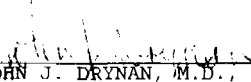
Comment: Enforcement of this rule is impossible. It is too weak since enforcement sections are optional rather than mandatory.

Response: Since the proposed rule replaces one which is outdated and essentially unenforceable, the department feels that the new rule is a great improvement.


Other Comments: Numerous other comments were received. The majority presented problems and questioned procedures beyond the scope of the enabling Act, Sections 37-41-101 through 212, MCA. Many of the commenters emphasized the need for counties to participate in the provision or identification of approved disposal areas. While there are some limiting factors involved, the comments suggest an urgent need for increased cooperation between state and local regulatory agencies and the regulated businesses. The department agrees that in certain circumstances, local government will have to help out with planning to insure the continuation of this essential service.

One commenter also suggested establishing a toll-free hotline to report violations. The department agrees that this idea is well founded and could enhance the regulatory process by increasing cooperation among the pumpers themselves between pumpers and regulatory officials. The hotline might also encourage greater citizen participation in the regulatory

process, which is ideal. As an interim measure, however, local regulatory officials have full authority for enforcement, and are generally available on short notice. While the department will look into the possibility of a "hotline", there appears to be adequate enforcement authority readily available at present.



JOHN J. DRYNAN, M.D., Director

By 

JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State January 16, 1984

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA


In the matter of the amendment	)	NOTICE OF THE AMENDMENT
of rules 16.44.104, 16.44.106,	)	OF RULES
16.44.108, 16.44.109, 16.44.202,)	
16.44.811, 16.44.817, and)	
16.44.819 governing the per-)	
mitting of facilities for the)	
treatment, storage and disposal	)	(Hazardous Waste
of hazardous waste	)	Management)


TO: All Interested Persons

1. On November 25, 1983, the department published notice of a proposed amendment of rules 16.44.104, 16.44.106, 16.44.108, 16.44.109, 16.44.202, 16.44.811, 16.44.817 and 16.44.819 pertaining to the permitting of hazardous waste management facilities at pages 1703 through 1707 of the 1983 Montana Administrative Register, issue number 22. A public hearing on the proposed amendments was held on December 19, 1983.

2. The department has amended the rules as proposed.

3. The only testimony presented at the hearing was a statement by the Environmental Quality Council in support of the proposed amendments and in general state administration of the hazardous waste program in Montana.


JOHN J. DRYNAN, M.D., Director

By 
JOHN W. BARTLETT, Deputy Director

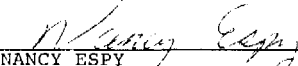
Certified to the Secretary of State January 16, 1984

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

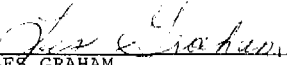
In the Matter of the Proposed) NOTICE OF AMENDMENT OF
Amendment of 32.2.401 Pertain-) 32.2.401 DEPARTMENT OF
ing to Brand Fees) LIVESTOCK LICENSE FEES,
) PERMIT FEES, AND
) MISCELLANEOUS FEES

TO: All Interested Persons.

1. On December 15, 1983, the Board of Livestock published notice of proposed amendment to 32.2.401 concerning brand fees. It was published at page 1795 of the Montana Administrative Register, Issue No. 23.
2. The Board has adopted the amendment as proposed.
3. No written comments or testimony were received.
4. The authority for the amendment is based on Section 81-1-102 M.C.A. and it implements Section 81-3-107 M.C.A.



NANCY ESPY
Chairman, Board of Livestock

By: 

LES GRAHAM
Executive Secretary to the
Board of Livestock

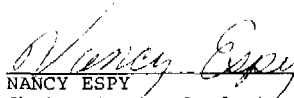
Certified to the Secretary of State January 16, 1984.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

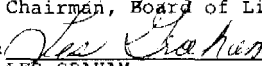
In the Matter of the Proposed) NOTICE OF AMENDMENT OF
Amendment of Rules Pertaining) 32.3.203 IMPORTATION OF
to the Importation of Animals) ANIMALS, 32.3.212 SPECIAL
and Biologics) REQUIREMENTS FOR CATTLE,
) AND 32.3.2301 CONTROL OF
) BIOLOGICS

TO: All Interested Persons.

1. On December 15, 1983, the Board of Livestock published notice of proposed amendments to 32.3.203, 32.3.212, and 32.3.2301 concerning importation of animals or biologics. It was published at page 1787 of the Montana Administrative Register, Issue No. 23.
2. The Board has adopted the amendments as proposed.
3. No written comments or testimony were received.
4. The authority for the amendments is based on Sections 81-2-102 M.C.A. and 81-2-707 M.C.A. and they implement 81-2-102 M.C.A., 81-2-703 M.C.A. and 81-2-801 M.C.A.



NANCY ESPY
Chairman, Board of Livestock

By: 

LES GRAHAM
Executive Secretary to the
Board of Livestock

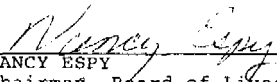
Certified to the Secretary of State January 16, 1984.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

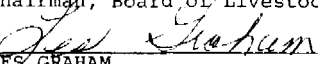
In the Matter of the Repeal	)	NOTICE OF REPEAL OF RULE
of 32.3.406 and the Adoption	)	32.3.406 AND ADOPTION OF
of Rules I - VI Concerning	)	RULES I - VI (32.3.407,
Brucellosis Tests	)	32.3.407A - 32-3-407F)

TO: All Interested Persons.

1. On December 15, 1983, the Board of Livestock published notice of proposed repeal of 32.3.406 and adoption of Rules I - VI concerning brucellosis testing of livestock. It was published at page 1790 of the Montana Administrative Register, Issue No. 23.
2. The Board has repealed Rule 32.3.406 and adopted Rules I - VI (32.3.407, 32.3.407A - 32.3-407F).
3. No written comments or testimony were received.
4. The authority for the repeal and adoption is based on Sections 81-2-102 and 81-2-103 M.C.A. and the rules implement Sections 81-2-102 and 81-2-103 M.C.A.



NANCY ESPY
Chairman, Board of Livestock

By: 

LES GRAHAM
Executive Secretary to the
Board of Livestock

Certified to the Secretary of State January 16, 1984.

VOLUME NO. 40

OPINION NO. 30

COUNTIES - Local government study commission;

LOCAL GOVERNMENT - Study commission to conduct local government review;

MONTANA CODE ANNOTATED - Sections 7-3-103, 7-3-103(2), 7-3-171 through 7-3-193, 7-3-173, 7-3-176;

MONTANA CONSTITUTION (1972) - article XI, section 9(2).

HELD: The question of conducting local government review and establishing a study commission must appear on the June 1984 primary election ballot pursuant to section 7-3-173(2), MCA, notwithstanding any recommendations made by the study committee now reviewing Lewis and Clark County government, or placement on the ballot thereof.

16 January 1984

Mike McGrath, Esq.
Lewis and Clark County Attorney
Lewis and Clark County Courthouse
Helena MT 59623

Dear Mr. McGrath:

You have asked my opinion concerning the required procedures for voting on the question of whether to conduct local government review in Lewis and Clark County. Your specific questions are:

1. If the study committee now reviewing Lewis and Clark County government recommends no change in the form of government, must the question of conducting a local government review and establishing a study commission appear on

the June 1984 primary election ballot for Lewis and Clark County?

2. If the study committee now reviewing Lewis and Clark County government recommends an alternative form of government and secures sufficient petition signatures to place the question of adopting the alternative form on an election ballot prior to June 1984 (for example, on the school election ballot in April 1984), must the question of conducting a local government review and establishing a study commission appear on the June 1984 primary election ballot for Lewis and Clark County?
3. If the study committee recommends an alternative form and secures sufficient petition signatures to place the question of adopting the alternative form on the June 1984 primary election ballot, must the question of conducting a local government review and establishing a study commission also appear on the June 1984 primary election ballot for Lewis and Clark County?

Article XI, section 9(2) of the Montana Constitution provides that the Legislature shall require local elections every ten years to determine whether each local government will undertake a review of its structure. If the review is approved by a majority of voters, a local government study commission shall be elected at a subsequent election.

The statutes that establish the mechanism for carrying out the mandate of article XI, section 9(2) of the Montana Constitution were enacted in 1983 and are found at sections 7-3-171 to 7-3-193, MCA. Local government study commissions are authorized in section 7-3-173, MCA, which provides:

Establishment of study commissions. (1) A study commission may be established by an affirmative vote of the people. An election on the question of conducting a local government review and establishing a study commission shall be held:

(a) whenever the governing body of the local government unit calls for an election by resolution;

(b) whenever a petition signed by at least 15% of the electors of the local government calling for an election is submitted to the governing body; or

(c) in 1984 and thereafter whenever 10 years have elapsed since the electors have voted on the question of conducting a local government review and establishing a study commission.

(2) The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission:

(a) in 1984 to implement the provisions of Article XI, section 9(2), of the Montana constitution as provided in section 2, Chapter 70, Laws of 1977;

(b) within 1 year after the 10-year period referred to in subsection (1)(c).

Subsection (1) permits the voters to call for government review and the establishment of a study commission at any time. Subsection (2) mandates that the question of conducting a local government review and establishing a study commission be submitted to the voters in 1984. Section 7-3-176, MCA, provides the procedure for filling the positions on the study commission at a subsequent election, if the question of government review is approved.

In Lewis and Clark County, a local government study committee was appointed by the Board of County Commissioners before the 1983 legislation was enacted. The committee was set up under previously-enacted legislation that provides procedures by which voters may consider an alternative form of local government. See § 7-3-103, MCA. Should this committee recommend a change in the existing form of government, the final proposal will be circulated to voters and will qualify to be placed on the ballot if 15% of the electors sign the petition, pursuant to section 7-3-103(2), MCA. It is possible that the committee's proposal will qualify as a ballot measure in 1984, either prior to or on the date of the primary election. Your questions concern

the effect of such an election on the recently-enacted requirement that the question of conducting local government review and establishing a study commission be voted on in 1984. § 7-3-173, MCA.

Although some study committees were appointed for the purpose of reviewing local government structure and submitting proposed changes to the voters under section 7-3-103, MCA, these committees should not be confused with the local government study commissions referred to in the 1983 legislation. The new statutes, and in particular section 7-3-173, MCA, provide for electd study commissions as required by article XI, section 9(2) of the Montana Constitution. A study committee appointed by the local governing body, such as the one currently reviewing Lewis and Clark County government, does not fit this description. Nor does the newly-enacted section 7-3-173(2), MCA, permit any exceptions to the requirement that an election be held in 1984 on the question of whether to undertake local government review and establish a study commission.

The 1983 minutes of the House and Senate Committees on Local Government do not include discussions on the effect that ongoing study committees might have on the new legislation (House Bill 426, enacted as 1983 Mont. Laws, ch. 697). The legislative committees approved a statute that requires voters in 1984 to determine for themselves whether they wish to elect a study commission to review their local governments. The fundamental rule of all statutory construction is that the intention of the Legislature controls. State Bar of Montana v. Krivec, 38 St. Rptr. 1322, 1324, 632 P.2d 707, 710 (1981).

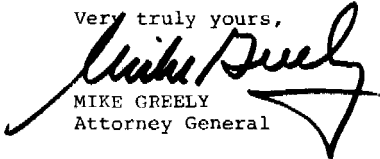
In light of the foregoing discussion, I conclude that the existence of the Lewis and Clark County study committee and the placing on the ballot of any of its recommendations would not affect the requirements of section 7-3-173, MCA.

THEREFORE, IT IS MY OPINION:

The question of conducting local government review and establishing a study commission must appear on the June 1984 primary election ballot pursuant to section 7-3-173(2), MCA, notwithstanding any recommendations made by the study committee now

reviewing Lewis and Clark County government, or
placement on the ballot thereof.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mike Greely". The signature is written in dark ink and is positioned above the printed name and title.

MIKE GREELY
Attorney General

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has 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. In addition, the Committee 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 or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.

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 statute 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
Subject
Matter | 1. Consult ARM topical index, volume 16.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
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 Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1983. This table includes those rules adopted during the period October 1, 1983 through December 31, 1983, and any proposed rule action that is 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 December 31, 1983, 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 1983 and 1984 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

I-XIII Discipline Handling, p. 1483, 1682
I-XXII Purchasing Rules, p. 1564, 1918
I-XXXI Procedures of the Office of the Workers'
Compensation Court, p. 1394, 1715
2.21.123 and other rules - Sick Leave, p. 1129, 1455

AGRICULTURE, Department of, Title 4

I-IV Grading of Certified Seed Potatoes, p. 679
I-XXI Montana Agricultural Loan Authority Rules, p. 1683
4.12.3402 Seed Laboratory Reports - Enforcement, p. 1489,
1920

STATE AUDITOR, Title 6

I Defining General Business Practices or General
Course of Business Practice, p. 1219, 1533
I-IV Registration Exemption for Regulation D Securities
Offerings and Creating Examination, Reporting and
Record Keeping Requirements for Investment
Advisors, 1582, 19
I-V Identical Nonforfeiture Values Under an Employer
Sponsored Retirement Benefit Program, p. 1492
I-V Emergency Rules - Identical Nonforfeiture Values
Under An Employer Sponsored Retirement Benefit
Program, p. 1527

- XVI Public Adjusters, p. 1495, 1813
I-XV Public Adjusters, p. 1221, 1530

COMMERCE, Department of, Title 8

- (Board of Cosmetologists)
8.14.816 and other rules - Salons - Examination - Fee
 Schedule - Electrology Schools - Sanitary Rules, p.
 1225, 1815
8.14.1002 Applications for Electrolysis, p. 1766
(Board of Dentistry)
I-XIX Standards for Dentists Administering Anesthesia, p.
 1768, 1861
8.16.602 Allowable Functions for Dental Auxiliaries, p. 1693
(Hearing Aid Dispensers)
8.20.401 Traineeship Requirements and Standards, p. 1132,
 1457
(Board of Horse Racing)
8.22.303 and other rules - Filming of Pari-mutuel Events and
 Financial Obligations of Pari-Mutuel Licensees -
 Fines Levied by Jockeys - Unclaimed Tickets, p.
 1775
8.22.325 Hearing Examiner, p. 1457
(Board of Landscape Architects)
8.24.405 and other rules - Examinations - Fee Schedules, p.
 1695, 24
(Nursing Home Administrators)
8.34.414 Examinations, p. 1282, 1663
(Board of Optometrists)
I Disciplinary Actions, p. 2
8.36.406 General Practice Requirements, p. 1410, 1717
8.36.407 Unprofessional Conduct-Violations, p. 1
(Physical Therapy Examiners)
8.42.401 and other rules - Applications - Examinations -
 Fees - Temporary Licenses - Foreign Trained
 Applicants, p. 1134, 1664
(Renewals)
I Renewal Date for All Barber Licenses, p. 1764
8.44.405 and other rules - License Renewal Dates for
 Plumbers, Professional Engineers and Land
 Surveyors, Optometrists, p. 1412, 1717
(Polygraph Examiners)
I-VI Licensure, p. 1589, 1921
(Private Investigators and Patrolmen)
I-XXVI Public Participation - Definitions - Employment -
 Applications - Experience Requirements -
 Examinations - Identification - Insurance -
 Uniforms License Renewal - Code of Ethics -
 Complaint Procedures, p. 1863
8.50.101 Organization, p. 1862
8.50.201 Procedural Rules, p. 1863

- 8.50.401 and other rules- Rules Governing the Board of Private Security Patrolmen and Investigators, p. 1863
- 8.50.416 License Renewal - Fee Schedule, p. 1414, 1718
(Board of Psychologists)
- 8.52.616 Fee Schedule, p. 1497, 1816
(Radiologic Technologists)
- 8.56.402 and other Rule - Applications - Fee Schedule, p. 1284, 1923
- 8.56.407 Renewals, p. 1588, 1922
- 8.56.409 Fee Schedule, p. 1592, 1923
(Board of Veterinarians)
- 8.64.501 Application Requirements, p. 1286, 1663
(Board of Weights and Measures)
- 8.77.102 Fees for Testing and Certification, p.1698, 24
(Milk Control Division)
- 8.79.101 and other rule -Transactions Involving the Purchase and Resale of Milk Within the State, p. 689, 1140, 1817
(Board of Milk Control)
- 8.86.301 Pricing Rules, p. 1142, 1459
- 8.86.301 Pricing Rules, Pooling Rule p. 1498, 1700
(County Printing)
- 8.91.303 and other rule - Official Publications and Legal Advertising - Schedule of Prices, p. 795, 1924
(Financial Bureau)
- I Retention of Bank Records, p. 693, 1458
- I Semi-Annual Assessment for State Banks, Trusts and Investment Companies, p. 1783
(Coal Board)
- 8.101.301 and other rules - Policy Statement - Preapplication Form - Agreement Form - Submittal Deadlines - Water and/or Sewer Systems Provided by Districts, 1416, 1826
(Public Contractors)
- I Definitions, 1238, 1535
(Health Facility Authority)
- I-VIII Montana Health Facility Authority Rules, p. 1288, 1719
(Montana Economic Development Board)
- I-IX General Provisions and Application Procedures - Approval of Financial Institutions - Confidentiality - False or Misleading Statements - Unified Application Procedures and Applications - Service Charge - Fee Schedule - Non-Discrimination, p. 1880
- X-XXIII Montana In-State Investment Fund - Policy - Eligibility Criteria - Preferences -Application Procedures - Fees - Loans - Commitment of Funds, p. 1888
- I-X Rules Pertaining to Montana Economic Development Board, p. 1509, 1820

EDUCATION, Title 10

(Superintendent of Public Instruction)

- 10.16.102 and other rules - Special Education Programs, p. 1148, 1668
- 10.16.903 and other rules - Special Education, p. 1150, 1669
- (Board of Public Education)
- I-IV School for Deaf and Blind Foundation, p. 1517, 1926
- 10.55.101 and other rules - Accreditation Standards of the Board of Education, p. 5
- 10.55.210 School Morale, p. 4
- 10.64.421 Mirrors, p. 1519

FISH, WILDLIFE AND PARKS, Department of, Title 12

- I Outfitters and Professional Guides, p. 1785
- I-IV Game Bird Farms, p. 1428
- I-IV Fur Farms, p. 1426
- I-VIII Game Farms, p. 1422
- I-IX Captive Breeding of Raptors, p. 1430, 1829
- 12.5.401 Oil and Gas Leasing Policy for Department-Controlled Lands, p. 1594
- 12.6.801 Boating Closures, p. 1597
- 12.6.901 Water Safety Regulations, p. 1597
- 12.7.101 Commercial Fishing Permits, p. 1420, 1927
- 12.9.202 Brinkman Game Preserve, p. 1602

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I Certificate of Need - Health Care Facilities, p. 1295, 1671
- I Certificate of Need - Psychiatric Hospital Services, p. 1895
- I Minimum Standards for a Hospice Program, Licensing and Certification, p. 1159, 1460
- I-VIII Cesspool, Septic Tank and Privy Cleaners, p. 1611
- I-XIV End-Stage Renal Disease Program, p. 1603, 41
- 16.10.305 Sale of Milk and Milk Products in Food Processing Establishments, p. 1701, 26
- 16.18.101 and other rules - Water and Wastewater Operators, p. 1011, 1720
- 16.32.103 and other rules - Certificate of Need Application Forms and Annual Reporting Forms for Health Care Facilities, p. 1610, 27
- 16.44.104 and other rules - Hazardous Waste Management - Permitting Requirements - Applications - Conditions - Financial Test, p. 1703

HIGHWAYS, Department of, Title 18

- 18.5.106 Design Requirements for Access Driveways, p. 1618, 47
- 18.6.202 Outdoor Advertising Definitions, p. 620, 1725

2-1/26/84

Montana Administrative Register

- 18.7.241 Forms for Utility Occupancy of Highway Right-of-Way, p. 1897
- 18.8.502 and other rules - Trip Permits - Insurance Requirements - Regulations Covering Movement of Oversize Homes and Buildings, p. 11
- 18.8.516 Haystack Movers - Commercial Self-Propelled, p. 11
- 18.8.1001 Mobile Home - Oversize Permits, p. 11

INSTITUTIONS, Department of, Title 20

- 20.3.201 and other rules - Approval of Chemical Dependency Programs - Guidelines for County Chemical Dependency Plans and Certification Systems for Chemical Dependency Personnel, p. 1162, 1463
- 20.7.102 Emergency Rule - Prisoner Application Procedure, General Statute Requirements, p. 1084, 1899

LABOR AND INDUSTRY, Department of, Title 24

- I-V Emergency Rules - Assessment on Employers in Lieu of Contributions and the Apportionment of Monies Received by Experience Rated Employers, p. 1293
- I-VI Assessment on Employers Making Payments in Lieu of Contributions and the Apportionment of Monies Received by Experience Rated Employers, p. 1240, 1674
- (Board of Labor Appeals)
- I Standards and Procedure for Reconsideration of Decisions, p. 938, 1464
- I-XVII Displaced Homemaker Program, p. 696, 1536
- (Human Rights Commission)
- I-VII Maternity Leave, p. 1017
- 24.9.226 Prehearing; Conciliation, p. 1014, 1833
- (Board of Personnel Appeals)
- I-II Disqualification of Hearing Examiners - Dismissal of Complaint, p. 1708
- 24.26.102 and other rules - Freedom from Interference, Restraint, Coercion, Retaliation - Employer Counter Petition - Petition for Decertification - Complaint - Answer - Exceptions - Petitions, p. 1708
- (Workers' Compensation Division)
- I-VII Licensing Requirements for Hoisting Operators and Crane Operators, p. 1300, 1728

STATE LANDS, Department of, Title 26

- I-IV Certification of Coal or Uranium Mine Blasters, p. 1901
- I-II Assessment and Waiver of Civil Penalties, p. 1905
- 26.4.1206 Notices and Cessation Orders: Service, p. 1908
- 26.4.1207 and other rules - Notices of Noncompliance and Cessation Orders: Informal Hearings - Effect of Inability to Comply - Continuation of Health and Safety Related Activities, p. 1908

LIVESTOCK, Department of, Title 32

- I-VI Brucellosis Testing of Animals, p. 1790
- 32.3.203 and other rules - Importation of Animals and
 Biologics, p. 1787
- 32.2.401 Livestock License, Permit and Miscellaneous Fees,
 p. 1795
- 32.3.406 Emergency Rule - Testing of Animals, p. 1540

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- (Board of Oil and Gas Conservation)
- I-XXXIII Procedural Rules, p. 1620

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-II Customers' Liability for Incorrect Billings, p.
 1242, 1739
- I-V Electric and Gas Line Extensions, p. 1309, 1910
- I-XVI Regulation of Intrastate and Interstate Carriers,
 p. 1313, p. 1735
- 38.3.119 and other rules - Regulation of Intrastate and
 Interstate Carriers, p. 1313, 1735
- 38.4.142 and other rules - Intrastate Rail Rate Proceedings,
 p. 1433
- 38.5.201 and other rules - Compensation for Consumer
 Intervenor in PURPA-Related Proceedings, p. 1312,
 1738

REVENUE, Department of, Title 42

- I Determination of License Quota Areas, p. 1655, 1928
- I Deductions from the Net Proceeds of Nonmetallic
 Mines, p. 1441
- I Deductions for Small Business Donations of Computer
 Equipment to Schools, p. 1437, 1744
- I Deductions for Corporate Donations of Computer
 Equipment to Schools, p. 1439, 1744
- I Deduction of Windfall Profits Tax From Net
 Proceeds, p. 1326
- I Deduction from Corporation License Tax for Sale of
 Land to Beginning Farmers, p. 1796
- I Deduction from Individual Income Tax for Sale of
 Land to Beginning Farmers, p. 1798
- I Imputed Value of Coal, p. 1329, 1834
- I Voluntary Refund Checkoff for Nongame Wildlife
 Fund, p. 1331, 1744
- I Voluntary Refund Checkoff for Nongame Wildlife, p.
 970, 1328
- I Deduction for Insurance, Welfare, Retirement,
 Mineral Testing, Security and Engineering, p. 1039,
 1835

- I Five Year Statute of Limitations for Net Proceeds of Oil and Gas, p. 1043, 1545
- I-II Formula for Adjusting Interest Income Exempt Under Federal Law, p. 1045, 1547
- I-III Wholesale Distributors, Obligations, Collection of Annual License Fee, p. 1521, 1929
- 42.11.111 State Liquor Identification Stamp, p. 1649, 1928
- 42.12.129 Determination of Proximity to a Place of Worship or School, p. 1653, 1914
- 42.12.203 Inter-Quota Area Transfers of All-Beverage Licenses, p. 1650, 1915
- 42.12.321 and other rule - Special Permits, p. 1657, 1913
- 42.13.302 Brewer Storage Depots, p. 1648, 1928
- 42.15.421 Standard Deduction, p. 954, 1465
- 42.15.424 Deductions for Expenses to Allow Taxpayer to be Employed, p. 945, 1465
- 42.15.504 Investment Tax Credit, p. 1021, 1542
- 42.17.103 Wages, p. 952, 1465
- 42.20.141 and other rules - Appraisal of Agricultural Lands, p. 58, 121, 972
- 42.21.112 Mobile Homes, p. 1047, 1544
- 42.22.101 and other rule - Assessment of Centrally Assessed Property, p. 1658, 1930
- 42.23.502 Investment Tax Credit, p. 1049, 1548
- 42.31.2101 and other rules - Definition of Public Contractor - Deduction From the Gross Receipts Tax, p. 973, 1466

SECRETARY OF STATE, Title 44

- I-VI Absentee Ballot Envelopes, p. 1660, 1802, 18
- 1.2.419 Filing, Compiling, Printer Pickup and Publication Schedule for the Montana Administrative Register, p. 1523, 1837

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I-IV Child Care Agency Treatment Program, p. 1804
- 46.5.116 Protective Services, Information System Operator, p. 1525, 1838
- 46.5.505 and other rules - Licensing of Youth Foster Homes, p. 1333, 1746
- 46.5.508 Foster Care Review Committee, p. 636, 1550
- 46.5.612 and other rules - Licensing of Child Care Agencies, p. 1804
- 46.5.801 and other rules - Licensing of Community Homes for Persons who are Developmentally Disabled, p. 1442, 1839
- 46.11.101 Food Stamp Program, p. 1713
- 46.12.3803 Medically Needy Income Standards, p. 1916, 1933
- 46.14.304 Low Income Weatherization Assistance Program; Income, p. 1341, 1751
- 46.25.712 and other rules - State General and Medical Relief Assistance, p. 1810