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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE BOARD OF RESPIRATORY CARE PRACTITIONERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment of a rule pertaining) THE PROPOSED AMENDMENT OF
to definitions) ARM 8.59.402 DEFINITIONS

TO: All Interested Persons:

1. On June 17, 1999, at 9:00 a.m., a public hearing will be held in the Division of Professional and Occupational Licensing Conference room, Lower Level, Arcade Building, 111 North Jackson, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The proposed amendment will read as follows: (new matter underlined, deleted matter interlined)

"8.59.402 DEFINITIONS (1) through (3) will remain the same.

(4) The board defines "pulse oximetry," "pulmonary function testing" and "spirometry" as diagnostic procedures that may be performed only by, or under clinical supervision of, a licensed respiratory care practitioner, pursuant to the orders of a physician, or other licensed health care professional."

Auth: Sec. 37-28-104, MCA; IMP, Sec. 37-28-101, 37-28-102, MCA

REASON: In order to protect the public health, safety and welfare, the Board of Respiratory Care Practitioners feels this amendment is necessary because pulmonary function testing includes assessment, monitoring and instruction. The spirometry screening is diagnostic. The results of these diagnostic tests can or may qualify individuals for medication, disabilities or rule out surgeries, and must be performed by skilled and licensed individuals.

3. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 7, 1999, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Respiratory Care Practitioners, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 444-3091; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-1667. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Helena Lee.

4. 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 Respiratory Care Practitioners, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile, number (406) 444-1667, to be received no later than 5:00 p.m., June 17, 1999.

5. F. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

6. Persons who wish to be informed of all Board of Respiratory Care Practitioners administrative rulemaking proceedings or other administrative proceedings may be placed on a list of interested persons by advising the Board at the hearing or by writing to the Board at 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513 or by phone at (406) 444-3091.

BOARD OF RESPIRATORY CARE
PRACTITIONERS
RICH LUNDY, CHAIRMAN

BY: Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF SANITARIANS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of rules pertaining) OF ARM 8.60.413 FEE SCHEDULE
to fees)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On June 19, 1999, the Board of Sanitarians proposes to amend the above-stated rule.

2. The proposed amendment will read as follows: (new matter underlined, deleted matter interlined)

"8.60.413 FEE SCHEDULE (1) will remain the same.

(2) Examination ~~90~~ 120

(3) Reexamination ~~90~~ 120

(4) through (7) will remain the same."

Auth: Sec. 37-1-134, 37-40-203, MCA; IMP, Sec. 37-1-134, 37-1-304, 37-40-302, 37-40-303, 37-40-304, MCA

REASON: The reason for the increased fee is to reflect the increase to the Board's cost of the examination by the National Environmental Health Association, and whom the Board contracts with to secure the national examination required for licensure purposes.

3. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Sanitarians, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., June 17, 1999.

4. If a person who is directly affected by the proposed amendments wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Sanitarians, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., June 17, 1999.

5. If the Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments, from the Administrative Rule Review 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those

persons directly affected has been determined to be 1 based on the 12 licensees in Montana.

6. Persons who wish to be informed of all Board of Sanitarians administrative rulemaking proceedings, or other administrative proceedings, may be placed on a list of interested persons by advising the Board in writing at 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513 or by phone at (406) 444-3091.

BOARD OF SANITARIANS
DENISE MOLDROSKI, CHAIRMAN

BY: Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BUILDING CODES DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment and adoption of rules) THE PROPOSED AMENDMENT AND
pertaining to the Building) ADOPTION OF RULES PERTAINING
Codes Division) TO THE BUILDING CODES DIVISION

TO: All Interested Persons:

1. On June 23, 1999, at 10:00 a.m., a public hearing will be held in the downstairs conference room at the Department of Commerce, 1424 9th Avenue, Helena, Montana, to consider the proposed amendment and adoption of rules pertaining to the Building Codes Division.

2. The proposed amendments of ARM 8.70.101, 8.70.105, 8.70.203, 8.70.208, 8.70.215, 8.70.216, 8.70.217, 8.70.302, 8.70.304, 8.70.401, 8.70.402, 8.70.407, 8.70.409, 8.70.502, 8.70.505, 8.70.601, and 8.70.902 will read as follows: (new matter underlined, deleted matter interlined)

"8.70.101 INCORPORATION BY REFERENCE OF UNIFORM BUILDING CODE (1) through (1)(n) will remain the same.

(n)(i) Subsection 107.2 Permit fees. The fee for each permit shall be as set forth in Table No. 1-A of the Uniform Building Code, ~~75% of the fee.~~

(ii) Subsection 107.3 Plan review fees. When submittal documents are required by section 106.3.2, a plan review fee shall be paid. Said plan review fee shall be ~~25%~~ 35% of the building permit fee as set forth in Table No. 1-A of the Uniform Building Code, 75% of the fee. When only plan review services are provided, the plan review fee shall be ~~65%~~ 50% of the combined plan review and building permit fee as set forth in Table No. 1-A of the Uniform Building Code.

(o) through (8) will remain the same.

(9) Subsection 106.3.2 of the Uniform Building Code is amended for the division by the addition of the following: "Plans, computations and specifications for buildings or structures with a calculated valuation of \$100,000 or more, or when located in seismic zones 3 or 4, with a calculated valuation of \$50,000 or more, shall be stamped and designed by an engineer or architect licensed to practice in the state of Montana. These requirements are guidelines for the division to establish when owner produced plans, computations and specifications are not acceptable and do not in any way address when a licensed engineer or architect is required by Title 39, chapters 65 and 67, MCA."

(10) through (25) will remain the same.

(26) Section 904.1 (Installation Requirements) is amended for the bureau division by addition of the following:

This subsection shall apply to buildings which are required by the Uniform Building Code to be provided with an

automatic sprinkler system, but have an inadequate water supply.

In accordance with Uniform Building Code Standard 9-1, Section 9.101 ~~and Uniform Building Code Standard 9-3, Section 9-302~~, the building official shall be the designated authority responsible for administering and enforcing NFPA-13 ~~and NFPA-13R~~. When the available water supply does not meet NFPA-13 ~~and NFPA-13R~~ requirements, it may be modified by the building official.

The modified water supply shall include sufficient storage on site to operate ~~a minimum of four sprinkler heads 50% of the sprinklers in the hydraulically remote area~~ for the response time of the local fire department. ~~This reduction shall not reduce the number of operating sprinklers to less than four.~~ Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula $T = 0.65 + 1.7D$, where T is response time, in minutes, and D is distance, in miles, from the fire station to the building, but shall not be less than 20 minutes.

Water supply requirements shall be established by using the area/density method. A 50% reduction in ~~design area, to not less than four heads~~, water supply is allowed. Density is not modified.

When a modified water supply is allowed, the sprinkler system must utilize quick response heads, be equipped with a flow alarm, automatic dialer digital alarm communicator transmitter and a fire department connection.

(27) through (43) will remain the same."

Auth: Sec. 50-60-104, 50-60-203, MCA; IMP, Sec. 50-60-103, 50-60-104, 50-60-108, 50-60-109, 50-60-201, 50-60-203, MCA

REASON: The Department is proposing these changes to ARM 8.70.101 for the following reasons (referred to by subsection number):

(1) (n) (i): Increases the building permit fee by removing the 25% reduction to the building permit calculation as set forth in Table 1-A of the Uniform Building Code. The increase in fees is necessary to offset the projected \$245,000 deficit in the building code enforcement program.

(1) (n) (ii): Simplifies the calculation of plan review fees by utilizing 50% of the total plan review and building permit fee calculated in (i) above.

(9): Clarifies that the Department's acceptance of plans and the issuance of a building permit to an owner who submits his/her own plans for an owner-built project does not address compliance with regulations regarding engineer and/or architectural licensure.

(26): Clarifies the design criteria for use of a modified water supply for automatic sprinkler systems when an adequate water supply is not available.

"8.70.105 INCORPORATION BY REFERENCE OF THE UNIFORM MECHANICAL CODE (1) through (1)(f) will remain the same.

(g) ~~Chapter 12, Appendix B, titled "hydronics" shall be adopted as part of the Uniform Mechanical code:~~

(2) through (7) will remain the same."

Auth: Sec. 50-60-104, 50-60-201, ~~50-60-203~~, 50-60-508, MCA; IMP, Sec. 50-60-103, 50-60-104, 50-60-201, ~~50-60-203~~, MCA

REASON: The Department is proposing the delete (1)(g) because the specific adoption of Appendix Chapter 12 is no longer needed as the 1997 edition of the Uniform Mechanical Code includes the equivalent of Appendix Chapter 12.

"8.70.203 ADOPTION OF CODES (1) The codes adopted by local governments must be the same as those adopted by the bureau division. This is as required by 50-60-301, MCA. However, local governments need only adopt those codes which they intend to enforce; that is, plumbing, electrical, building, mechanical, etc. The codes adopted by local governments must also be of the same edition as those adopted by the bureau division. Each time the bureau division updates the codes, local governments must also update their codes. The bureau division will notify local governments of these code updates, at which time local governments will have 90 days from receipt of the notice to update their codes. Local governments shall notify the bureau division in writing ~~within 180 days of receipt of the notice to update their codes, that when the updated codes have been adopted and are being enforced.~~ Such notification shall include a copy of the appropriate code adoption ordinance(s)."

Auth: Sec. ~~50-60-302~~, MCA; IMP, Sec. ~~50-60-301~~, ~~50-60-302~~, MCA

REASON: The Department is proposing to amend ARM 8.70.203 to correct the references to Bureau to Division and to clarify when local governments are to notify the Division when ordinances have been adopted.

"8.70.208 FUNDING OF CODE ENFORCEMENT PROGRAM (1) will remain the same.

(2) Permit fees must only be used for those costs related to building code enforcement activities, except for the building codes education fund as provided in Ch. 472, L. 1999, with building codes being only those codes adopted by the division in subchapters 1, 3, 4 and 15 of Title 8, chapter 70, Administrative Rules of Montana. It is not intended that permit fees be used to support fire departments, planning, zoning or other activities, except to the extent that employees in those programs provide direct plan review, inspection or other building code enforcement services for the building code enforcement program.

(3) and (4) will remain the same.

(5) Permit fees collected in a given year in excess of the costs of administering the building code enforcement program may shall be placed in reserve to be used in subsequent years, provided that the reserve amount not exceed the amount

needed to support the building code enforcement program for 12 months. Fees must be reduced if necessary to avoid creation of excess reserve."

Auth: Sec. 50-60-203, 50-60-302, MCA; IMP, Sec. 50-60-106, 50-60-302, C. 473, L. 1999, MCA

REASON: The Department is proposing these changes to ARM 8.70.208 for the following reasons (referred to by subsection number):

(2): Clarifies that the 0.5% of permit fees contributed to the building codes education fund by local code enforcement programs, as required by Ch. 473, L. 1999, is an appropriate expenditure of permit fees for the purpose of building codes enforcement activities.

(5): Clarifies that excess building permit fees must be placed in a reserve account as required by 50-60-106(2)(f)(ii).

"8.70.215 STAFF QUALIFICATION (1) Local plumbing and electrical inspectors must be either Montana licensed journeymen or inspector certified in the craft being inspected. In addition, the local plumbing permit inspection program must have a person to perform medical gas piping inspections, either as an employee or contracted, who possesses a Montana medical gas endorsement or has 30 hours of medical gas piping installation inspection training which is acceptable to the division.

(2) Local building and mechanical inspectors must be either inspector certified or have a related engineering or architecture degree.

(3) Plans examiners must be either plans examiner certified, or be inspector certified as allowed in (2) or have a related engineering or architecture degree. In lieu of plans examinations by a local jurisdiction's staff, the division may allow a local jurisdiction to contract out plans examinations with a qualified plans examination organization.

(4) Certification must be by a nationally recognized entity for testing and certification in the same code and edition date as is adopted by the division. The certification must be considered current by the certifying entity. When the division adopts a new code or a new edition of an existing code, local inspectors and examiners shall have six months to update their certification qualifications to meet the new code or edition. In the situation where a new edition or replacement code has been published but is not yet adopted by the division, certification in the most recent published edition date or replacement code is acceptable.

(5) and (6) will remain the same.

~~(7) Building, mechanical inspectors and plans examiners from a previously approved code enforcement program in existence on June 30, 1998, must meet the certification standards listed above by June 30, 1999.~~

(8) will remain the same, but will be renumbered (7).

~~(9) Building inspectors, mechanical inspectors and plans examiners from a previously approved code enforcement program in existence on June 30, 1998, who are not qualified and who~~

~~are not supervised by a qualified individual, shall submit a training plan to the division by January 1, 1999, providing for six days of on-the-job training or four days of classroom training and the plan to become certified by June 30, 1999. Acceptable training is the same as discussed in (8) above."~~

Auth: Sec. 50-60-203, 50-60-302, MCA; IMP, Sec. 50-60-302, Ch. 486, L. 1992, MCA

REASON: The Department is proposing these changes to ARM 8.70.215 for the following reasons (referred to by subsection number):

(1): Establishes minimum qualifications for local plumbing inspection program to inspect medical gas piping installations.

(2): Expands the qualifications for local building and mechanical inspectors to include a degree in a related field of engineering or an architecture degree. Such educational credentials are considered sufficient and substantially equal to the certification requirements.

(3): Clarifies that all persons examining plans for local jurisdictions must possess an engineering degree in a related field to fulfill the requirement in (2).

(4): Clarifies that an inspector's certification must be considered current by the certification entity that issued the certification in order to be recognized by the Department. Anticipates that ICBO, as a certification entity, may adopt the international code system and that uniform code certification may no longer be available even if the Department has not adopted the international code system.

(7): This rule establishing the June 30, 1999, due date for certification of local plans examiners, building inspectors and mechanical inspectors is outdated, is no longer needed and is therefore deleted.

(9): This rule is establishing the procedure for establishing an interim training plan for certification by the June 30, 1999, due date is outdated, is no longer needed and is therefore deleted.

"8.70.216 ANNUAL REPORT (1) will remain the same.

~~(2) The date of the initial annual report for a local government with a previously approved code enforcement program in existence on June 30, 1998, shall be October 30, 1998.~~

(3) and (4) will remain the same, but will be renumbered (2) and (3).

(4) (a) and (b) will remain the same, but will be renumbered (3) (a) and (b).

(c) a list of the type of structures subject to and a list of the type of structures exempted from the building related codes;

(d) through (g) (ii) will remain the same.

(iii) how and when inspections are made; and

(iv) how final approvals or certificates of occupancy are issued; and

(v) how factory-built buildings and manufactured homes are handled.

(h) will remain the same.

(4) Local government programs, which are certified for the enforcement of building codes, shall remit to the department no later than the September 1 due date of the required annual report the payment of 0.5% of building fees or charges collected in the previous fiscal year for the building codes education fund, calculated as follows:

(a) the 0.5% of building fees and charges are to be calculated using building permit, inspection and plan review fees and charges only and do not include those fees and charges collected for plumbing, mechanical and electrical permits, plan review and inspections; and

(b) the first local government contribution to the building codes education fund shall be made no later than September 1, 2000, and shall be calculated for the period of October 1, 1999, through June 30, 2000."

Auth: Sec. 50-60-203, 50-60-302, MCA; IMP, Sec. 50-60-302, Ch. 473, L. 1999, MCA

REASON: The Department is proposing these changes to ARM 8.70.216 for the following reasons (referred to by subsection number):

(2): This rule establishing the June 30, 1998 filing date for the initial annual report is outdated, is no longer needed and is therefore deleted.

(3)(c): Clarifies that the list of structures is a list of the type of structures rather than a list of the individual structures.

(3)(g)(v): Includes in the plan for enforcement a discussion of how manufactured homes and factory-built buildings are handled by local governments.

(4): Establishes September 1 of each year as the due date for the remittance of the 0.5% of building fees to the building codes education fund, as required by Ch. 473, L. 1999. The amount remitted is to be based on the previous fiscal year's building fees or charges collected.

(4)(a): Clarifies that the 0.5% specified in (4) is based on building permit fees only.

(4)(b): Establishes the first period of calculation and the first due date for local government programs to remit the 0.5% of building fees to the building codes education fund.

"8.70.217 AUDIT (1) will remain the same.

(1)(a) all construction-related fees or charges imposed and collected by the local building code enforcement program are used and accounted for as provided in 50-60-106(2)(f), MCA and ARM 8.70.208.

(2) and (3) will remain the same."

Auth: Sec. 50-60-203, 50-60-302, MCA; IMP, Sec. 50-60-302, MCA

REASON: The Department proposes the amendment to ARM 8.70.217 to clarify where all the provisions for the audit can be found.

"8.70.302 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING

CODE (1) through (g)(iv) will remain the same.

(h) Delete Table No. 1.1 - PLUMBING PERMIT FEES and replace with the following schedule:

--for issuing each permit	\$ 25 20*
--for each plumbing fixture	7
--water service - domestic or commercial	7
--for each building sewer and each trailer park sewer	11
--storm drains and storm drainage	7
--for each water heater	7
--for each industrial water pre-treatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps	7
--for installation, alteration or repair of water piping and/or water treatment equipment	7
--for repair or alteration of drainage or vent piping	7
--for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore	7
--for vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping--	7
one to four	7
--five or more, each	2
--requested plumbing inspection fee provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rate for these items.	45
--reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged)	30
--for each gas piping system of one to four outlets	7
--for each gas piping system of five or more per outlet	2
--for each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas	50
--for each additional medical gas piping inlet(s)/outlet(s)	5

*except for replacement of water heaters

(i) through (aa) will remain the same.

(ab) Chapter 12, Fuel Piping, is deleted and replaced with Chapter 13, Fuel-Gas Piping, of the Uniform Mechanical Code, international conference of building code officials version.

(ac) Chapter 13, Medical Gas Systems, is deleted. In lieu of Chapter 13, the department of commerce, by and through the building codes division, adopts and incorporates by reference herein, the national fire protection association's standard NFPA 99C, Gas and Vacuum Systems, 1999 Edition, referred to as NFPA 99C unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) will remain the same."

Auth: Sec. 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA; IME, Sec. 50-60-203, 50-60-504, 50-60-508, Ch. 486, L. 1992, MCA

REASON: The Department is proposing these changes to ARM 8.70.302 for the following reasons (referred by subsection number):

(1)(h): Corrects a clerical error which listed the plumbing permit fee as \$25 rather than the intended \$20. Establishes a fee structure for medical gas piping permits based upon the existing fuel gas piping fee structure found in 8.70.105. Includes the existing fuel gas piping permit fee to be used as part of the plumbing permit form. Exempts fuel gas piping and medical gas piping permits from the plumbing permit issuance fee.

(1)(ab): Clarifies that the fuel gas piping provisions of the Uniform Mechanical Code, ICBO version, are adopted rather than the fuel gas piping provisions found in the Uniform Plumbing Code.

(1)(ac): Clarifies that the Department is adopting the 1999 Edition of the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, as the standard for the installation of medical gas and vacuum systems, as required by Ch. 486, L. 1999 rather than the medical gas piping provisions found in the Uniform Plumbing Code. Clarifies that the inspection and approval of installations of medical gas and vacuum systems covered by a plumbing permit does not relieve the owner or installer of the responsibility to comply with additional requirements from other agencies, such as final testing and certification by an independent third party for licensure as a health care facility.

"8.70.304 PLUMBING PERMITS (i) Whereas 50-60-501, MCA, declares that the "public health and welfare require that minimum standards for planning, installing, altering, extending, repairing, and maintaining of plumbing systems be established for the protection of the people of the state," and pursuant to the directive of 50-60-505 through 50-60-513, MCA,

~~the bureau hereby proposes the following rules to finance and implement plumbing inspections to insure code compliance for the protection of the water supply for the people of the state of Montana.~~

~~(2)(1) Any person who is required under 50-60-505, MCA, to obtain a plumbing permit, and the work is not covered by a local government inspection program, shall do so prior to installation through the building codes bureau division.~~

~~(3) The requirement listed in section 50-60-502, MCA, for plumbing licensure while engaged in the field of plumbing, applies to those installations connected to a public water supply or public sewer system. No licensure is required to obtain a plumbing permit or to install the plumbing system in a single family dwelling not connected to a public water supply or a public sewer system. Licensure is required in other than single family dwellings, regardless of water source.~~

~~(4) Public water supply means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves 10 or more families or 25 or more persons on a regular and continuous basis.~~

~~(5) Public sewer system means any common sewer carrying liquid wastes from two or more dwellings or any other facility that services the public.~~

~~(6) through (8) will remain the same, but will be renumbered (2) through (4).~~

~~(9) In accordance with sections 1417(a) and (b) of the Safe Drinking Water Act amendments of 1986 (Public Law 99-339), effective immediately, the use of solders and flux containing more than 0.2 percent lead and pipes and fittings containing more than 8 percent lead is prohibited in the installation and repair of residential or nonresidential plumbing connected to a public water supply system.~~

~~(10) will remain the same, but will be renumbered (5).~~

~~(11)(6) No plumbing permit shall be issued for a building or structure under the jurisdiction of the bureau division, until the building permit has been issued for said building or structure.~~

~~(12)(7) After review and approval of the application, the section division shall issue a permit to the applicant.~~

~~(13) The fees for a plumbing permit can be found under ARM-8-70-302."~~

Auth: Sec. 50-60-203, 50-60-501, 50-60-504, MCA; IMP, Sec. 50-60-201, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508, Ch. 361, L. 1992, MCA

REASON: The Department is proposing these changes to ARM 8.70.304 for the following reasons (referring to by subsection number):

(1): This rule is duplicative of statutory language and ARM 8.70.302(2) and is deleted.

(2), (11) and (12): Corrects the reference to bureau to division.

(3): This rule clarifying plumbing licensure requirements is no longer needed due to the changes imposed by Ch. 361, L. 1999 and is deleted.

(4): This rule clarifying public water supply is no longer needed due to changes imposed by Ch. 361, L. 1999 and is deleted.

(5): This rule clarifying public sewer system is no longer needed due to changes imposed by Ch. 361, L. 1999 and is deleted.

(9): This rule establishing provisions from the Safe Drinking Water Act that is no longer needed as the provisions are contained in the state plumbing code and is deleted.

(13): This rule is duplicative of the provisions of ARM 8.70.302(1)(h) and is deleted.

"8.70.401 NATIONAL ELECTRICAL CODE (1) The department of commerce, building codes bureau, hereby adopts and incorporates herein by reference the standards adopted by the national fire protection association for electrical installations appearing in Pamphlet NFPA 70 (1996), under the title of National Electrical Code 1996. The National Electrical Code 1996 is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code 1996 may be obtained from the Montana Chapter of IAEE, c/o Building Codes Bureau, Capitol Station, Helena, Montana, 59620. A copy may also be obtained by writing to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The department of commerce, by and through the building codes division, adopts and incorporates by reference herein the national fire protection association standard NFPA 70, National Electrical Code, 1999 Edition, referred to as the National Electrical Code unless another edition date is specifically stated. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code may be obtained from the Montana Chapter of IAEE c/o Building Codes Division, P.O. Box 200517, Helena, Montana, 59620-0517 or the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

Auth: Sec. 50-60-201, 50-60-203, 50-60-603, MCA; IME, Sec. 50-60-203, 50-60-601, 50-60-603, MCA

REASON: The Department proposes to amend ARM 8.70.401 to adopt the 1999 Edition of the National Electrical Code, which is the most current version of the code. Updating the code serves to keep the Montana construction industry current with technological changes and consistent with other states.

"8.70.402 WIRING STANDARDS (1) The following rules supplement or modify sections of the National Electrical Code Adopted under ARM 8.70.401:

(1)(a) and (b) will remain the same.

(2) NEC Article 550-23 ~~(a) Exception No. 2~~ (b):

(a) ~~Delete and replace with~~ Add the following: "(5) The manufactured (mobile) home is of a construction type that is comparable to conventional frame construction for single family dwellings and is placed on a permanent perimeter foundation wall with the footings placed below frost line or the service entrance equipment is completely installed at the factory by the manufacturer of the structure."

Auth: Sec. 50-60-203, ~~50-60-603~~, MCA; IMP, Sec. 50-60-203, ~~50-60-603~~, MCA

REASON: The Department is proposing these changes to ARM 8.70.402 for the following reasons (referred to by subsection number):

(1): Editorial change to delete unnecessary language.

(2): Updates an existing modification to the National Electrical Code to reflect numbering changes found in the 1999 Edition.

"8.70.407 ELECTRICAL INSPECTIONS FEES (1) The following is the schedule of electrical inspection fees:

<u>Type of Installation</u>	<u>Permit Fee</u>
(a) through (k) (ii) will remain the same.	
(l) new service only (livestock well, irrigation well, etc.)	\$ 60 40
(m) will remain the same.	
(i) per unit (one pump and/or one pivot)	\$ 60 40
(n) permit renewal fee	\$ 40 45
(o) through (q) will remain the same.	
<u>(r) permit issuance fee*</u>	20

*This fee does not apply to permits issued pursuant to ARM 8.70.407(1) (n) or ARM 8.70.407(3).

(2) and (3) will remain the same."

Auth: Sec. 50-60-104, 50-60-203, ~~50-60-603~~, ~~50-60-604~~, MCA; IMP, Sec. 50-60-104, 50-60-203, 50-60-603, ~~50-60-604~~, 50-60-607, MCA

REASON: The Department is proposing these changes to ARM 8.70.407 for the following reasons (referred to by subsection number):

(1)(1): Reduces the permit fee for new livestock and irrigation wells to be more consistent with the actual cost of the inspection service.

(1)(m)(i): Reduces the permit fee for irrigation pumps to be more consistent with the actual cost of the inspection service.

(1)(n): Increases the cost of the permit renewal fees to be more consistent with the actual cost of the service. The increase of this fee is necessary to offset the calculated \$243,000 deficit in the electrical inspection program.

(1)(r): Establishes a permit issuance fee of \$20. The establishment of this fee is necessary to offset the projected

\$243,000 deficit in the electrical inspection program. The proposed electrical permit issuance fee is comparable to the existing plumbing permit issuance fee.

"8.70.409 CARNIVALS, FAIRS, OUTDOOR CONCERTS AND SIMILAR AMUSEMENT ESTABLISHMENTS AND OTHER PUBLIC ASSEMBLIES OF A TEMPORARY NATURE (1) Temporary electrical power and lighting installations may be permitted for a period not to exceed 30 days. The installation must comply with Article 305.525 of the National Electrical Code.

(2) through (4)(b) will remain the same.

(c) All grounding shall comply with Articles 250. and 445 and 525 of the National Electrical Code.

(d) through (i) will remain the same."

Auth: Sec. 50-60-203, 50-60-603, 50-60-604, MCA; IMP, Sec. 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The Department proposes to amend ARM 8.70.409(1) and (4)(c) to update cross-references to the National Electrical Code, 1999 Edition numbering system.

"8.70.502 APPLICABILITY OF STATE STATUTES AND ADOPTED ADMINISTRATIVE RULES (1) through (2)(a) will remain the same.

(b) the latest adopted edition of the National Electrical Code as drafted by the national fire protection association; and

(c) the latest adopted edition of the ~~Uniform Plumbing Code and Uniform Mechanical Code~~ as drafted by the international conference of building officials; and

(d) the latest adopted edition of the Uniform Plumbing Code as drafted by the international association of plumbing and mechanical officials.

(3) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

REASON: The Department proposes to amend ARM 8.70.502(2)(c) and (2)(d) to clarify the Uniform Plumbing Code, IAPMO version, is utilized for the factory-built building program.

"8.70.505 USE OF MOBILE HOMES AND RECREATIONAL VEHICLES FOR COMMERCIAL OR BUSINESS OCCUPANCY PROHIBITED -- EXCEPTION

(1) through (4)(d) will remain the same.

(e) meets the exiting sign requirements imposed by Section ~~10-1-1003.2.8~~, Uniform Building Code;

(f) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-401, 50-60-402, MCA

REASON: The Department proposes to amend ARM 8.70.505(4)(e) to correct a clerical error and update the cross-reference to the Uniform Building Code, 1997 Edition numbering system.

"8.70.601 INCORPORATION BY REFERENCE OF SAFETY CODE FOR ELEVATORS AND ESCALATORS (1) The department of commerce, by and through the building codes division, adopts and incorporates by reference herein the Safety Code for Elevators and Escalators, ASME A17.1 - 1996, and A17.1a - 1997 Addenda, and A17.1b - 1998 Addenda, collectively referred to as the Safety Code for Elevators and Escalators or elevator code, unless another edition is specifically stated. A copy of the Safety Code for Elevators and Escalators may be obtained from The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. (2) through (5) will remain the same."
Auth: Sec. 50-60-203, 50-60-701, 50-60-702, MCA; IMR, Sec. 50-60-203, 50-60-701, 50-60-702, MCA

REASON: The Department is proposing these changes to ARM 8.70.601 for the following reasons (referred to by subsection number):

(1): The Department is proposing to adopt the 1998 Addenda A17.1b to the Safety Code for Elevators and Escalators. Updating the elevator code serves to keep the Montana elevator industry current with the technological advances and consistent with other states.

"8.70.902 INCORPORATION BY REFERENCE OF CERTAIN ASME PUBLICATIONS (1) ~~As required by 50-74-101, MCA, the building codes bureau, department of commerce, adopts and incorporates by reference herein the following publications: The department of commerce, by and through the building codes division, adopts and incorporates by reference herein, the following sections of the American society of mechanical engineers, Boiler and Pressure Vessel Code, 1998 Edition, referred to as Boiler and Pressure Vessel Code unless another edition is specifically stated:~~

~~(a) ASME Boiler and Pressure Vessel Code, 1995 Edition, but only the following sections:~~

~~(i) through (iv) will remain the same, but will be renumbered (a) through (d).~~

~~(v) (e) Section VI, recommended rules guidelines for the care and operation of heating boilers;~~

~~(vi) (f) Section VII, recommended guidelines rules for the care of power boilers; and~~

~~(vii) will remain the same, but will be renumbered (g).~~

~~(b) ASME CSD-1, 1995 Edition Controls and Safety Devices for Automatically Fired Boilers.~~

~~(c) Copies of ASME documents are available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.~~

(2) The department of commerce, by and through the building codes division, adopts and incorporates by reference herein, the American society of mechanical engineers publication CSD-1, Controls and Safety Devices for Automatically Fired Boilers, 1998 Edition, referred to as CSD-1, unless another edition is specifically stated.

(3) The Boiler and Pressure Vessel Code and CSD-1 are nationally recognized codes setting forth minimum standards and requirements for the construction, operation and safety of boilers. A copy of the Boiler and Pressure Vessel Code and CSD-1 may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017."

Auth: Sec. 50-60-203, 50-74-101, MCA; IMP, Sec. 50-60-203, 50-74-101, MCA

REASON: The Department proposes the amendments to ARM 8.70.902 for the following reasons (referred to by subsection number):

(1): The Department is proposing to adopt the 1998 Edition of the Boiler and Pressure Vessel Code. Updating the boiler code serves to keep the Montana boiler industry current with the technological advances and consistent with other states.

(2): The Department is proposing to adopt the 1998 Edition of the Controls and Safety Devices for Automatically Fired Boilers. Updating the control and safety device code serves to keep the Montana boiler industry current with the technological advances and consistent with other states.

(3): This proposed rule describes the subject matter of the referenced codes and discloses where copies may be obtained.

3. The proposed new rules will read as follows:

"I CODE INTERPRETATIONS (1) Code interpretations concerning any of the state building related codes enforced by local governments (building, plumbing, mechanical and electrical) may be requested by an affected party (building official, contractor, designer, owner, etc.), in writing, on forms provided by the division. The affected party must first show a need for a code interpretation because of differing or inconsistent interpretations of the code provision at issue between local Montana building officials or between local Montana building officials and the division. The division will research and investigate the question and will prepare a preliminary written response, which includes the division's preliminary interpretation and justification of the question as soon as possible.

(2) The preliminary interpretation and justification of the question will be distributed to the requestor, the building codes council and to all local government code enforcement programs, currently certified for enforcement of the applicable code concerning the question, for their review and comment. Comments and suggested amendments concerning the question must be returned to the division within 30 days of the date of the distribution of the preliminary interpretation and justification of the question.

(3) The division will consider all comments and suggested amendments received during the 30 day comment period and prepare a proposed interpretation and justification of the question to be distributed, along with a ballot, to all

building officials of local government code enforcement programs, currently certified for enforcement of the applicable code concerning the questions. The ballot will be to "concur" or to "not concur" with the proposed interpretation and the ballot must be signed and dated by each voting building official and returned to the division within 15 days of the date of distribution of the proposed interpretation.

(4) The ballots will be counted by the division and the proposed code interpretation will become final and binding on all local code enforcement programs and the division if a simple majority of voting building officials "concur". If the voting on the proposed code interpretation is tied, the division shall be entitled to break the tie vote. If a simple majority of voting building officials vote "do not concur", the proposed code interpretation will become a technical code advisory, as established in [new rule II] and is not binding on local code enforcement programs.

(5) Code interpretations, which receive a "concur" status as established in (4) above, shall be certified by signature of the division administrator as having met the established procedures and the code interpretation will be dated, chronologically numbered, placed in the division's central registry and distributed to the requestor, building codes council and all local government code enforcement programs, currently certified for building code enforcement."

Auth: Sec. 50-60-203, MCA; IMP, Sec. 50-60-203, Ch. 473, L. 1999, MCA

REASON: Ch. 473, L. 1999 requires the Department to establish a process for formulation and issuance of formal building code interpretations and for establishing a central registry for access to the published interpretations. This proposed rule establishes the process and procedure for formulating and distributing formal building code interpretations.

"II CODE TECHNICAL ADVISORIES (1) Code technical advisories are available for questions concerning any of the state building related codes (building, plumbing, mechanical, electrical, boiler and elevator) and may be requested by an affected party (building official, contractor, designer, owner, etc.), in writing, on forms provided by the division. The division may research and investigate the question and may prepare a preliminary written response, which includes the division's interpretation and justification as soon as possible. The affected party and the building codes advisory council will be provided with the preliminary written response and will be given five working days to submit comments. After review of any comments the division will prepare a final written response, under signature of the division administrator.

(2) Code technical advisories are not binding on local government code enforcement programs.

(3) Code technical advisories will be dated, chronologically numbered, placed in the division's central

registry and distributed to the requestor, building codes council and all certified local government enforcement programs.

Auth: Sec. 50-60-203, MCA; IMP, Sec. 50-60-203, Ch. 473, L. 1999, MCA

REASON: The Department is proposing this rule to establish a process for formulation and issuance of less formal, non-binding Building Codes Division's interpretations of code related issues and to provide a registry for issues that did not achieve the status of a formal code interpretation.

"III SINGLE FAMILY DWELLING PLAN REVIEW AND APPROVAL OF MODEL PLANS (1) Model construction plans for single family dwellings may be submitted to the division for plan review and approval. Each page of model construction plans approved by the division shall bear the stamp of the division as having been approved.

(2) Single family dwelling model construction plans will be reviewed utilizing the applicable provisions of the current editions of the model codes adopted by the division and approval of the plans will be limited for use in areas with the same or lesser design factors as submitted on the plans (snow load, wind load, seismic zone, etc.).

(3) Plan review and approval fees for single family dwelling model construction plans shall be the same as those currently established for the review and approval of factory-built buildings in ARM 8.70.566.

(4) The fee for approval of a single family dwelling model plan is a one time fee and approved model plans for single family dwellings are approved until a subsequent edition of the code applicable to construction of single family dwellings is adopted. Previously approved plans may be resubmitted for plan review and approval under the provisions of the newly adopted code and shall be assessed the applicable plan review and approval fees in ARM 8.70.566.

(5) Approved plans shall be acceptable on a statewide basis as established in (2) above with no further examination other than as provided in Ch. 473, L. 1999. Any alteration or deviation during construction from the approved plans voids the model plan approval status and the alteration or deviation shall be addressed on a case-by-case basis by the applicable local building official.

Auth: Sec. 50-60-203, MCA; IMP, Sec. 50-60-203, Ch. 473, L. 1999, MCA

REASON: Ch. 473, L. 1999 requires the Department to establish a process for plan review and approval of single family dwelling model construction plans, which will be approved for use state wide. This proposed rule establishes the process, procedures and fees for the approval of single family dwelling model construction plans.

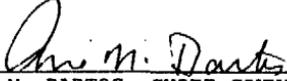
4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Building Codes Division, Department of Commerce, 1218 E. Sixth, P.O. Box 200517, Helena, Montana 59620, no later than 5:00 p.m., June 23, 1999.

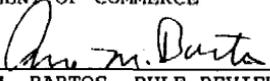
5. The Division will make reasonable accommodations for persons with disabilities who wish to participate in the public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 14, 1999, to advise us of the nature of the accommodation that you need. Please contact Eric Fehlig, Building Codes Division, Department of Commerce, 1218 E. Sixth, P.O. Box 200517, Helena, Montana 59620; telephone (406) 444-3933; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-4240. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule making process should contact Eric Fehlig at the above address.

6. Persons who wish to be informed of Building Codes Division administrative rulemaking proceedings may be placed on a list of interested persons by advising the Division at the rulemaking hearing or in writing to the Building Codes Division, Department of Commerce, 1218 E. Sixth, P.O. Box 200517, Helena, Montana 59620.

7. Eric Fehlig, attorney, has been designated to preside over and conduct the hearing.

BUILDING CODES DIVISION
JAMES BROWN, DIVISION ADMINISTRATOR

BY: 
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF INVESTMENTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment, repeal and adoption) THE PROPOSED AMENDMENT,
of rules pertaining to the) REPEAL AND ADOPTION OF RULES
board of investments) PERTAINING TO THE BOARD OF
) INVESTMENTS

TO: All Concerned Persons:

1. On June 9, 1999, at 9:00 a.m., a public hearing will be held in the conference room of the Board of Investments, 555 Fuller, Helena, Montana, to consider the proposed amendment, repeal and adoption of rules pertaining to the Board of Investments.

2. The proposed amendment of ARM 8.97.1101, 8.97.1201, 8.97.1202, 8.97.1301, 8.97.1502 and 8.97.2102 will read as follows: (new matter underlined, deleted matter interlined)

~~"8.97.1101 ORGANIZATIONAL RULE (1) The Montana board of investments and economic development board were merged in 1987 by chapter 581 to form a new board of investments:~~

~~(2) (1) The board is a quasi-judicial board as defined in 2-15-124, MCA, consisting of nine members appointed by the governor in the manner prescribed by 2-15-124 pursuant to 2-15-1808, MCA. The members consist of one member from the public employee's' retirement board provided for in 2-15-1009, MCA, one member from the teachers' retirement board provided in 2-15-1010, MCA, and seven members who provide a balance of professional expertise, public interest, and public accountability, and who are informed and experienced in the subject of investment and who are representative of the financial community, agriculture, and labor.~~

~~(3) (2) The board is allocated to the department of commerce for administrative purposes as prescribed in pursuant to 2-15-121, MCA. The board has authority to employ an chief investment officer, an assistant investment officer, and an executive director who have general responsibility for selection and management of the board's staff and for direct investment and economic development activities. The chief investment officer, assistant investment officer and executive director and six professional staff are exempt from the state classification system pursuant to 2-18-103, MCA, and serve at the pleasure of the board. The board prescribes the duties and annual salaries of the investment officer, assistant investment officer, executive director and three professional staff positions exempt from the state classification system. A chart of the organization of the department can be found in ARM 8.1.101(5), and the board hereby adopts and incorporates the chart by reference into its organizational rule.~~

~~(4) (3) Inquiries and applications regarding the board may be addressed to the chairman of the Montana Board of Investments, Capitol Station P.O. Box 200126, Helena, Montana 59620-0126.~~

~~Auth: Sec. 2-4-201, 17-6-201, 17-6-324, MCA; IMP, Sec. 2-4-201, 17-6-201, 17-6-324, MCA~~

~~"8.97.1201 CITIZEN PARTICIPATION RULES (1) The board hereby adopts and incorporates by reference the citizen participation rules of the department of commerce as set forth in ARM 8.2.201 through 8.2.207. A copy of these rules may be obtained from the chairman of the Montana Board of Investments, Capitol Station P.O. Box 200126, Helena, Montana 59620-0126."~~

~~Auth: Sec. 2-4-201, 17-6-324, MCA; IMP, Sec. 2-4-201, 17-6-324, MCA~~

~~"8.97.1202 PROCEDURAL RULES (1) The board hereby adopts and incorporates by reference rules 1 through 28 of the Attorney General's Model Procedural Rules. A copy of these rules may be obtained from the chairman of the Montana Board of Investments, Capitol Station P.O. Box 200126, Helena, Montana 59620-0126. Hearings on applications shall not be considered contested cases."~~

~~Auth: Sec. 2-4-201, 17-6-324, MCA; IMP, Sec. 2-4-201, 17-6-324, MCA~~

~~"8.97.1301 DEFINITIONS In addition to the definitions set forth in 17-5-1503 and 17-6-302, MCA, the following definitions apply in all subchapters contained in Title 8, chapter 97, of these rules:~~

~~(1) "AbTA" means American land title association.~~

~~(2) "Appraisal" means an opinion of an appraiser on the nature, quality, value or utility of specific interests in or aspects of identified real estate.~~

~~(3) will remain the same, but will be renumbered (1).~~

~~(2) "Loan program" means loans funded from the Montana permanent coal tax trust pursuant to 17-6-305 and 17-6-308. MCA.~~

~~(4) will remain the same, but will be renumbered (3).~~

~~(a) and (b) will remain the same.~~

~~(5) "Classified loan" means a loan which has been reviewed by a state or federal supervisory agency and determined to be an undue and unwarranted credit risk and classified as substandard, doubtful, a loss or in some other equivalent category.~~

~~(6) "Commercial bank" means any bank authorized by law to receive deposits of money, deal in commercial paper or make loans thereon, lend money on real or personal property, discount bills, notes or other commercial papers, and buy and sell securities, gold and silver bullion, foreign coins or bills of exchange.~~

~~(7) "Commercial loan" means a loan to a business, with locations in Montana or based in Montana, secured by real property, and which may be secured by personal property if funded with coal tax funds.~~

~~(8) will remain the same, but will be renumbered (4).~~

~~(9) "Construction take-out loan" means a loan secured by a recently constructed dwelling or a recently remodeled dwelling which is finished and ready for occupancy.~~

~~(10) "Conventional offering" means loans secured by one to four family dwellings.~~

~~(11) "Day" means a business working day and excludes weekends and recognized state holidays.~~

~~(12) "FHA" means federal housing administration.~~

~~(13) "FHLMC" (Freddie Mac) means federal home loan mortgage corporation.~~

~~(14) (5) "Financial institution" means an institution approved by the board that+~~

~~(a) is a state or federally-chartered bank, savings and loan association, credit union, mortgage company, mortgage servicing company, development credit corporation, investment company, trust company, savings institution, small business investment company, insurance companies, public and private pension funds, credit and finance companies, specialized financiers, or sophisticated institutional investors, or qualified Montana capital company, and~~

~~(b) is approved by the board as provided in ARM 8.97.1302.~~

~~(15) "FmHA" means farmers home administration.~~

~~(16) "FNMA" (Fannie Mae) means federal national mortgage association.~~

~~(17) will remain the same, but will be renumbered (6).~~

~~(18) "Investment company" means an investment company as defined in 32-1-106, MCA.~~

~~(19) "Investment officer" means the person employed in such capacity by the board, pursuant to 2-15-1606, MCA.~~

~~(20) "Insider" means an executive officer, director or principal shareholder of the seller/servicer further defined under 12 CFR 215.4, Regulation O, of the federal reserve system. Loans to an insider include loans to any "related interest" including any company controlled by the insider.~~

~~(21) (7) "Job credit interest rate reduction" means the interest rate reduction credit allocated for the creation of any job which pays at least 100% of the average weekly wage as defined in 39-71-116, MCA.~~

~~(22) "Lender" means the approved financial institution that will originate the application for a financial transaction.~~

~~(23) "Loan value" means an amount of the loan as a percent of the lower of cost or appraisal.~~

~~(24) "Manufactured home" means a modular structure which meets the FHLMC required characteristics for manufactured homes.~~

~~(25) "Multi-family" means a dwelling which contains five or more housing units.~~

~~(26) "Person" means any individual, sole proprietorship, partnership, corporation or other entity which is authorized by law to transact business in Montana.~~

~~(27) (8) "Permanent full-time employee," as cited in 17-6-309(2), MCA, means an employee who is scheduled to work full-time (i.e. a minimum of 35-40 hours per week) for an indefinite period of time. Temporary or part-time employees, and employees on contract or supplied by personnel supply companies, are not to be counted for purposes of qualification for the loan (i.e. the employer must provide a W-2 to its employee).~~

~~(28) "Pooled IDB program" means the program established in ARM 8.97.503(4)(a).~~

~~(29) "Primary residence" means a one-to-four single family owner-occupied home including land which is the principal residence of one of the mortgagor(s) and which meets the FHLMC definition of primary residence.~~

~~(30) "Prime rate" means the base rate on corporate loans quoted at large U.S. money center commercial banks as published by the Wall Street Journal.~~

~~(31) (a) "Regulatory agency" means only the following:~~

~~(i) department of commerce financial institutions division;~~

~~(ii) office of comptroller of currency (OCC);~~

~~(iii) federal reserve board (FRB);~~

~~(iv) federal deposit insurance corporation (FDIC);~~

~~(v) national credit union administration (NCUA);~~

~~(vi) office of thrift supervision (OTS);~~

~~(vii) securities and exchange commission (SEC).~~

~~(b) Any reference in these regulations to "regulatory agency" shall refer only to the agencies listed herein or their successors.~~

~~(c) Any requirements in these regulations that an entity may meet conditions imposed by this act by supplying submissions previously provided to regulatory agencies, shall only apply if the submission is to one of the agencies defined in this rule.~~

~~(32) "Regulated financial institution" means any financial institution which is governed by one or more of the regulatory agencies defined herein.~~

~~(33) "Residential" means a home mortgage secured on a structure or structures designed principally for residential use by not more than four families which includes conventional, FHA and VA mortgage loans.~~

~~(34) "Savings and loan" means a corporation operated for the purpose of encouraging home ownership and thrift and making substantially all of its loans on real estate mortgage security under the supervision of the department of commerce.~~

~~(35) "Savings bank" means a bank organized only for the purpose of accumulating and loaning the funds of its members, stockholders and depositors, and which may exercise the powers set forth in 32-1-106, MCA.~~

~~(36) "SBA" means small business administration.~~

~~(37) "Seasoned loan" means any mortgage loan which has been closed and carried on the seller/servicer's books for more than one year.~~

(38) will remain the same, but will be renumbered (9).

~~(10) "Service fees" means the fees charged by sellers/servicers as defined in 17-6-302(11), MCA, for servicing loans, including the collection of payments and remitting payments to the board.~~

~~(11) "Nonprofit corporation" means a corporation as per internal revenue service regulations.~~

~~(39) (12) "Small- and medium-sized business," as used in 17-6-309(1)(f), MCA, means a those businesses defined by the board in written loan policy based on business net worth, average net income, number of employees or other criteria established by the board that has a net worth less than \$6 million; has an average net income, after federal income taxes, for the preceding two years of less than \$2 million (average net income to be computed without benefit of any carryover loss); and has less than 200 employees employed in Montana.~~

~~(40) "Stand alone program" means the program established in ARM 8-97-503(4)(b).~~

~~(41) "Sweat equity" means work performed or materials provided by the borrower as part of a down payment in lieu of cash.~~

~~(42) "USPAP" means uniform standards of professional appraisal practice adopted by the appraisal standards board of appraisal foundation.~~

~~(43) "VA" means veterans administration."~~

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section, Sec. 17-5-1503, 17-5-1521, 17-6-324, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMPR, Sec. 17-5-1503, 17-6-201, 17-6-211, 17-6-302, MCA

"8.97.1502 INTEREST RATE REDUCTION FOR LOANS FUNDED FROM THE COAL TAX TRUST (1) The board will provide an interest rate reduction to for-profit borrowers and non-profit borrowers based on the number of jobs the loan generates over a two-year period. A borrower who used the proceeds of a loan made pursuant to 17-6-309(2), MCA to create jobs is entitled to a job credit interest rate reduction for each job created in the four-year period provided for in 17-6-311(4)(a), MCA. ~~The reductions will be made pursuant to 17-6-318, MCA. The date of the formal written interim or permanent loan application to the seller/servicer will be used as a beginning date for counting jobs created. Except for local government borrowers, the interest rate reduction shall be limited to a maximum loan size of 1% of the permanent coal trust fund as of the month end preceding the application date for the interest rate reduction and calculated as follows:~~

~~(a) .05% reduction for each job created up to a maximum of 2.50%;~~

~~(b) If the job pays more than the average wage, job credit will be allowed for each 25% increment above the average wage to a maximum of two jobs; and~~

~~(c) If the job pays less than the average wage, job credit will be allowed for each 25% increment below the average wage.~~

~~(d) No partial job credit will be given unless one whole job is created.~~

~~(e) The business must make application in writing, through its financial institution, to the board providing satisfactory evidence of the creation of jobs.~~

~~(f) The business may make application at the time the loan is delivered to the board or not later than 45 days after the first and second anniversary dates of the loan.~~

~~(f) and (g) will remain the same, but will be renumbered (a) and (b).~~

~~(h) The investment officer or his designee has 15 working days to notify the business through its financial institution what action has been taken on its request to lower the interest rate on the board's portion of the note. Any reduction in the interest rate will be effective the next scheduled payment.~~

~~(2) through (4) will remain the same."~~

Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-308, MCA

"8.97.2102 GENERAL REQUIREMENTS OF THE ENVIRONMENTAL REVIEW PROCESS (1) Section 75-1-201, MCA, requires state agencies to integrate use of the natural and social sciences and the environmental design arts in planning and in decision-making, and to prepare a detailed statement (an EIS) on each proposal for projects, programs, legislation, and other major actions of state government specifically affecting the quality of the human environment. In order to determine the level of environmental review for each proposed action that is necessary to comply with 75-1-201, MCA, the agency shall apply the following criteria:

(1) will remain the same, but will be renumbered (a).

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

(2) will remain the same, but will be renumbered (b).

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

(3) will remain the same, but will be renumbered (c).

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

(4) and (5) will remain the same, but will be renumbered (d) and (e).

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

(6) will remain the same, but will be renumbered (f).

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

~~(f) (vi) the purchase of all residential loans made pursuant to Title 8, chapter 97, subchapter 14 of the Administrative Rules of Montana, including but not limited to FHA, conventional and VA loans with pension funds;~~

~~(g) (vii) the purchase of all federally guaranteed loans made pursuant to Title 8, chapter 97, subchapter 14 of the Administrative Rules of Montana;~~

~~(h) (viii) the purchase of all residential multi-family loans made pursuant to Title 8, chapter 97, subchapter 14 of the Administrative Rules of Montana;~~

~~(i) (ix) all deposits made under the linked deposit program pursuant to Title 8, chapter 97, subchapter 14 of the Administrative Rules of Montana; and~~

(j) will remain the same, but will be renumbered (x).

(7) will remain the same, but will be renumbered (g)."

Auth: Sec. 2-3-103, 2-4-201, MCA; IMP, Sec. 2-3-104, 75-1-201, MCA

3. The Board is proposing to repeal the following rules: (any implied sections listed as authority are sections that the Board of Investments felt had implied rulemaking authority when first adopting the rules)

8.97.1302 SELLER/SERVICER APPROVAL PROCEDURES - GENERAL REQUIREMENTS (Auth: Sec. 17-5-1521, 17-6-324, MCA; IMP, Sec. 17-5-1521, 17-6-211, MCA), located at pages 8-3552 through 8-3552.2, Administrative Rules of Montana.

8.97.1303 FORWARD COMMITMENT FEES AND YIELD REQUIREMENTS FOR ALL LOANS (Auth: Sec. 17-5-1504, 17-5-1521, 17-6-311, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-5121, 17-6-211, 17-6-304, 17-6-308, 17-6-315, 17-6-324, MCA), located at pages 8-3552.2 through 8-3555, Administrative Rules of Montana.

8.97.1304 CONFIDENTIALITY OF INFORMATION (Auth: Sec. 17-5-1504, 17-5-1521, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-324, MCA), located at page 8-3555, Administrative Rules of Montana.

8.97.1305 APPLICATION PROCEDURE (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA), located at page 8-3556, Administrative Rules of Montana.

8.97.1306 FALSE OR MISLEADING STATEMENTS (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA), located at pages 8-3556 and 8-3557, Administrative Rules of Montana.

8.97.1307 REVIEW OF APPLICATION AND APPEAL PROCEDURES
(Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA), located at pages 8-3557 and 8-3558, Administrative Rules of Montana.

8.97.1401 RESIDENTIAL LOAN PROGRAMS - GENERAL REQUIREMENTS (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA), located at pages 8-3561 and 3562, Administrative Rules of Montana.

8.97.1402 APPRAISALS (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA), located at pages 8-3562 and 8-3563, Administrative Rules of Montana.

8.97.1403 CONVENTIONAL LOAN PROGRAM - GENERAL REQUIREMENTS (Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA), located at pages 8-3563 and 8-3564, Administrative Rules of Montana.

8.97.1404 CONVENTIONAL LOAN PROGRAM - PURPOSE AND LOAN RESTRICTIONS (Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA), located at pages 8-3564 through 8-3566, Administrative Rules of Montana.

8.97.1405 CONVENTIONAL LOAN PROGRAMS - OFFERING CHECKLIST
(Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA); located at pages 8-3566 through 8-3568, Administrative Rules of Montana.

8.97.1406 FHA AND VA LOAN PROGRAMS - GENERAL REQUIREMENTS
(Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA), located at page 8-3568, Administrative Rules of Montana.

8.97.1407 FHA AND VA LOAN PROGRAMS - OFFERING CHECKLIST
(Auth: IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-5-211, MCA), located at pages 8-3568 and 8-3569, Administrative Rules of Montana.

8.97.1408 FEDERALLY GUARANTEED LOAN PROGRAMS - GENERAL REQUIREMENTS (Auth: IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA), located at pages 8-3569 and 8-3570, Administrative Rules of Montana.

8.97.1409 FEDERALLY GUARANTEED LOAN PROGRAMS - OFFERING CHECKLIST (Auth: IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA), located at pages 8-3570 and 8-3571, Administrative Rules of Montana.

8.97.1410 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - GENERAL REQUIREMENTS (Auth: Sec. 17-5-1504, 17-5-1521, 17-6-308, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-308, 17-6-315, 17-6-324, MCA), located at pages 8-3571 through 8-3573, Administrative Rules of Montana.

8.97.1411 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - TERMS AND LOAN LIMITS (Auth: Sec. 17-5-1503, 17-5-1521, 17-6-308, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-308, 17-6-324, MCA), located at page 8-3573, Administrative Rules of Montana.

8.97.1412 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - OFFERING CHECKLIST (Auth: Sec. 17-5-1504, 17-5-1521, 17-6-308, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-304, 17-6-305, 17-6-308, 17-6-314, 17-6-324, MCA), located at pages 8-3573 through 8-3575, Administrative Rules of Montana.

8.97.1413 ECONOMIC DEVELOPMENT LINKED DEPOSIT PROGRAM - GENERAL REQUIREMENTS (Auth: Sec. 17-6-324, MCA; IMP, Sec. 17-6-324, MCA), located at pages 8-3575 and 8-3576, Administrative Rules of Montana.

8.97.1414 CONVENTIONAL, FHA, VA, COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - ASSUMPTIONS (Auth: Sec. 17-5-1504, 17-5-1521, 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-211, 17-6-315, 17-6-324, MCA), located at page 8-3576, Administrative Rules of Montana.

8.97.1415 SELLER/SERVICER - LOAN DELINQUENCY FOR RESIDENTIAL, COMMERCIAL AND MULTI-FAMILY (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-5-201, 17-6-324, MCA; IMP, Sec. 17-5-1501, 17-5-1521, 17-6-201, 17-6-324, MCA), located at pages 8-3577 through 8-3578, Administrative Rules of Montana.

8.97.1416 SELLER/SERVICER - LOAN FORECLOSURE FOR RESIDENTIAL, COMMERCIAL AND MULTI-FAMILY (Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1501, 17-5-1521, 17-6-201, 17-6-324, MCA), located at page 8-3578, Administrative Rules of Montana.

8.97.1501 INVESTMENT POLICY, CRITERIA AND PREFERENCES (Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-305, 17-6-308, 17-6-314, 17-6-324, MCA), located at pages 8-3581 and 8-3582, Administrative Rules of Montana.

8.97.1503 LOAN PROGRAM FOR INFRASTRUCTURE LOANS - GENERAL DESCRIPTION (Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-308, MCA), located at pages 8-3583 and 8-3584, Administrative Rules of Montana.

8.97.1504 APPLICATION PROCEDURE FOR INFRASTRUCTURE LOANS
(Auth: Sec. 17-6-308, 17-6-324, MCA; IME, Sec. 17-6-304, 17-6-308, MCA), located at pages 8-3584 and 8-3584.1, Administrative Rules of Montana.

8.97.1505 APPLICATION PROCEDURES FOR INFRASTRUCTURE LOAN PROGRAM - LOAN AGREEMENT, CLOSING, FUNDING (Auth: Sec. 17-6-308, 17-6-324, MCA; IME, Sec. 17-6-304, 17-6-308, MCA), located at page 8-3484.1, Administrative Rules of Montana.

8.97.1603 PURCHASE OF DEBENTURES OF QUALIFIED MONTANA CAPITAL COMPANIES (Auth: Sec. 17-6-324, MCA; IME, Sec. 17-6-324, MCA), located at pages 8-3585 and 8-3586, Administrative Rules of Montana.

4. The proposed new rules will read as follows:

"I. AUTHORIZED LOAN TYPES (1) The loan program includes the following types of loans from the Montana coal tax trust fund:

(a) federally guaranteed loans up to 100% of loans guaranteed by the United States or any agency or instrumentality of the United States, including, but not limited to, the small business administration, the U.S. department of agriculture and the federal aviation administration;

(b) participation loans up to 80% in loans to Montana businesses. The board's security in a participation loan must be in the same proportion as the loan participation amount;

(c) linked deposit loans with financial institutions that utilize the deposits to fund loans to businesses. The financial institution retains all risk on loans financed with the proceeds of a linked deposit and the deposits are subject to the collateral and pledging requirements provided in 17-6-101 through 17-6-105, MCA, or such other collateral and pledging requirements as may be necessary to secure the deposits;

(d) infrastructure loans to local governments to finance infrastructure provided to businesses creating permanent, full-time jobs in the basic sector of the Montana economy. The local government borrower must demonstrate that the business for whom the infrastructure is provided has the ability to repay the loan upon the terms and conditions set by the board."

Auth: Sec. 17-6-324, MCA; IME, Sec. 17-6-308, MCA

"II. AUTHORIZED APPLICANTS (1) Except for infrastructure loans, the board is precluded from lending directly to borrowers by 17-6-201(3)(d), MCA. Financial institutions are authorized to apply for federally guaranteed, participation and linked deposit loans. Borrowers, including for-profit corporations, may only access these loans through a financial institution. Local governments may apply directly for infrastructure loans."

Auth: Sec. 17-6-324, 17-6-308, MCA; IMP, Sec. 17-6-308, 17-6-313, MCA

III LOAN PROGRAM POLICIES (1) The board shall adopt underwriting policies, procedures and criteria for the various types of loans it authorizes in the loan program. All policies, procedures and criteria must be approved at regularly scheduled board meetings. Policies and procedures developed and approved by the board may include, but are not limited to:

(a) seller/servicer approval criteria and procedures, including the application form;

(b) seller/servicer agreement forms, providing for loan servicing, loan monitoring, foreclosure procedures and suspension/revocation of seller/servicer approval;

(c) loan application forms and the type of information required on the application;

(d) how loan commitments are made and for what periods of time;

(e) the establishment of commitment fees, when those fees may be waived and what, if any, portion of the fee is retained if the loan application is rejected or withdrawn;

(f) the parameters and criteria for setting loan interest rates;

(g) the development and approval of loan underwriting policies for the various types of loans authorized by the board, including the level of authority granted staff to approve loans, and any appeals process available to loan applicants whose application is rejected;

(h) the setting of fees for interest rate buy-downs, loan assumptions and/or loan modifications;

(i) a definition of small and medium sized businesses, if required; and

(j) criteria for consideration of loans to non-profit corporations."

Auth: Sec. 17-6-324, 17-6-308, MCA; IMP, Sec. 17-6-308, 17-6-309, MCA

REASON: The section of rules being revised include rules applying to loans made from pension funds and the permanent coal tax trust. Many of the rules being repealed are rules promulgated for pension fund residential loans, for which there exists no legal authority for promulgating rules. The rationale for revising the permanent coal tax trust "in-state investment" rules is to provide the Board of Investments more flexibility in underwriting commercial loans from the trust and to make the loan program more user friendly.

The legislature recently enacted House Joint Resolution 6 which requests that the Board loan up to 25% (currently \$150 million) of the trust in in-state loans. Outstanding loans are approximately only \$90 million. Underwriting policies will be approved by the Board at its public meetings and be permanently attached to the loan application so all financial institutions will have ready access to the application and policy.

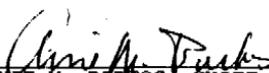
5. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 1, 1999, to advise us of the nature of the accommodation that you need. Please contact Carroll South, Board of Investments, 555 Fuller, P.O. Box 200126, Helena, Montana 59620-0126; telephone (406) 444-0001; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 449-6579. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Carroll South.

6. 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 Investments, 555 Fuller, P.O. Box 200126, Helena, Montana 59620-0126, or by facsimile, number (406) 444-6579, to be received no later than 5:00 p.m., June 17, 1999.

7. Bob Pancich has been designated to preside over and conduct this hearing.

8. Persons who wish to be informed of all Board of Investments administrative rulemaking proceedings or other administrative proceedings may be placed on a list of interested persons by advising the Board at the hearing or in writing to the Board at 555 Fuller, P.O. Box 200126, Helena, Montana 59620-0126 or by phone at (406) 444-0001.

BOARD OF INVESTMENTS
TROY MCGEE, CHAIRMAN

BY: 
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of proposed)
amendment and adoption) NOTICE OF PUBLIC
of rules relating to) HEARING
content and performance)
standards for literature,)
writing, speaking and)
listening, media literacy,)
science, health, technology,)
world languages, reading,)
and mathematics.)

TO: All interested persons.

1. Public hearings will be held from 6:30 to 8:30 p.m. at the following sites to consider the proposed adoption of rules pertaining to content and performance standards at the end of 4th and 8th grades and upon graduation for literature, writing, speaking and listening, media literacy, science, health, and technology, and at the end of benchmarks 1, 2, and 3 for world languages, in public schools. Proposed amendments to correct inconsistencies and wording errors in reading, and mathematics content standards are also being considered.

Glasgow	June 21, 1999 (Monday) Glasgow High School Auditorium, 1 Scottie Pride Drive
Lewistown	June 22, 1999 (Tuesday) Fergus High School Cafeteria, 201 Casino Creek Drive
Billings	June 23, 1999 (Wednesday) Lincoln Center Auditorium, 415 North 30 th Street
Kalispell	June 28, 1999 (Monday) Flathead High School Auditorium, 644 4 th Avenue West
Bozeman	June 30, 1999 (Wednesday) Willson School Auditorium, 404 West Main.

2. The Montana Board of Public Education (BPE) will make reasonable accommodations for persons with disabilities who wish to participate in these public hearings or need an alternative accessible format of this document. If you need accommodation, please contact Pat Reichert, (406) 444-4402, to advise the Board of the nature of the accommodation you need.

3. REASONABLE NECESSITY. These proposed new rules continue the process of replacing model learner goals with content and performance standards. Math and Reading standards were adopted in the fall of 1998. These rules revise or delete Montana's current model learner goals for English language, second language, literature, listening, speaking, writing, media use, thinking skills, health enhancement, and science, which will be repealed by reference upon adoption of these changes. In future rulemaking, the remaining model learner goals will be replaced with content and performance standards. In the fall of 2000, the standards for fine arts, social studies, vocational/practical arts, and library media, will be adopted.

These changes are necessary because the 55th Legislature directed the Office of Public Instruction (OPI) to review the 1989 program area standards and recommend revisions to the model learner goals associated with the BPE's accreditation standards. By revising these rules the BPE and the state superintendent are carrying out their statutory duties under §§ 20-2-114, 20-2-121, 20-3-106 and 20-7-101, MCA, to define the basic instruction program for pupils in Montana's public schools. The revisions are also necessary for school districts and the state to comply with requirements to continue receiving federal funding.

The 55th Legislature directed the BPE and OPI to act with the assistance and advice of Montana's educators, parents and the public. These proposed rules represent the work to date of interested members of Montana's education community. This rulemaking process provides the BPE with additional input from the general public concerning how Montana should revise its content standards and develop performance standards in literature, writing, speaking and listening, media literacy, science, health, technology, and world languages.

Proposed amendments to reading and mathematics content and performance standards are to correct inconsistencies and wording errors.

4. The rules, as proposed to be amended, new material underlined, deleted material interlined, provide as follows.

10.54.3087 ADVANCED READING PERFORMANCE STANDARDS FOR END OF GRADE 4

(1) A fourth-grade student at the advanced reading level demonstrates superior performance. He/she:

- (a) through (k) remain the same.
- (l) recognizes how authors compose and use literary devices ~~devices~~ for a variety of purposes;
- (m) and (n) remain the same.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

10.54.3094 NOVICE READING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice reading level is beginning to attain prerequisite knowledge and skills that are fundamental for reading at each benchmark. He/she:

(a) and (b) remain the same.

(c) often relies on one strategy to read material with incomplete comprehension, seldom interpreting elements of fiction and nonfiction and literary ~~devices~~ devices;

(d) through (g) remain the same.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

10.54.4088 PROFICIENT MATHEMATICS PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level in mathematics demonstrates solid academic performance. He/she:

(a) through (c) remain the same.

(d) applies basic ~~algebra~~ algebraic concepts and consistently communicates representations in a variety of ways;

(e) through (h) remain the same.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

5. The rules, as proposed to be adopted, provide as follows:

RULE I LITERATURE CONTENT STANDARD 1 (1) To satisfy the requirements of literature content standard 1, a student must construct meaning as he/she comprehends, interprets, analyzes, and responds to literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE II BENCHMARK FOR LITERATURE CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for literature content standard 1 for a student at the end of grade 4 is the ability to:

(a) make predictions and connections between new literary works and previous information/experiences;

(b) identify main ideas and some supporting details of literary works;

(c) retell key events of literary works in sequence;

(d) make connections and comparisons of literary elements within and between works;

(e) make, confirm, or revise predictions based on the literary works; and

(f) respond personally to ideas and feelings generated by literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE III BENCHMARK FOR LITERATURE CONTENT STANDARD 1 FOR END OF GRADE 8

(1) The benchmark for literature content standard 1 for a student at the end of grade 8 is the ability to:

(a) make predictions and connections between new literary works and previous information/experiences and explore questions about the impact of literary elements;

(b) identify and comprehend the main idea and supporting facts and details, and summarize ideas in own words;

(c) summarize stories and identify major literary elements;

(d) compare, contrast, and make connections of literary elements within and between works;

(e) draw inferences and conclusions based on literary works; and

(f) respond to literary works on the basis of personal insights and respect the different responses of others.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE IV BENCHMARK FOR LITERATURE CONTENT STANDARD 1 UPON GRADUATION

(1) The benchmark for literature content standard 1 for a student upon graduation is the ability to:

(a) propose and pursue questions and answers to the complex elements of literary works (e.g., historical and cultural influence, style, figures of speech);

(b) develop and define with textual support interpretations of complex literary works;

(c) analyze the major elements significant to the interpretation process (e.g., point of view, tone, dramatic action);

(d) recognize, compare, contrast, make connections, and analyze approaches to literary elements in various works;

(e) compare and contrast individual and group responses/reactions with author's purpose/intent; and

(f) demonstrate oral, written, and/or artistic responses to ideas and feelings generated in literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE V LITERATURE CONTENT STANDARD 2 (1) To satisfy the requirements of literature content standard 2, a student must recognize and evaluate how language, literary devices, and elements contribute to the meaning and impact of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE VI BENCHMARK FOR LITERATURE CONTENT STANDARD 2 FOR END OF GRADE 4

(1) The benchmark for literature content standard 2 for a student at the end of grade 4 is the ability to:

(a) identify literary devices (e.g., figurative language, exaggeration);

(b) demonstrate an understanding of literary elements (e.g., plot, character, setting, problem solving);

(c) increase vocabulary through the use of context clues and reference sources (e.g., dictionary, thesaurus, glossary) to understand literary works; and

(d) identify how literary devices, forms, and language contribute to the meaning of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE VII BENCHMARK FOR LITERATURE CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for literature content standard 2 for a student at the end of grade 8 is the ability to:

(a) identify the effect of literary devices (e.g., figurative language, allusion, diction, dialogue, description, imagery);

(b) recognize the impact of literary elements (e.g., plot, theme, character, setting, point of view) and evaluate their effectiveness;

(c) evaluate how vocabulary and language contribute to literary works; and

(d) demonstrate an understanding of how literary devices, forms, and language contribute to the impact of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE VIII BENCHMARK FOR LITERATURE CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for literature content standard 2 for a student upon graduation is the ability to:

(a) discuss ways in which literary devices and elements (e.g., syntax, imagery, figurative language, allusion, symbols, irony) produce a dominant tone, effect, or theme;

(b) analyze and critique the effectiveness of an author's choice of literary devices/elements;

(c) recognize and articulate how language enhances meaning and conveys power to impact an individual and/or society; and

(d) evaluate how literary devices, forms, and language contribute to the impact of a work on the reader/listener/viewer.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE IX LITERATURE CONTENT STANDARD 3 (1) To satisfy the requirements of literature content standard 3, a student must reflect upon his/her literary experiences and purposefully select from a range of works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE X BENCHMARK FOR LITERATURE CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for literature content standard 3 for a student at the end of grade 4 is the ability to:

- (a) select a variety of literary works for purposes of discovery, appreciation, and enjoyment;
 - (b) select print/non-print works based upon reflection of prior literary experiences (e.g., author, subject, theme, genre); and
 - (c) demonstrate the understanding that the purposes of experiencing literary works include personal satisfaction and the development of lifelong literature appreciation.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XI BENCHMARK FOR LITERATURE CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for literature content standard 3 for a student at the end of grade 8 is the ability to:

- (a) select a variety of literary works, expressing reasons for personal recommendation, discovery, appreciation, and enjoyment;
 - (b) apply given criteria to evaluate literary merit and express critical opinions about literary works; and
 - (c) demonstrate the understanding that the purposes of experiencing literary works include personal satisfaction and the development of lifelong literature appreciation.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XII BENCHMARK FOR LITERATURE CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for literature content standard 3 for a student upon graduation is the ability to:

- (a) use prior experience to select materials and articulate purposes for selection (e.g., learn, enjoy, persuade, exchange information);
 - (b) develop and apply criteria to evaluate the reliability, authenticity, and literary merit of information conveyed in a literary work; and
 - (c) recognize literary works as vehicles for acquiring new information, responding to social and workplace needs, and discovering and gaining personal fulfillment.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XIII LITERATURE CONTENT STANDARD 4 (1) To satisfy the requirements of literature content standard 4, a student must interact with print and non-print literary works from various cultures, ethnic groups, and traditional and contemporary viewpoints written by both genders.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XIV BENCHMARK FOR LITERATURE CONTENT STANDARD 4 FOR END OF GRADE 4

(1) The benchmark for literature content standard 4 for a student at the end of grade 4 is the ability to:

- (a) select, read, listen to, and view a variety of literary works;
 - (b) respond to traditional and contemporary works representing diverse perspectives, cultures, and issues (e.g., American Indian works); and
 - (c) create and share responses to literary works through the application of technology, speaking, writing, and visual, and performing arts (e.g., discuss, write, move, design, compose, sing).
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XV BENCHMARK FOR LITERATURE CONTENT STANDARD 4 FOR END OF GRADE 8

(1) The benchmark for literature content standard 4 for a student at the end of grade 8 is the ability to:

- (a) select, read, listen to, and view a variety of literary works;
 - (b) respond to traditional and contemporary works representing diverse perspectives, cultures, and issues (e.g., American Indian works); and
 - (c) create and share responses to literary works through the application of technology, speaking, writing, visual, and performing arts (e.g., discuss, write, move, design, compose, sing).
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XVI BENCHMARK FOR LITERATURE CONTENT STANDARD 4 UPON GRADUATION

(1) The benchmark for literature content standard 4 for a student upon graduation is the ability to:

- (a) select, read, listen to, and view a variety of traditional and contemporary works from diverse cultures (e.g., American Indian works), genders, genres, historical periods, and styles;
 - (b) demonstrate how factors of history and culture, gender and genre, influence and give meaning to literature;
 - (c) create and share responses to literary works (e.g., discuss, write, move, design, compose, sing, dramatize, produce multimedia presentations); and
 - (d) analyze diverse literature to identify and compare common human experiences within and between cultures.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XVII LITERATURE CONTENT STANDARD 5 (1) To satisfy the requirements of literature content standard 5, a student must use literary works to enrich personal experience and to connect to the broader world of ideas, concepts, and issues.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XVIII BENCHMARK FOR LITERATURE CONTENT STANDARD 5 FOR END OF GRADE 4 (1) The benchmark for literature content standard 5 for a student at the end of grade 4 is the ability to:

- (a) identify how culture, ideas, and issues influence literary works;
- (b) compare one's culture to the culture portrayed in a literary work; and
- (c) make associations between ideas expressed in literary works and personal experiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XIX BENCHMARK FOR LITERATURE CONTENT STANDARD 5 FOR END OF GRADE 8 (1) The benchmark for literature content standard 5 for a student at the end of grade 8 is the ability to:

- (a) examine and explain how history, culture, ideas, and issues influence literary works;
- (b) compare and contrast a variety of perspectives of self, others, and world issues through a selection of literary works; and
- (c) use literary works to develop an understanding of the many dimensions of human experience (e.g., philosophical, ethical, aesthetic).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XX BENCHMARK FOR LITERATURE CONTENT STANDARD 5 UPON GRADUATION (1) The benchmark for literature content standard 5 for a student upon graduation is the ability to:

- (a) examine, explain, and evaluate various perspectives concerning community, national, and world issues reflected in literary works;
- (b) identify and respond to philosophical assumptions and basic beliefs underlying selected texts;
- (c) recognize patterns, symbols, and universal themes present across literary works and relate those to personal experience; and
- (d) investigate and report ways in which authors, their works, and their styles have impacted or been influenced by social and cultural issues or events.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXI ADVANCED LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the advanced level of literature demonstrates superior performance. He/she:

- (a) accurately comprehends material at the literal level and sometimes at the figurative level;
- (b) makes predictions and connections within and between literary works;

(c) interprets as a reader, listener, and viewer how language affects the meaning of literary works;

(d) confidently identifies the language and literary tools that contribute to the meaning;

(e) evaluates how language and literary tools contribute to the impact of literary works;

(f) purposefully selects print and non-print material from diverse cultures and viewpoints to fulfill needs; and

(g) demonstrates the depth of understanding by sharing responses to a variety of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXII PROFICIENT LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level of literature demonstrates solid academic performance. He/she:

(a) comprehends material at the literal level, but has difficulty at the figurative level;

(b) makes predictions and connections within and between literary works;

(c) demonstrates an understanding of how language affects the meaning of literary works as a reader, listener, and viewer;

(d) identifies the language and literary tools that contribute to meaning;

(e) purposefully selects print and non-print materials from diverse cultures and viewpoints to fulfill needs; and

(f) explores creative ways to share appropriate and unique responses to a variety of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXIII NEARING PROFICIENCY LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level of literature demonstrates partial mastery of prerequisite skills and knowledge fundamental for proficiency in literature. He/she:

(a) usually comprehends material at the literal level;

(b) makes obvious predictions and connections within and between those works;

(c) demonstrates an understanding of how language affects the meaning of literary works as a reader, listener, and viewer;

(d) usually identifies the language and literary tools that contribute to the meaning of literary works;

(e) sometimes purposefully selects print and non-print materials from diverse cultures and viewpoints to fulfill needs; and

(f) occasionally explores creative ways to share responses to a variety of literary works, but often relies on predictable or mechanical methods.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXIV NOVICE LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the novice level of literature is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in literature. He/she:

- (a) seldom comprehends material at the literal level;
 - (b) makes obvious predictions and connections, with assistance, within and between literary works;
 - (c) occasionally identifies how language affects the meaning of literary works as a reader, listener, and viewer;
 - (d) has difficulty identifying and/or discussing the language and literary tools that contribute to meaning;
 - (e) randomly selects print and non-print material from diverse cultures and viewpoints; and
 - (f) uses limited methods to share responses to a variety of literary works.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXV ADVANCED LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the advanced level of literature demonstrates superior performance. He/she:

- (a) accurately comprehends material at the literal level and frequently at the figurative level;
 - (b) makes complex predictions and meaningful connections when analyzing and responding to literary works;
 - (c) consistently and thoughtfully interprets and evaluates as a reader, listener, and viewer how literary devices, forms, and language impact literary works;
 - (d) willingly and confidently responds to a variety of literary works demonstrating individualized generalizations and thoughtful comparisons and hypotheses; and
 - (e) expresses a clear, personalized criteria for evaluation of judgements of quality.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXVI PROFICIENT LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level of literature demonstrates solid academic performance. He/she:

- (a) comprehends material at the literal level and is gaining understanding at the figurative level;
- (b) effectively uses sequencing, comparing, contrasting, and predicting to analyze and respond to literary works;
- (c) competently identifies and interprets how literary devices, forms, and language impact literary works as a reader, listener, and viewer;
- (d) consistently and purposefully selects a variety of literary works, expressing reasons for the choices; and

(e) recognizes how the time period and other relevant situations produce a work's context.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXVII NEARING PROFICIENCY LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level of literature demonstrates partial mastery of prerequisite skills and knowledge fundamental for proficiency in literature. He/she:

(a) usually comprehends material at the literal level and sometimes, with assistance, at the figurative level;

(b) makes obvious predictions and brief descriptions when analyzing and responding to literary works;

(c) identifies literary devices, forms, and language, and describes how these impact literary works as a reader, listener, and viewer;

(d) purposefully selects a variety of literary works, briefly expressing reasons for choices; and

(e) occasionally shares responses to literature, demonstrating knowledge of literary form and structure.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXVIII NOVICE LITERATURE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level of literature is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in literature. He/she:

(a) usually comprehends material at the literal level but seldom at the figurative level;

(b) makes simple predictions and brief descriptions when responding to literary works;

(c) infrequently identifies literary devices, forms, and languages and, with assistance, describes how these impact literary works as a reader, listener, and viewer;

(d) selects literary works, yet has difficulty expressing reasons for choices; and

(e) often focuses on restatement of story and summarization with little comparison or investigation of the work's meaning or form.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXIX ADVANCED LITERATURE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the advanced level of literature demonstrates superior performance. He/she:

(a) accurately and completely comprehends material at both literal and figurative levels;

(b) seeks out increasingly complex and diverse material;

(c) develops and defends multiple analytic and interpretive responses to those works;

(d) demonstrates the inquiry process through the articulation of greater insight and higher level skills;

(e) connects prior literary experiences to purposeful selection and evaluation of material based on reliability, authenticity, and literary merit; and

(f) experiments with a range of original and sophisticated ways to communicate independently designed responses to a variety of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXX PROFICIENT LITERATURE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the proficient level of literature demonstrates solid academic performance. He/she:

(a) comprehends material at both literal and figurative levels;

(b) develops and defends multiple analytic and interpretive responses to literary works;

(c) analyzes and critiques how language and literary tools create and enhance the meaning and impact of literary works as a reader, listener, and viewer;

(d) thoughtfully uses prior experience to purposefully select material to fulfill needs;

(e) applies criteria to evaluate the reliability, authenticity, and merit of literary works; and

(f) consistently creates and shares unique and reasonable responses to a variety of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXI NEARING PROFICIENCY LITERATURE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the nearing proficiency level of literature demonstrates partial mastery of prerequisite skills and knowledge fundamental for proficiency in literature. He/she:

(a) comprehends material at the literal level but only occasionally at the figurative level;

(b) develops and pursues questions and answers in his/her responses to literary works;

(c) recognizes and discusses how language and literary tools influence the meaning and impact of literary works as a reader, listener, and viewer;

(d) uses prior experience to select material;

(e) occasionally applies criteria that assesses reliability, authenticity, and literary merit; and

(f) relies on more predictable and limited forms to share responses to a variety of literary works.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXII NOVICE LITERATURE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the novice level of literature is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in literature. He/she:

(a) comprehends materials on the literal level, but rarely at the figurative level;

(b) recognizes interpretive responses to literary works, but finds difficulty discussing the effectiveness of literary tools;

(c) reluctantly interacts with literary works;

(d) has difficulty connecting personal literary experiences to personal life experiences; and

(e) waits for encouragement, hesitates to share, and usually limits responses to assigned products.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXIII WRITING CONTENT STANDARD 1 (1) To satisfy the requirements of writing content standard 1, a student must write clearly and effectively.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXIV BENCHMARK FOR WRITING CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for writing content standard 1 for a student at the end of grade 4 is the ability to:

(a) organize text in paragraphs with clear beginning, middle, and end;

(b) develop a main idea through some supporting details;

(c) demonstrate awareness of personal voice, sentence structure, and word choice; and

(d) apply conventions of standard written English (e.g., spelling, punctuation, usage) appropriate for grade level and purpose.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXV BENCHMARK FOR WRITING CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for writing content standard 1 for a student at the end of grade 8 is the ability to:

(a) organize text in paragraphs with clear beginning, middle, and end, using transitions and logical sequence;

(b) develop a main idea through relevant supporting details;

(c) demonstrate some control of personal voice, sentence structure, and word choice; and

(d) apply conventions of standard written English (e.g., spelling, punctuation, usage) appropriate for grade level and purpose.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXVI BENCHMARK FOR WRITING CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for writing content standard 1 for a student upon graduation is the ability to:

(a) organize text in paragraphs with clear beginning, middle, and end, using effective transitions and logical sequence;

(b) develop and elaborate main ideas through relevant and specific supporting details;

(c) demonstrate purposeful control of personal voice, sentence structure, and word choice; and

(d) apply conventions of standard written English (e.g., spelling, punctuation, usage) appropriate for grade level and purpose.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXVII WRITING CONTENT STANDARD 2 (1) To satisfy the requirements of writing content standard 2, a student must apply a range of skills and strategies in the writing process. (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXVIII BENCHMARK FOR WRITING CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for writing content standard 2 for a student at the end of grade 4 is the ability to:

(a) plan writing by generating and organizing ideas and by considering purpose and audience;

(b) write a draft that captures and organizes ideas;

(c) revise writing at the word, sentence, and paragraph levels using feedback and guidance from others;

(d) edit, with assistance, by correcting errors (e.g., grammar, capitalization, punctuation, spelling, usage); and

(e) share/publish a legible final product.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XXXIX BENCHMARK FOR WRITING CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for writing content standard 2 for a student at the end of grade 8 is the ability to:

(a) plan writing by generating and organizing ideas through a variety of strategies and by considering purpose and audience;

(b) write one or more drafts that capture and organize ideas;

(c) revise writing at the word, sentence, and paragraph levels using feedback from others;

(d) edit, with some assistance, by correcting errors (e.g., grammar, capitalization, punctuation, spelling, usage); and

(e) share/publish a legible final product.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XL BENCHMARK FOR WRITING CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for writing content standard 2 for a student upon graduation is the ability to:

(a) plan writing by generating ideas through a variety of strategies, and organize by analyzing purpose and audience;

(b) write one or more drafts that capture, explore, and organize ideas;

(c) revise writing by seeking feedback from others and making appropriate changes to improve text;

(d) edit by correcting errors (e.g., grammar, capitalization, punctuation, spelling, usage); and

(e) share/publish a legible final product.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLI WRITING CONTENT STANDARD 3 (1) To satisfy the requirements of writing content standard 3, a student must evaluate and reflect on his/her growth as a writer.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLII BENCHMARK FOR WRITING CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for writing content standard 3 for a student at the end of grade 4 is the ability to:

(a) set goals and become aware of successes in own and others' writing;

(b) share writing with others, listen to responses, ask questions, and offer positive comments to others; and

(c) identify his/her strengths as a writer.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLIII BENCHMARK FOR WRITING CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for writing content standard 3 for a student at the end of grade 8 is the ability to:

(a) set goals and analyze successes in one's own and others' writing;

(b) share and discuss one's own and others' writing for improvement and growth as a writer; and

(c) identify and describe strengths and weaknesses as a writer.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLIV BENCHMARK FOR WRITING CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for writing content standard 3 for a student upon graduation is the ability to:

(a) set goals and evaluate successes in one's own and others' writing;

(b) seek and use feedback from others and offer constructive criticism to others; and

(c) analyze and evaluate strengths and weaknesses as a writer.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLV WRITING CONTENT STANDARD 4 (1) To satisfy the requirements of writing content standard 4, a student must write for a variety of purposes and audiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLVI BENCHMARK FOR WRITING CONTENT STANDARD 4 FOR END OF GRADE 4 (1) The benchmark for writing content standard 4 for a student at the end of grade 4 is the ability to:

(a) identify the purpose for his/her writing and write appropriately;

(b) choose audiences (e.g., self, peers, adults) appropriate to purposes and topics; and

(c) experience writing in different genre (e.g., descriptive writing).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLVII BENCHMARK FOR WRITING CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for writing content standard 4 for a student at the end of grade 8 is the ability to:

(a) identify and articulate the purpose for his/her writing and write appropriately;

(b) choose audiences (e.g., self, peers, adults) appropriate to purposes and topics; and

(c) experience writing in different genre (e.g., narrative writing).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLVIII BENCHMARK FOR WRITING CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for writing content standard 4 for a student upon graduation is the ability to:

(a) identify and articulate the purpose for his/her writing and write appropriately;

(b) choose audiences (e.g., self, peers, adults) appropriate to purposes and topics; and

(c) experience writing in various genre (e.g., expository and persuasive writing).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XLIX WRITING CONTENT STANDARD 5 (1) To satisfy the requirements of writing content standard 5, a student must recognize the structures of various forms and apply these characteristics to his/her own writing.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE L BENCHMARK FOR WRITING CONTENT STANDARD 5 FOR END OF GRADE 4 (1) The benchmark for writing content standard 5 for a student at the end of grade 4 is the ability to:

(a) identify the characteristics of different forms (e.g., poetry, fiction, nonfiction, technical, simple report); and

(b) write using characteristics of different forms.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LI BENCHMARK FOR WRITING CONTENT STANDARD 5 FOR END OF GRADE 8 (1) The benchmark for writing content standard 5 for a student at the end of grade 8 is the ability to:

(a) identify and analyze characteristics of different forms (e.g., narrative, journal, technical); and

(b) write using characteristics of different forms.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LII BENCHMARK FOR WRITING CONTENT STANDARD 5 UPON GRADUATION (1) The benchmark for writing content standard 5 for a student upon graduation is the ability to:

(a) identify, analyze, and evaluate characteristics of different forms (e.g., multi-paragraph essay, persuasive, expository, argumentative); and

(b) write using characteristics of different forms.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LIII WRITING CONTENT STANDARD 6 (1) To satisfy the requirements of writing content standard 6, a student must use the inquiry process, problem-solving strategies, and resources to synthesize and communicate information.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LIV BENCHMARK FOR WRITING CONTENT STANDARD 6 FOR END OF GRADE 4 (1) The benchmark for writing content standard 6 for a student at the end of grade 4 is the ability to:

(a) pose questions or identify problems;

(b) use selected technologies and information sources;

(c) identify explanations or solutions, and draw a conclusion based on the information; and

(d) share information in appropriate ways for intended audiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LV BENCHMARK FOR WRITING CONTENT STANDARD 6 FOR END OF GRADE 8 (1) The benchmark for writing content standard 6 for a student at the end of grade 8 is the ability to:

(a) pose questions or identify problems;

(b) find and use a variety of technologies and information sources;

(c) identify several explanations or solutions, and draw conclusions based on his/her analysis of the information; and

(d) share information in appropriate ways for intended audiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LVI BENCHMARK FOR WRITING CONTENT STANDARD 6 UPON GRADUATION (1) The benchmark for writing content standard 6 for a student upon graduation is the ability to:

(a) pose questions or identify problems;

(b) find, evaluate, and use a variety of technologies and information sources;

(c) identify and investigate alternative explanations or solutions, and use criteria to draw and defend conclusions based on his/her analysis and evaluation of the information; and

(d) share information in appropriate ways for intended audiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LVII ADVANCED WRITING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the advanced level of writing demonstrates superior performance. He/she:

(a) writes clearly and effectively by exhibiting strong organization, concrete development, and appropriate conventions/mechanics;

(b) applies and experiments with a variety of skills and strategies in the writing process as he/she develops control of his/her writing;

(c) shares and discusses his/her own writing and the writing of others to help make significant revisions;

(d) writes, with assistance, for a variety of purposes and audiences and easily writes in different genre, including descriptive writing;

(e) frequently proceeds with independent inquiries, with initial guidance; and

(f) often uses a range of resources to seek information, solve problems, and communicate.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LVIII PROFICIENT WRITING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level of writing demonstrates solid academic performance. He/she:

(a) writes clearly and effectively by organizing the text with a clear beginning, middle, and end;

(b) applies basic skills and strategies in the writing process as he/she develops as a writer;

(c) shares and discusses his/her own writing and the writing of others;

(d) recognizes and regularly practices using various forms of writing;

(e) writes, with assistance, for a variety of purposes and audiences; and

(f) responds to guided inquiry as he/she learns to search out information, solve problems, and communicate.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LIX NEARING PROFICIENCY WRITING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level of writing demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficient writing. He/she:

- (a) sometimes writes clearly and effectively by organizing text with a basic beginning, middle, and end;
 - (b) applies basic skills and limited strategies in the writing process as he/she develops as a writer;
 - (c) sometimes shares and discusses his/her writing and the writing of others to make limited changes in the text;
 - (d) recognizes and begins to write, with assistance, in basic forms of writing, including descriptive writing;
 - (e) writes for a specific purpose and with some sense of audience; and
 - (f) conducts inquiries, with support, to find information to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LX NOVICE WRITING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the novice level of writing is beginning to attain prerequisite knowledge and skills fundamental for proficient writing. He/she:

- (a) writes with limited clarity or effectiveness;
 - (b) shows some emerging level of organization;
 - (c) demonstrates limited awareness of the structure of his/her writing;
 - (d) requires frequent guidance to apply basic skills and limited strategies as he/she learns to write;
 - (e) shares his/her writing although his/her discussion usually lacks substance or focus;
 - (f) requires guidance to recognize various forms of writing, including descriptive writing;
 - (g) writes with a limited purpose, often showing no awareness of audience; and
 - (h) needs assistance to conduct inquiries, find information, and communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXI ADVANCED WRITING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the advanced level of writing demonstrates superior performance. He/she:

- (a) writes clearly and effectively by independently applying a range of skills and strategies to revise his/her writing;
- (b) eagerly seeks feedback to evaluate his/her writing and reflect on his/her growth as a writer;
- (c) identifies variations within writing forms and experiments as he/she applies these characteristics to his/her writing and in an expanded range of genre, including narrative writing;

- (d) successfully writes for a variety of purposes and audiences;
 - (e) initiates his/her own inquiries; and
 - (f) uses current technologies and information sources to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXII PROFICIENT WRITING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level of writing demonstrates solid academic performance. He/she:

- (a) writes clearly and effectively by applying a range of skills and strategies in the writing process;
 - (b) demonstrates the ability to respond to feedback, evaluate his/her writing, and reflect on his/her growth as a writer;
 - (c) typically recognizes the structures of various forms of writing and applies these characteristics as he/she writes for a variety of purposes and audiences and in an expanded range of genre, including narrative writing; and
 - (d) initiates his/her own inquiries and uses current technologies and information sources to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXIII NEARING PROFICIENCY WRITING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level of writing demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficient writing. He/she:

- (a) occasionally writes clearly and effectively by applying, with assistance, a range of skills and strategies in the writing process;
 - (b) sometimes demonstrates the ability to evaluate writing and reflects on his/her growth as a writer;
 - (c) recognizes and applies some characteristics of some forms of writing;
 - (d) writes for a narrow range of purposes and audiences, and has limited practice in narrative writing;
 - (e) sometimes initiates his/her own inquiries; and
 - (f) uses current and emerging technologies and information sources to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXIV NOVICE WRITING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level of writing is beginning to attain prerequisite knowledge and skills fundamental for proficient writing. He/she:

- (a) rarely writes clearly and effectively without assistance;
- (b) applies a limited range of skills and strategies in the writing process;

- (c) is reluctant to revise and needs assistance to evaluate his/her writing;
 - (d) demonstrates confusion about forms and has difficulty applying the characteristics to his/her writing;
 - (e) often lacks purpose and needs guidance to identify an audience or practice in narrative writing at a basic level;
 - (f) requires direction and support to conduct inquiries; and
 - (g) often uses current and emerging technologies and information sources to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXV ADVANCED WRITING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the advanced level of writing demonstrates superior performance. He/she:

- (a) consistently writes clearly and effectively, often about sophisticated subjects;
 - (b) applies a range of skills and strategies in the writing process, eagerly seeking and responding to feedback and polishing his/her writing;
 - (c) independently evaluates writing and reflects on his/her growth as a writer;
 - (d) recognizes different levels of meaning as well as sophisticated variations within forms of writing;
 - (e) takes risks and applies these characteristics to his/her own writing;
 - (f) writes fluently for a variety of purposes and in different genre, including expository and persuasive, usually satisfying audiences;
 - (g) demonstrates self-directed inquiry; and
 - (h) makes effective use of current and emerging technologies and information sources to communicate.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXVI PROFICIENT WRITING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the proficient level of writing demonstrates solid academic performance. He/she:

- (a) writes clearly and effectively by applying a range of skills and strategies in the writing process;
- (b) often seeks and responds to feedback to evaluate and revise writing, as well as reflect on his/her growth as a writer;
- (c) recognizes variations within the forms and often identifies different levels of meaning;
- (d) occasionally takes risks when applying these characteristics to write for a variety of purposes and audiences, and in different genre, including expository and persuasive writing;
- (e) initiates his/her own inquiries; and

(f) uses current and emerging technologies and information sources to communicate.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXVII NEARING PROFICIENCY WRITING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the nearing proficiency level of writing demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficient writing. He/she:

(a) often writes clearly and effectively by applying a limited range of skills and strategies;

(b) still needs assistance to revise work in response to feedback;

(c) often needs guidance to evaluate work and reflect on his/her growth as a writer;

(d) recognizes the forms of writing and applies basic characteristics to his/her own writing;

(e) writes for a limited range of purposes and audiences, and has some experience writing in different genre, including expository and persuasive writing;

(f) conducts inquiries, with assistance; and

(g) uses current technologies and information sources to communicate.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXVIII NOVICE WRITING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the novice level of writing is beginning to attain prerequisite knowledge and skills fundamental for proficient writing. He/she:

(a) occasionally writes clearly at a basic level by applying selected skills and strategies;

(b) needs assistance to write effectively;

(c) is reluctant to revise and needs guidance to evaluate his/her writing or respond to feedback;

(d) demonstrates limited understanding of his/her growth as a writer;

(e) recognizes basic forms of writing and applies some basic characteristics to his/her writing;

(f) often lacks purpose in writing, including expository and persuasive, and writes for a limited audience;

(g) seldom conducts inquiries; and

(h) uses current technologies and information sources, with assistance, to communicate.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXIX SPEAKING AND LISTENING CONTENT STANDARD 1

(1) To satisfy the requirements of speaking and listening content standard 1, a student must demonstrate knowledge and understanding of the communication process.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXX BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for speaking and listening content standard 1 for a student at the end of grade 4 is the ability to:

(a) recognize the important role of speaking and listening in daily life; and

(b) identify oneself in various roles in the communication process and recognize the shared communication responsibilities of the speaker and the listener.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXI BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for speaking and listening content standard 1 for a student at the end of grade 8 is the ability to:

(a) observe and describe the importance of speaking and listening in personal relationships; and

(b) identify and define the components of the communication process.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXII BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for speaking and listening content standard 1 for a student upon graduation is the ability to:

(a) explain the importance of effective oral communication in creating meaning, influencing thought, and making decisions; and

(b) identify and analyze the relationships among the components of the communication process.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXIII SPEAKING AND LISTENING CONTENT STANDARD 2

(1) To satisfy the requirements of speaking and listening content standard 2, a student must distinguish among and use appropriate types of speaking and listening for a variety of purposes.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXIV BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for speaking and listening content standard 2 for a student at the end of grade 4 is the ability to:

(a) recognize the techniques of listening in a variety of situations (e.g., focusing attention, reflecting, interpreting, analyzing, responding to messages);

(b) demonstrate appropriate speaking and listening behaviors in communicating with peers and others in formal and informal classroom situations;

(c) speak and listen effectively for a range of purposes (e.g., reading aloud and listening to oral readings, sharing and listening to personal experiences, presenting and listening to oral reports, clearly giving and understanding directions and instructions);

(d) identify and appropriately use different types of presentations (e.g., storytelling, narrative, description); and

(e) identify and use different types of listening appropriate to the listening situation (e.g., casual, appreciative, attentive).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXV BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for speaking and listening content standard 2 for a student at the end of grade 8 is the ability to:

(a) analyze one's own techniques of listening in a variety of situations (e.g., focusing attention, reflecting, interpreting, analyzing, responding to messages);

(b) demonstrate appropriate speaking and listening behaviors in communicating with various audiences;

(c) speak and listen effectively for an expanded range of purposes (e.g., giving and understanding information, presenting and appreciating creative performances, delivering and analyzing persuasive messages);

(d) identify and appropriately use different types of presentations (e.g., reports, expository speeches, dramatic presentations, persuasive appeals); and

(e) identify and use different types of listening appropriate to the listening situation (e.g., interpretive and empathic listening).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXVI BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for speaking and listening content standard 2 for a student upon graduation is the ability to:

(a) explain, apply, and evaluate one's own and others' techniques of listening in a variety of situations (e.g., focusing attention, reflecting, interpreting, analyzing, responding to messages);

(b) demonstrate effective adjustment of speaking and listening behaviors in communicating with various audiences;

(c) speak and listen effectively for a broad range of purposes (e.g., delivering and evaluating entertaining or inspiring messages, presenting and critically evaluating problems and solutions);

(d) identify and use different types of presentations appropriate to the purpose for speaking (e.g., impromptu, extemporaneous, manuscript, memorized deliveries, interpersonal endeavors); and

(e) identify and use different types of listening appropriate to the listening situation (e.g., critical listening).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXVII SPEAKING AND LISTENING CONTENT STANDARD 3

(1) To satisfy the requirements of speaking and listening content standard 3, a student must apply a range of skills and strategies to speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXVIII BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 3 FOR END OF GRADE 4

(1) The benchmark for speaking and listening content standard 3 for a student at the end of grade 4 is the ability to:

- (a) communicate in a focused and organized manner;
- (b) select and use appropriate verbal language to convey intended meaning;
- (c) identify and begin to use appropriate verbal and non-verbal skills to enhance presentations and manage communication anxiety;
- (d) monitor understanding by identifying and using strategies (e.g., asking relevant questions, restating information);
- (e) distinguish new from familiar material, significant from insignificant information, fact from opinion, and fantasy from reality;
- (f) draw connections between one's experiences, information, and insights, and experiences communicated by others;
- (g) identify characteristics of enjoyable listening experiences by examining rhythm in music and visualization of images; and
- (h) identify, anticipate, and manage barriers to listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXIX BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 3 FOR END OF GRADE 8

(1) The benchmark for speaking and listening content standard 3 for a student at the end of grade 8 is the ability to:

- (a) communicate with a clear purpose, well-developed organization, and support from a variety of sources;
- (b) use verbal language appropriate to occasion, audience, and topic;

(c) explain and appropriately use verbal and non-verbal skills to enhance presentations and manage communication anxiety;

(d) monitor understanding by identifying and using strategies (e.g., inquiring, taking notes, summarizing oral and visual clues);

(e) distinguish information from persuasion, and logic from emotion;

(f) compare and contrast one's own experiences, information, and insights with the message received in a variety of communication situations;

(g) compare and contrast enjoyable listening experiences by examining different renditions of the same work (e.g., same selection interpreted by different performers); and

(h) identify, anticipate, and manage barriers to listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXX BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for speaking and listening content standard 3 for a student upon graduation is the ability to:

(a) communicate with an identifiable thesis, logically developed points with appropriate supporting resources, and clear sequencing of ideas and transitions;

(b) use informal, standard, and technical verbal language effectively to fit the purpose, audience, occasion, and task;

(c) apply, analyze, and evaluate effective verbal and non-verbal skills to enhance presentations and manage communication anxiety;

(d) monitor understanding by identifying and using strategies (e.g., asking probing questions, paraphrasing, interpreting, evaluating oral and visual clues);

(e) recognize and analyze points of view, purposes, emotional appeals, and logical fallacies in verbal and nonverbal messages;

(f) compare and contrast one's experiences, information, and insights with the message in a variety of communication situations;

(g) analyze and evaluate aesthetic listening experiences by examining speakers' style, interpreting characters in a dialogue, and studying the projection of emotion; and

(h) identify, anticipate, and manage barriers to listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXI SPEAKING AND LISTENING CONTENT STANDARD 4

(1) To satisfy the requirements of speaking and listening content standard 4, a student must identify, analyze, and evaluate the impacts of effective speaking and evaluative listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXII BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 4 FOR END OF GRADE 4

(1) The benchmark for speaking and listening content standard 4 for a student at the end of grade 4 is the ability to:

(a) identify the characteristics of effective speaking and listening;

(b) reflect on one's effectiveness as a speaker and as a listener, and set personal goals; and

(c) show respect for the feelings and values of others when speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXIII BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for speaking and listening content standard 4 for a student at the end of grade 8 is the ability to:

(a) analyze and apply the characteristics of effective speaking and evaluative listening;

(b) use feedback to evaluate one's own effectiveness as a speaker and as a listener, and set personal goals; and

(c) explain the importance of speaking and listening in our democratic society within a culturally diverse world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXIV BENCHMARK FOR SPEAKING AND LISTENING CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for speaking and listening content standard 4 for a student upon graduation is the ability to:

(a) analyze the characteristics and evaluate the impact of informative, persuasive, and artistic presentations of self, peers, public figures, and the media;

(b) use feedback to evaluate one's own effectiveness as a speaker and as a listener, and set personal goals; and

(c) analyze the legal and ethical issues associated with responsible communication.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXV ADVANCED SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the advanced level in speaking and listening demonstrates superior performance. He/she:

(a) displays extensive understanding of the importance of one's roles and responsibilities when speaking and listening in daily life;

(b) effectively uses appropriate speaking and listening behaviors in the classroom during oral readings, directions, and sharing personal experiences;

(c) applies a range of speaking skills and strategies (e.g., clear focus, organization, delivery);

(d) fluently applies a range of skills and strategies (e.g., questioning, restating, distinguishing types of information, drawing connections to oneself);

(e) effectively examines the characteristics of enjoyable listening experiences;

(f) consistently identifies characteristics of effective speaking and listening and appropriately modifies own behavior; and

(g) shows respect for the feelings and values of others when speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXVI PROFICIENT SPEAKING AND LISTENING

PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level in speaking and listening demonstrates solid academic performance. He/she:

(a) recognizes the importance of one's roles and responsibilities when speaking and listening in daily life;

(b) uses appropriate speaking and listening behaviors in the classroom during oral readings, directions, and sharing personal experiences;

(c) applies a range of speaking skills and strategies (e.g., clear focus, organization, delivery);

(d) applies a range of speaking skills and strategies (e.g., questioning, restating, distinguishing types of information, drawing connections to oneself);

(e) examines the characteristics of enjoyable listening experiences;

(f) identifies characteristics of effective speaking and listening and appropriately modifies own communication behavior; and

(g) shows respect for the feelings and values of others when speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXVII NEARING PROFICIENCY SPEAKING AND LISTENING

PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level in speaking and listening demonstrates partial mastery of prerequisite skills and knowledge fundamental for proficient speaking and listening. He/she:

(a) sometimes recognizes the importance of one's roles and responsibilities when speaking and listening in daily life;

(b) sometimes uses appropriate speaking and listening behaviors in the classroom during oral readings, directions, and sharing personal experiences;

(c) applies a limited range of speaking skills and strategies, but is not always focused, organized, or clear in delivery;

(d) applies a limited range of listening skills and strategies, but is not always effective in questioning, restating, distinguishing types of information, or drawing connections to one's experiences;

(e) enjoys some listening and is beginning to identify the characteristics of enjoyable listening experiences;

(f) begins to identify the characteristics of effective speaking and listening, but infrequently modifies communication behavior; and

(g) shows some respect for the feelings and values of others when speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXVIII NOVICE SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the novice level in speaking and listening is beginning to attain prerequisite knowledge and skills that are fundamental at each benchmark in speaking and listening. He/she:

(a) is beginning to recognize the importance of one's roles and responsibilities when speaking and listening in daily life;

(b) seldom uses appropriate speaking and listening behaviors in the classroom during oral readings, directions, and sharing personal experiences;

(c) sometimes applies a limited range of speaking skills and strategies, but is seldom focused, organized, or clear in delivery;

(d) sometimes applies a limited range of listening skills and strategies, but has difficulty questioning, restating, distinguishing types of information, or drawing connections to one's experiences;

(e) enjoys some listening experiences, but has difficulty identifying the characteristics of the presentations;

(f) identifies a limited number of the characteristics of effective speaking and listening, and shows a limited ability to modify communication behavior; and

(g) shows little respect for the feelings and values of others when speaking and listening.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE LXXXIX ADVANCED SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the advanced level of speaking and listening demonstrates superior performance. He/she:

(a) displays extensive understanding of communication as an important process and communicates easily to develop and maintain personal relationships;

(b) effectively chooses appropriate types of speaking and listening for a variety of purposes;

(c) uses a complex range of speaking skills and strategies (e.g., a clear purpose, controlled organization, varied support, appropriate language);

(d) uses a complex range of listening skills and strategies (e.g., inquiry, note taking, summarizing), while distinguishing between information and opinion, and relating messages to one's experiences;

(e) thoughtfully compares and contrasts enjoyable listening experiences;

(f) analyzes communication impacts and effectively modifies speaking and listening behaviors; and

(g) displays extensive understanding of the complexity of communication in our democratic society within a culturally diverse world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XC PROFICIENT SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level of speaking and listening demonstrates solid academic performance. He/she:

(a) describes speaking and listening as important processes, and uses communication to develop and maintain personal relationships;

(b) recognizes and applies appropriate types of speaking and listening for a variety of purposes;

(c) applies a range of speaking skills and strategies (e.g., a clear purpose, controlled organization, varied support, appropriate language);

(d) applies a range of listening skills and strategies (e.g., inquiry, note taking, summarizing), while distinguishing between information and opinion, and relating messages to one's experiences;

(e) compares and contrasts enjoyable listening experiences;

(f) analyzes communication impacts and selects modifications to speaking and listening behaviors; and

(g) consistently identifies and describes the importance of communication in our democratic society within a culturally diverse world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCI NEARING PROFICIENCY SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level in speaking and listening demonstrates a partial mastery of prerequisite knowledge and skills fundamental for proficient speaking and listening. He/she:

(a) sometimes recognizes speaking and listening as important processes and uses communication, with assistance, to develop and maintain personal relationships;

(b) sometimes recognizes and applies, with assistance, appropriate types of speaking and listening for a variety of purposes;

(c) sometimes applies a range of speaking skills and strategies (e.g., a clear purpose, controlled organization, varied support, appropriate language);

(d) sometimes applies a range of listening skills and strategies (e.g., inquiry, note taking, summarizing), while distinguishing between information and opinion, and relating messages to one's experiences;

(e) contrasts, but seldom compares enjoyable listening experiences;

(f) sometimes identifies communication impacts, but has difficulty modifying speaking and listening behaviors; and

(g) has limited recognition of the importance of communication in our democratic society within a culturally diverse world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCII NOVICE SPEAKING AND LISTENING PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level in speaking and listening is beginning to attain prerequisite knowledge and skills that are fundamental at each benchmark in speaking and listening. He/she:

(a) seldom recognizes speaking and listening as important processes and has difficulty communicating to develop and maintain personal relationships;

(b) recognizes and applies appropriate types of speaking and listening for limited purposes;

(c) applies a limited range of speaking skills and strategies (e.g., clear purpose, controlled organization, varied support, appropriate language);

(d) applies a limited range of listening skills and strategies (e.g., inquiry, note taking, summarizing), and has difficulty distinguishing between information and opinion, and relating messages to one's experiences;

(e) recognizes the obvious, but incompletely contrasts and seldom compares enjoyable listening experiences;

(f) is beginning to understand communication impacts, and selects limited modifications to speaking and listening behaviors; and

(g) has limited understanding of the importance of communication in our democratic society within a culturally diverse world.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCIII ADVANCED SPEAKING AND LISTENING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the advanced level of speaking and listening demonstrates superior performance. He/she:

(a) displays extensive understanding of speaking and listening as important processes used to create meaning and influence thought and decision-making;

(b) effectively distinguishes and chooses among appropriate types of speaking and listening used by self and others for a variety of audiences, purposes, and situations;

(c) effectively applies speaking skills and strategies, creating a well-organized and thoroughly developed message using appropriate verbal and nonverbal language;

(d) effectively applies a range of listening skills and strategies (e.g., monitoring understanding, recognizing and analyzing logical and emotional appeals, making personal associations with the message);

(e) thoroughly and effectively interprets appreciative listening experiences by analyzing and evaluating characteristics of the presentation;

(f) thoroughly analyzes and evaluates the impact of presentations on self and others, using feedback to adjust speaking and listening behaviors; and

(g) consistently demonstrates sensitivity to the legal and ethical issues associated with communication.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCIV PROFICIENT SPEAKING AND LISTENING PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the proficient speaking and listening level demonstrates solid academic performance. He/she:

(a) displays understanding of speaking and listening as important processes that create meaning and influence thought and decision-making;

(b) makes reasonable distinctions and chooses among appropriate types of speaking and listening used by self and others for a variety of audiences, purposes, and situations;

(c) applies a range of speaking skills and strategies, creating an organized and completely developed message using appropriate verbal and nonverbal language;

(d) applies a range of listening skills and strategies (e.g., monitoring understanding, recognizing and analyzing logical and emotional appeals, making personal associations with the message);

(e) often interprets appreciative listening experiences by analyzing and evaluating characteristics of the presentation;

(f) almost always identifies, analyzes, and evaluates the impact of presentations on self and others, using feedback to adjust speaking and listening behaviors; and

(g) consistently demonstrates sensitivity to the legal and ethical issues associated with communication.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCV NEARING PROFICIENCY SPEAKING AND LISTENING PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student at the nearing proficiency level in speaking and listening demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficient speaking and listening. He/she:

(a) often recognizes speaking and listening as important processes that create meaning and influence thought and decision-making;

(b) sometimes distinguishes among appropriate types of speaking and listening used by self and others, but needs assistance to choose appropriate type for audiences, purposes, and situations;

(c) sometimes applies a range of speaking skills and strategies, and creates, with assistance, an organized message using appropriate verbal and nonverbal language;

(d) sometimes applies a range of listening skills and strategies (e.g., monitoring understanding, recognizing and analyzing logical and emotional appeals, making personal associations with the message);

(e) describes appreciative listening experiences with minimal analysis and evaluation of the presentation;

(f) sometimes identifies and analyzes the impact of presentations on self and others, but needs assistance to use feedback to adjust speaking and listening behaviors; and

(g) demonstrates limited sensitivity to the legal and ethical issues associated with communication.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCVI NOVICE SPEAKING AND LISTENING PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student at the novice level in speaking and listening is beginning to attain prerequisite knowledge and skills that are fundamental at each benchmark in speaking and listening. He/she:

(a) sometimes recognizes speaking and listening as important processes that create meaning and influence thought and decision-making;

(b) seldom distinguishes among appropriate types of speaking and listening for a limited range of audiences, purposes, and situations;

(c) applies a limited range of speaking skills and strategies, but has difficulty, even with assistance, creating an organized message using appropriate verbal and nonverbal language;

(d) applies a limited range of listening skills and strategies (e.g., monitoring understanding, recognizing and analyzing logical and emotional appeals, making personal associations with the message);

(e) begins to describe appreciative listening experiences by analyzing, with assistance, the presentation;

(f) identifies and analyzes, with assistance, the impact of presentations on self and others, but seldom uses feedback to adjust speaking and listening behaviors; and

(g) begins to demonstrate some sensitivity to the legal and ethical issues associated with communication.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCVII MEDIA LITERACY CONTENT STANDARD 1 (1) To satisfy the requirements of media literacy content standard 1, a student must recognize that media messages are constructed using specific techniques which manipulate sound, image, text, and movement to convey meaning.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCVIII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for media literacy content standard 1 for a student at the end of grade 4 is the ability to recognize that media messages are constructed for specific purposes (e.g., entertain, persuade, inform).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE XCIX BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for media literacy content standard 1 for a student at the end of grade 8 is the ability to analyze how media content is influenced by media form.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE C BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for media literacy content standard 1 for a student upon graduation is the ability to evaluate and compare how media forms, content, and products are constructed for specific audiences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CI MEDIA LITERACY CONTENT STANDARD 2 (1) To satisfy the requirements of media literacy content standard 2, a student must distinguish among and use appropriate types of media for a variety of purposes.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for media literacy content standard 2 for a student at the end of grade 4 is the ability to:

(a) recognize and use various media for information, entertainment, and persuasion; and

(b) identify the way media have changed through history.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CIII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for media literacy content standard 2 for a student at the end of grade 8 is the ability to:

(a) select and apply appropriate media to a task or topic; and

(b) compare the historical and cultural differences in media.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CIV BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for media literacy content standard 2 for a student upon graduation is the ability to:

(a) analyze the appropriateness of various media to specific purposes and audiences and predict outcomes; and

(b) analyze and evaluate the ways in which one form of media influences other forms and responds to the social and political climate of the times.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CV MEDIA LITERACY CONTENT STANDARD 3 (1) To satisfy the requirements of media literacy content standard 3, a student must apply knowledge, skills, and strategies to design and create media messages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CVI BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for media literacy content standard 3 for a student at the end of grade 4 is the ability to:

(a) create age appropriate media messages (e.g., skits, videos, advertisements); and

(b) identify strengths and weaknesses for personal media messages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CVII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for media literacy content standard 3 for a student at the end of grade 8 is the ability to:

(a) design or create media messages that integrate images, music, sound effects, graphics, etc.; and

(b) analyze and evaluate strengths and weaknesses of personal media messages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CVIII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for media literacy content standard 3 for a student upon graduation is the ability to:

(a) design, create, and display media messages in a variety of forms, targeting different audiences and purposes; and

(b) evaluate the technical and aesthetic appeal of personal media messages, modifying the message appropriately.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CIX MEDIA LITERACY CONTENT STANDARD 4 (1) To satisfy the requirements of media literacy content standard 4, a student must identify, analyze, and evaluate the impacts of media on individuals and societies.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CX BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 4 FOR END OF GRADE 4 (1) The benchmark for media literacy content standard 4 for a student at the end of grade 4 is the ability to:

(a) recognize that rules and laws exist to govern the use of all media and respond appropriately;

(b) identify fact, fiction, and opinion in various media messages; and

(c) recognize that all media influence individuals and society.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXI BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for media literacy content standard 4 for a student at the end of grade 8 is the ability to:

(a) analyze the individual and social consequences of unethical use of media;

(b) analyze point of view and embedded values in media messages; and

(c) illustrate how media influence the way meanings and perception of reality are created and shared.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXII BENCHMARK FOR MEDIA LITERACY CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for media literacy content standard 4 for a student upon graduation is the ability to:

(a) assume personal accountability for responsible media use (e.g., adherence to copyright laws, proper attention to citations);

(b) evaluate the origin, authority, accuracy, bias and distortion of information, and ideas in media; and

(c) analyze media's influence on governmental, social, and cultural norms and the impact on democratic processes.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXIII ADVANCED MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 4 (1) A fourth-grade student at the advanced level of media literacy demonstrates superior performance. He/she:

(a) consistently recognizes that media messages are constructed;

(b) effectively creates compelling media messages and completes detailed evaluation of strengths and weaknesses;

(c) displays extensive understanding of the use of media for a variety of purposes and the ways media have changed; and

(d) identifies and clearly describes media's influences and rules, and easily distinguishes among fact, fiction, and opinion.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXIV PROFICIENT MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 4 (1) A fourth-grade student at the proficient level of media literacy demonstrates solid academic performance. He/she:

(a) recognizes that media messages are constructed;

(b) creates appropriate media messages and evaluates them for strengths and weaknesses;

(c) consistently recognizes and uses media for a variety of purposes and identifies the ways media have changed; and

(d) identifies media's influence and rules, and distinguishes among fact, fiction, and opinion.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXV NEARING PROFICIENCY MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level of media literacy demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in media literacy. He/she:

(a) often recognizes that media messages are constructed;

(b) creates, with assistance, appropriate media messages, and identifies some strengths and weaknesses;

(c) sometimes recognizes and uses media for a variety of purposes, and identifies some ways media have changed; and

(d) recognizes media's influence and rules and, with assistance, distinguishes among fact, fiction, and opinion at a limited level.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXVI NOVICE MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 4

(1) A fourth-grade student at the novice level of media literacy is beginning to attain the prerequisite knowledge and skills fundamental at each benchmark in media literacy. He/she:

(a) recognizes, with assistance, that media messages are constructed;

(b) has difficulty constructing appropriate media messages and rarely identifies strengths and weaknesses;

(c) recognizes, but seldom uses media for a variety of purposes and has difficulty identifying the ways media have changed; and

(d) incompletely recognizes media's influence and rules, and seldom distinguishes among fact, fiction, and opinion.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXVII ADVANCED MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 8

(1) An eighth-grade student at the advanced level of media literacy demonstrates superior performance. He/she:

(a) independently and effectively analyzes how media content is influenced by media form;

(b) flexibly applies appropriate skills and strategies to effectively produce, analyze, and evaluate well-developed media messages;

(c) displays extensive understanding of the historical and cultural differences in media and consistently selects appropriate media for a task or topic; and

(d) displays a highly developed understanding of the points of view, consequences, and influences of media.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXVIII PROFICIENT MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 8 (1) An eighth-grade student at the proficient level of media literacy demonstrates solid academic performance. He/she:

(a) analyzes how media content is influenced by media form;

(b) applies appropriate skills and strategies to effectively produce, analyze, and evaluate media messages;

(c) compares historical and cultural differences in media and selects appropriate media for a task or topic; and

(d) displays a complete understanding of the points of view, consequences, and influences of media.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXIX NEARING PROFICIENCY MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 8

(1) An eighth-grade student at the nearing proficiency level of media literacy demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in media literacy. He/she:

(a) recognizes, but incompletely analyzes how media content is influenced by media form;

(b) sometimes applies appropriate skills and strategies to produce, media messages;

(c) describes historical and cultural differences in media, and sometimes selects appropriate media for a task or topic; and

(d) shows a limited understanding of the points of view, consequences, and influences of media.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXX NOVICE MEDIA LITERACY PERFORMANCE STANDARDS FOR THE END OF GRADE 8

(1) An eighth-grade student at the novice level of media literacy is beginning to attain the prerequisite knowledge and skills fundamental at each benchmark in media literacy. He/she:

(a) recognizes how media content is influenced by media form;

(b) applies, with assistance, a limited range of skills and strategies to produce media messages;

(c) describes, with assistance, historical and cultural differences in media but has difficulty selecting appropriate media for a task or topic; and

(d) lacks coherent understanding of the points of view, consequences, and influences of media.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXI ADVANCED MEDIA LITERACY PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student at the advanced level of media literacy demonstrates superior performance. He/she:

(a) thoroughly and independently evaluates and compares how different media messages are constructed;

(b) displays originality and ease in creating, critically evaluating, and eagerly modifying the technical and aesthetic aspects of media messages for different audiences and purposes;

(c) analyzes and evaluates the appropriateness and influences of media at a complex level; and

(d) is consistently accountable in the ethical use of media, and thoroughly and thoughtfully analyzes and evaluates media's content, influences, and impact.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXII PROFICIENT MEDIA LITERACY PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student at the proficient level of media literacy demonstrates solid academic performance. He/she:

(a) evaluates and compares how different media messages are constructed;

(b) creates, evaluates, and modifies the technical and aesthetic aspects of media messages for different audiences and purposes;

(c) effectively analyzes and evaluates the appropriateness and influences of various media; and

(d) is accountable in the ethical use of media, and erratically compares and evaluates media's content, influences, and impact.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXIII NEARING PROFICIENCY MEDIA LITERACY PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the nearing proficiency level of media literacy demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in media literacy. He/she:

(a) sometimes evaluates and compares how different media messages are constructed;

(b) creates, but seldom evaluates or modifies the technical and aesthetic aspects of media messages for different audiences and purposes;

(c) incompletely analyzes and evaluates the appropriateness and influences of various media; and

(d) is sometimes accountable in the ethical use of media, and sometimes evaluates media's content, influences, and impact.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXIV NOVICE MEDIA LITERACY PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the novice level of media literacy is beginning to attain the prerequisite knowledge and skills fundamental at each benchmark in media literacy. He/she:

(a) shows limited ability to compare how different media messages are constructed;

(b) sometimes constructs, but rarely evaluates, or modifies the technical and aesthetic aspects of media messages for different audiences and purposes;

(c) is beginning to analyze and evaluate the appropriateness and influences of media; and

(d) is inconsistently accountable in the ethical use of media, and seldom evaluates media's content, influences, and impact.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXV SCIENCE CONTENT STANDARD 1 (1) To satisfy the requirements of science content standard 1, a student must be able to design, conduct, evaluate, and communicate scientific investigations.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXVI BENCHMARK FOR SCIENCE CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for science content standard 1 at the end of grade 4 is the ability to:

(a) plan, design, and safely conduct a scientific investigation with identified variables when given a testable question;

(b) select and accurately use appropriate tools to measure standard international or metric units, process, and analyze results of a basic scientific investigation;

(c) represent, communicate, and provide supporting evidence of scientific investigations;

(d) describe relationships among parts of a familiar system and identify and record changes and patterns of changes in the system;

(e) construct models that illustrate simple concepts and compare those models to what they represent; and

(f) communicate results from a controlled experiment that are reproducible.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXVII BENCHMARK FOR SCIENCE CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for science content standard 1 at the end of grade 8 is the ability to:

(a) identify a question, formulate a hypothesis, control and manipulate variables, devise and safely conduct experiments, predict outcomes, and compare and analyze results;

(b) select and accurately use appropriate equipment and technology to measure standard international or metric units, gather, process, and analyze data from a scientific investigation;

(c) communicate and defend results of investigations, and question results of investigations if different from predicted;

(d) analyze the processes, parts and sub-systems of familiar systems and infer cause and effect relationships among components of the system;

(e) create models to illustrate scientific concepts and use the model to predict change (e.g., computer simulation, a stream table, graphic representation); and

(f) distinguish between controlled and uncontrolled experiments by consistency of results.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXVIII BENCHMARK FOR SCIENCE CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for science content standard 1 upon graduation is the ability to:

(a) identify a testable question, formulate a hypothesis based on prior scientific knowledge, identify dependent and independent variables, safely conduct the experiment, and collect and analyze data;

(b) select appropriate means for representing, communicating, and defending results of investigations and scientific and technological arguments using appropriate mathematical analysis and graphical representation;

(c) question conclusions with insufficient supporting evidence, and recognize that the results of a scientific investigation are always open to revision by further experiments;

(d) analyze and apply the concepts of change and equilibrium in a variety of systems;

(e) compare observations of the real world to observations of a constructed model; and

(f) investigate and evaluate science studies and identify strengths and weaknesses in experimental design.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXIX SCIENCE CONTENT STANDARD 2 (1) To satisfy the requirements of science content standard 2, a student must be able to demonstrate knowledge of properties, forms, changes, and interactions of physical and chemical systems.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXX BENCHMARK FOR SCIENCE CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for science content standard 2 at the end of grade 4 is the ability to:

(a) examine, describe, compare, and classify tangible objects in terms of common physical properties;

(b) create mixtures and separate them based on different properties (e.g., salt and sand, iron filings and soil, oil and water);

(c) model and explain that matter exists as solids, liquids, and gases and can change from one form to the other;

(d) identify and predict what changes and what remains unchanged when matter experiences an external influence;

(e) identify, build, and describe mechanical systems (e.g., simple and complex machines); and

(f) describe the basic characteristics of light, heat, magnetism, and sound.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXI BENCHMARK FOR SCIENCE CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for science content standard 2 at the end of grade 8 is the ability to:

(a) examine, describe, compare, and classify objects and substances based on common physical properties and simple chemical properties;

(b) classify, describe, and model matter in terms of elements, compounds, mixtures, atoms, and molecules;

(c) model and explain that states of matter, solids, liquids, and gases, are dependent upon the quantity of energy present in the system;

(d) identify and predict what will change and what will remain unchanged when matter experiences an external force or energy change;

(e) identify, build, describe, measure, and analyze mechanical systems (e.g., simple and complex machines); and

(f) define energy and compare and contrast the characteristics of light, heat, motion, magnetism, electricity, sound, and mechanical waves.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXII BENCHMARK FOR SCIENCE CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for science content standard 2 upon graduation is the ability to:

(a) classify and predict chemical and physical properties of matter (e.g., electrical charge, current, pH);

(b) describe and explain physical interactions of matter using conceptual models (e.g., conservation laws of matter, particle model for gaseous behavior);

(c) identify, measure, calculate, and analyze quantitative and qualitative relationships associated with matter and energy transfer or transformation;

(d) describe and predict chemical reactions and physical interaction of matter using words and symbolic equations;

(e) identify the four fundamental forces (gravity, magnetic, weak nuclear force, and strong nuclear force) of nature and describe the impact of each on matter; and

(f) identify, describe, and explain physical and chemical changes involving the conservation of matter and energy and entropy in a closed system.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXIII SCIENCE CONTENT STANDARD 3 (1) To satisfy the requirements of science content standard 3, a student must be able to demonstrate knowledge of characteristics, structures and function of living things, the process and diversity of life, and how living organisms interact with each other and their environment.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXIV BENCHMARK FOR SCIENCE CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for science content standard 3 at the end of grade 4 is the ability to:

(a) identify that plants and animals have structures and systems, which serve different functions;

(b) identify and describe basic requirements of energy needed and nutritional needs for each human body system;

(c) develop models that trace the life cycles of different plants and animals and discuss how they differ from species to species;

(d) explain cause and effect relationships in living systems and non-living components within ecosystems; and

(e) create and use a classification system to group a variety of plants and animals according to their similarities and differences.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXV BENCHMARK FOR SCIENCE CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for science content standard 3 at the end of grade 8 is the ability to:

(a) compare the structure and function of prokaryotic cells (bacteria) and eukaryotic cells (plant, animal, etc.);

(b) explain how organisms and systems of organisms obtain and use energy resources to maintain stable conditions and how they respond to stimuli (e.g., photosynthesis, respiration);

(c) communicate the differences in the reproductive processes of a variety of plants and animals using the principles of genetic modeling (e.g., Punet squares);

(d) investigate and explain the interdependent nature of biological systems in the environment and how they are affected by human interaction; and

(e) use a basic classification scheme to identify local plants and animals.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXVI BENCHMARK FOR SCIENCE CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for science content standard 3 upon graduation is the ability to:

(a) investigate and use appropriate technology to demonstrate that all cells have common features as well as differences that determine function and that they are composed of common building blocks (e.g., proteins, carbohydrates, nucleic acids, lipids);

(b) describe and explain the complex processes involved in energy use in cell maintenance, growth, repair, and development;

(c) model the structure of DNA, protein synthesis, and the molecular basis of heredity and how it contributes to the diversity of life;

(d) predict and model the interaction of biotic and abiotic factors, which limit populations (natural selection) and contribute to the change of a species over time (evolution); and

(e) apply a biological classification scheme to infer and discuss the degree of species divergence using local ecosystems.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXVII SCIENCE CONTENT STANDARD 4 (1) To satisfy the requirements of science content standard 4, a student must be able to demonstrate knowledge of the composition, structures, processes, and interactions of earth's systems and other objects in space.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXVIII BENCHMARK FOR SCIENCE CONTENT STANDARD 4 FOR END OF GRADE 4 (1) The benchmark for science content standard 4 at the end of grade 4 is the ability to:

- (a) describe and give examples of earth's changing features;
- (b) describe the physical properties of earth's basic materials (e.g., soil, rocks, water, gases);
- (c) investigate fossils and make inferences about life and the environment long ago;
- (d) observe and describe local weather and demonstrate how weather conditions are measured;
- (e) identify seasons and explain the difference between weather and climate; and
- (f) describe objects in the sky and explain that light and heat comes from a star called the sun.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXXXIX BENCHMARK FOR SCIENCE CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for science content standard 4 at the end of grade 8 is the ability to:

- (a) model and explain the internal structure of the earth and describe the formation and composition of earth's external features in terms of the rock cycle and plate tectonics;
- (b) differentiate between rocks and classify rocks by how they are formed;
- (c) explain scientific theories about the origin and evolution of the earth by describing how fossils are used as evidence of climatic change over time;
- (d) describe the water cycle, the composition and structure of the atmosphere, and the impact of oceans on large scale weather patterns;
- (e) describe and model the motion and tilt of earth in relation to the sun, and explain the concept of day, night, seasons, year; and
- (f) describe the earth, moon, planets, and other objects in space in terms of size, structure, and movement in relation to the sun.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXL BENCHMARK FOR SCIENCE CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for science content standard 4 upon graduation is the ability to:

(a) use the theory of plate tectonics to explain the interrelationship among earthquakes, volcanoes, and sea floor spreading;

(b) identify and classify rocks and minerals based on physical and chemical properties;

(c) relate how evidence from advanced technology applied to scientific investigations (e.g., large telescopes, space-borne observatories) has dramatically impacted our understanding of the origin, size, and evolution of the universe;

(d) collect and analyze local, regional, and global weather-related data in order to make inferences and predictions about weather patterns;

(e) explain the impact of terrestrial, solar, oceanic, and atmospheric conditions on global climatic patterns; and

(f) describe the origin, location, and evolution of stars and their planetary systems related to the solar system, the milky way galaxy, the local galactic group, and the universe. (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLI SCIENCE CONTENT STANDARD 5 (1) To satisfy the requirements of science content standard 5, a student must be able to understand how scientific knowledge and technological developments impact society.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLII BENCHMARK FOR SCIENCE CONTENT STANDARD 5 FOR END OF GRADE 4 (1) The benchmark for science content standard 5 at the end of grade 4 is the ability to:

(a) give examples of how people use science and technology;

(b) model scientific collaboration by sharing and communicating ideas and solutions in a variety of cooperative settings;

(c) use current scientific knowledge to make inferences and propose solutions for local environmental problems (e.g., recycling, waste management); and

(d) identify a scientific or technological innovation that benefits the community.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLIII BENCHMARK FOR SCIENCE CONTENT STANDARD 5 FOR END OF GRADE 8 (1) The benchmark for science content standard 5 at the end of grade 8 is the ability to:

(a) identify the specific fields of scientific endeavor and related occupations within those fields;

(b) model collaborative problem solving and give examples of how scientific knowledge is shared, critiqued, and scrutinized by other scientists and the public;

(c) investigate local problems and/or issues and propose solutions or products that address a need, which considers variables (e.g., environmental risks); and

(d) apply scientific knowledge and process skills to understand issues and everyday events.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLIV BENCHMARK FOR SCIENCE CONTENT STANDARD 5 UPON GRADUATION (1) The benchmark for science content standard 5 upon graduation is the ability to:

(a) identify and describe key factors (e.g., technology, competitiveness, world events) that affect the development and acceptance of scientific thought;

(b) model the ongoing, collaborative scientific process of gathering and evaluating information (e.g., assess evidence for and against theories, look for patterns, devise and retest different models);

(c) analyze benefits, limitations, costs, consequences, and ethics involved in using scientific and technological innovations to make reasoned decisions; and

(d) give examples of scientific innovation challenging commonly held perceptions.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLV SCIENCE CONTENT STANDARD 6 (1) To satisfy the requirements of science content standard 6, a student must be able to understand historical developments in science and technology.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLVI BENCHMARK FOR SCIENCE CONTENT STANDARD 6 FOR END OF GRADE 4 (1) The benchmark for science content standard 6 at the end of grade 4 is the ability to:

(a) give historical examples of scientific and technological contributions to society; and

(b) describe how scientific inquiry has produced much knowledge about the world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLVII BENCHMARK FOR SCIENCE CONTENT STANDARD 6 FOR END OF GRADE 8 (1) The benchmark for science content standard 6 at the end of grade 8 is the ability to:

(a) trace developments that demonstrate scientific knowledge is subject to change as new evidence becomes available; and

(b) identify major milestones in science that have impacted science, technology, and society.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLVIII BENCHMARK FOR SCIENCE CONTENT STANDARD 6 UPON GRADUATION (1) The benchmark for science content standard 6 upon graduation is the ability to:

(a) give examples of scientific discoveries and describe the interrelationship between technological advances and scientific understanding; and

(b) analyze and illustrate the historical impact of scientific and technological advances.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXLIX ADVANCED SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the advanced level in science demonstrates superior performance. He/she:

(a) conducts simple experiments and identifies the variables;

(b) accurately identifies cause and effect relationships and clearly communicates these observations;

(c) consistently and accurately selects and uses appropriate tools for measurement of tangible objects;

(d) identifies and describes specific properties of each state of matter;

(e) recognizes multiple attributes of living things and tangible objects and classifies objects based on subtle similarities and differences;

(f) describes and models structures, functions, and processes of living systems;

(g) thoroughly describes and creatively models the details of earth's features and cycles;

(h) describes and models characteristics of and changes within physical and mechanical systems;

(i) independently explores scientific exploration in the news and discusses the possible impacts of past, present, and future scientific exploration on humans and other life; and

(j) thoughtfully discusses the historical significance of scientists and the impacts of their discoveries on humans today.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CL PROFICIENT SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level in science demonstrates solid academic performance. He/she:

(a) completes a simple experiment and identifies the manipulated variable, with assistance;

(b) identifies cause and effect relationships and communicates these observations;

(c) accurately selects and uses tools for simple measurement of tangible objects;

(d) identifies and describes properties of each state of matter;

(e) recognizes attributes of living things and tangible objects and accurately classifies objects based on similarities and differences;

(f) describes structures, functions, and processes of living systems;

(g) identifies and accurately illustrates earth's features, locating several observable changes of those features;

(h) describes characteristics of and changes within basic physical and mechanical systems; and

(i) shows interest in scientific exploration in the media and discusses the possible impacts of past, present, and future scientific exploration on humans, identifying the visible impacts of their discoveries on humans today.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLI NEARING PROFICIENCY SCIENCE PERFORMANCE

STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science. He/she:

(a) completes a simple experiment, with specific direction, and sometimes identifies the manipulated variable;

(b) describes an observable change, but has difficulty identifying cause and effect relationships;

(c) sometimes selects the appropriate tool and, with assistance, effectively uses devices for simple measurement of solids, liquids, and gases, naming properties of each state of matter;

(d) recognizes basic attributes of living things and tangible objects and classifies objects based on two or more common attributes;

(e) sometimes describes structures, functions, and processes of living systems;

(f) names and describes earth's features, and recognizes some observable changes of those features;

(g) names components of basic physical and mechanical systems;

(h) has some interest in scientific exploration in the media; and

(i) has difficulty relating historical significance of scientists and the impacts of their discoveries on humans today.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLII NOVICE SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 4

(1) A fourth-grade student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

(a) has difficulty completing a simple experiment and has limited understanding of the concept of variables;

(b) seldom describes an observable change, and rarely identifies cause and effect relationships;

(c) seldom selects the appropriate tool and, even with assistance, has difficulty using devices for simple measurement of solids, liquids, and gases;

(d) has difficulty understanding the states of matter concept;

(e) sometimes recognizes concrete attributes of living things and tangible objects, and groups objects based on two or more common attributes;

(f) gives limited descriptions of the structures, functions, and processes of living systems;

(g) names and, with assistance, describes earth's features and recognizes some observable changes of those features;

(h) sometimes names components of basic physical and mechanical systems;

(i) shows little interest in scientific exploration in the media; and

(j) seldom relates historical significance of scientists and the impacts of their discoveries on humans today.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLIII ADVANCED SCIENCE PERFORMANCE STANDARDS FOR
END OF GRADE 8

(1) An eighth-grade student at the advanced level in science demonstrates superior performance. He/she:

(a) independently formulates and communicates testable questions, and constructs a plan for a controlled experiment;

(b) makes accurate inferences based on observations and data and creatively illustrates how scientific knowledge changes as new evidence and understandings are learned;

(c) uses supporting details to thoughtfully and thoroughly explain the physical world;

(d) predicts reasonable outcomes of changes within a closed system and makes logical connections to events in everyday life;

(e) independently and confidently identifies and classifies organisms using common classification schemes;

(f) thoroughly describes the interdependence of life and the environment, and how changes affect this interrelationship;

(g) accurately observes, uses, and interprets physical, theoretical, and mathematical models to effectively demonstrate and communicate knowledge and understanding;

(h) effectively describes and identifies some examples of how science and technology are the results of human activity throughout history; and

(i) independently seeks new information, connects past to present, and is curious about scientific discovery and its significance.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLIV PROFICIENT SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level in science demonstrates solid academic performance. He/she:

(a) often formulates and communicates testable questions and follows a plan for a controlled experiment;

(b) makes logical inferences based on observations and accurately interprets data, providing reasonable examples of how scientific knowledge changes as new evidence and understandings are learned;

(c) describes the physical world, with supporting detail, showing an emerging understanding of changes within a closed system;

(d) identifies and classifies organisms, and has a rudimentary understanding of common classification schemes;

(e) recognizes the interdependence of life and the environment and explains how characteristics of living things change because of the environment;

(f) has an emerging understanding of physical, theoretical, and mathematical models;

(g) describes and identifies local examples of how science and technology are the results of human activity throughout history; and

(h) is often curious about new information and connects past to present.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLV NEARING PROFICIENCY SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science. He/she:

(a) sometimes formulates and communicates testable questions and, with assistance, completes a plan for a controlled experiment;

(b) has difficulty making reasonable inferences, seldom using or interpreting observations or data accurately;

(c) provides concrete examples of how scientific knowledge has changed;

(d) gives concrete explanations to describe the physical world;

(e) shows a limited understanding of changes within a closed system;

(f) often identifies organisms, but is less sure when describing common classification schemes;

(g) provides a limited explanation of the interdependence of life and the environment;

(h) has an emerging understanding of physical models used to illustrate;

(i) describes, with assistance, how science and technology are the results of human activity throughout history; and

(j) is sometimes curious about new information, but seldom seeks it.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLVI NOVICE SCIENCE PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

(a) seldom formulates or communicates testable questions, and requires direct instruction to complete a plan for a controlled experiment;

(b) has difficulty understanding inferences, observations, and data;

(c) seldom provides examples of how scientific knowledge has changed;

(d) gives concrete explanations of the physical world, but seldom describes changes within a closed system;

(e) identifies organisms, but has difficulty defining common classification schemes;

(f) is unable to explain the interdependence of life and the environment;

(g) sometimes uses models to describe a science concept;

(h) seldom makes the connection that science and technology are the results of human activity throughout history; and

(i) seldom expresses interest in, or seeks out new information.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLVII ADVANCED SCIENCE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the advanced level in science demonstrates superior performance. He/she:

(a) independently plans, conducts, and interprets experimental investigations and communicates results, articulating and supporting inferences that relate to real world applications in physical, life, and earth sciences;

(b) consistently recognizes the interconnections within and outside science, making thoughtful inferences about explorations and experiments;

(c) effectively uses appropriate technology to investigate individually generated problems and/or questions about scientific phenomena when doing physical, theoretical, and mathematical modeling;

(d) adeptly uses inquiry skills to organize, classify, and clearly and thoroughly describe interactions of the biotic and abiotic components of the natural history of life on earth;

(e) clearly describes and analyzes connections and interactions between and among technology, science, and society, applying scientific inquiry and technology skills to comprehend results obtained;

(f) questions validity of scientific endeavors, past and present; and

(g) makes informed decisions about scientific and social issues based on observations, data, and knowledge of the natural world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLVIII PROFICIENT SCIENCE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the proficient level in science demonstrates solid academic performance. He/she:

(a) often plans and conducts experimental investigations and communicates results that infer real world applications in physical, life, and earth sciences;

(b) recognizes interconnections within and outside science, and often makes inferences about explorations and experiments;

(c) often identifies and constructs models depicting the properties of matter in the physical world using appropriate technology, tools, and skills to investigate individually generated problems and/or questions about scientific phenomena;

(d) organizes and classifies living and nonliving things using common classification schemes, and represents, models, and/or discusses the interactions of the biotic and abiotic components of the earth;

(e) describes connections and interactions between and among technology, science, and society, applying scientific inquiry and technology skills to comprehend results obtained;

(f) clearly articulates the importance of science and the historical significance to question the validity of scientific endeavor, past and present; and

(g) often makes informed decisions about scientific and social issues based on observations, data, and knowledge of the natural world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLIX NEARING PROFICIENCY SCIENCE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the nearing proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science. He/she:

(a) conducts and communicates results from simple experimental investigations, sometimes inferring real world applications;

(b) recognizes interconnections within and outside science and sometimes makes inferences about explorations and experiments;

(c) identifies and, with assistance, constructs models depicting the properties of matter in the physical world;

(d) uses limited skills with technology to investigate teacher-guided problems and/or questions about scientific phenomena;

(e) organizes and sometimes classifies living and nonliving things using common classification schemes;

(f) identifies, with assistance, and models and discusses the interactions of the biotic and abiotic components of the earth;

(g) occasionally identifies some earth system processes (e.g., water cycle, rock cycle, weather, lunar patterns, solar system), but needs guidance to make inferences about the processes of earth systems based upon direct and indirect evidence;

(h) sometimes communicates connections and interactions between and among technology, science, and society;

(i) sometimes defines the importance of science and its historical importance, but is generally accepting of the validity of scientific endeavor; and

(j) sometimes formulates a decision about scientific and social issues based on observations, data, and knowledge of the natural world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLX NOVICE SCIENCE PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

(a) has difficulty conducting and communicating the results from a simple experimental investigation, seldom inferring real world applications;

(b) sometimes recognizes interconnections within and outside science, but struggles to make inferences about explorations and experiments;

(c) makes simple predictions based upon knowledge of matter in the physical world;

(d) selects and uses appropriate technology, with assistance, to investigate teacher-generated problems or questions;

(e) rarely recognizes common classification schemes or relates interactions of the biotic and abiotic components in the environment;

(f) seldom identifies earth processes (e.g., water cycle, rock cycle, weather systems, lunar patterns);

(g) identifies, but inconsistently communicates connections and interactions between and among technology, science, and society;

(h) has difficulty defining the importance of science and its historical significance;

(i) seldom questions the validity of scientific endeavor, past and present; and

(j) seldom makes informed decisions about issues based on observations and knowledge of the natural world.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXI HEALTH ENHANCEMENT CONTENT STANDARD 1 (1) To satisfy the requirements of health enhancement content standard 1, a student must have a basic knowledge and understanding of concepts that promote comprehensive health.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for health enhancement content standard 1 for a student at the end of grade 4 is the ability to:

(a) describe relationships between personal health behaviors and individual well-being;

(b) describe the basic structure and function of the major human body systems, emphasizing growth and development;

(c) identify common health problems (e.g., eyes, ears, teeth, skin) that should be detected and treated early;

(d) identify personal health enhancing strategies that encompass substance abuse, nutrition, exercise, injury/disease prevention, including HIV/AIDS prevention, and stress management; and

(e) identify the potential sources of environmental hazards.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXIII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for health enhancement content standard 1 for a student at the end of grade 8 is the ability to:

(a) explain the relationship between positive health behaviors and the prevention of injury, illness, disease, and premature death;

(b) explain the function and maintenance of body systems, including the reproductive system;

(c) analyze how peers, family, heredity, and environment influence personal health;

(d) explain personal health enhancing strategies that encompass substance abuse, nutrition, exercise, sexual activity, injury/disease prevention, including HIV/AIDS prevention, and stress management; and

(e) explain how appropriate health care can prevent premature death and disability.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXIV BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for health enhancement content standard 1 for a student upon graduation is the ability to:

(a) analyze how attitudes and behaviors can impact health maintenance, disease prevention, and injury;

(b) explain the impact of personal health behaviors on the functioning of body systems, including the reproductive system;

(c) analyze how the environment, public health policies, government regulations, research, and medical advances influence personal and community health;

(d) develop personal health enhancing strategies that encompass substance abuse, nutrition, exercise, sexual activities, injury/disease prevention, including HIV/AIDS prevention, and stress management; and

(e) advocate for personal, family, and community health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXV HEALTH ENHANCEMENT CONTENT STANDARD 2 (1) To satisfy the requirements of health enhancement content standard 2, a student must demonstrate competency in a variety of movement forms.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXVI BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for health enhancement content standard 2 for a student at the end of grade 4 is the ability to:

(a) demonstrate mature form in all locomotor patterns and selected manipulative and non-locomotor skills;

(b) combine movement skills in applied and dynamic settings or lead-up games; and

(c) acquire skills including perceptual, motor, and rhythm.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXVII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for health enhancement content standard 2 for a student at the end of grade 8 is the ability to demonstrate a variety of physical skills which encompass lead-up games, rhythms and dance, and individual, dual, and team sports.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXVIII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for health enhancement content standard 2 for a student upon graduation is the ability to demonstrate a variety of physical skills which encompass dance, individual, dual, and team sports, and lifetime physical activities.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXIX HEALTH ENHANCEMENT CONTENT STANDARD 3 (1) To satisfy the requirements of health enhancement content standard 3, a student must apply movement concepts and principles while learning and developing motor skills.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXX BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for health enhancement content standard 3 for a student at the end of grade 4 is the ability to:

- (a) apply critical elements to improve personal performance in fundamental motor skills and some specialized skills; and
- (b) recognize and apply movement concepts that impact the quality of performance.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXI BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for health enhancement content standard 3 for a student at the end of grade 8 is the ability to:

- (a) understand and apply movement concepts to game strategies;
- (b) identify and refine the critical elements of advanced movement skills; and
- (c) identify and understand the application of basic rules and strategies in a variety of physical activities.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for health enhancement content standard 3 for a student upon graduation is the ability to:

(a) identify the characteristics of technically correct performance in a variety of movement forms;

(b) apply rules and advanced strategies to a variety of physical activities; and

(c) know and understand scientifically based information regarding movement performance.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXIII HEALTH ENHANCEMENT CONTENT STANDARD 4

(1) To satisfy the requirements of health enhancement content standard 4, a student must achieve and maintain a challenging level of health-related physical fitness.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXIV BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 4 FOR END OF GRADE 4

(1) The benchmark for health enhancement content standard 4 for a student at the end of grade 4 is the ability to:

(a) participate in a variety of developmentally appropriate fitness activities involving each component of health-related physical fitness;

(b) identify each component of health-related physical fitness;

(c) associate each health-related physical fitness component to the improvement of personal health; and

(d) demonstrate individual progress toward each component of health-related physical fitness.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXV BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 4 FOR END OF GRADE 8

(1) The benchmark for health enhancement content standard 4 for a student at the end of grade 8 is the ability to:

(a) participate in a variety of developmentally appropriate fitness activities involving each component of health-related physical fitness;

(b) understand and apply basic principles of training to improve health-related physical fitness;

(c) identify personal fitness goals; and

(d) demonstrate individual progress toward each component of health-related physical fitness.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXVI BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 4 UPON GRADUATION

(1) The benchmark for health enhancement content standard 4 for a student upon graduation is the ability to:

(a) participate in a variety of fitness activities involving each component of health-related physical fitness;

- (b) demonstrate the knowledge, skills, and desire to monitor and adjust levels to meet personal fitness needs;
 - (c) design a personal fitness program; and
 - (d) demonstrate individual progress toward each component of health-related physical fitness.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXVII HEALTH ENHANCEMENT CONTENT STANDARD 5

- (1) To satisfy the requirements of health enhancement content standard 5, a student must use critical thinking and decision making to enhance health.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXVIII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 5 FOR END OF GRADE 4

- (1) The benchmark for health enhancement content standard 5 for a student at the end of grade 4 is the ability to:
- (a) identify problem-solving processes specific to health-related issues;
 - (b) access valid health information and resources;
 - (c) explain how basic health information and resources are used in setting goals and decision-making;
 - (d) set personal health goals and record progress toward achievement; and
 - (e) predict results of positive health decisions.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXIX BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 5 FOR END OF GRADE 8

- (1) The benchmark for health enhancement content standard 5 for a student at the end of grade 8 is the ability to:
- (a) individually and collaboratively apply problem-solving processes to health issues;
 - (b) analyze how health-related decisions are influenced by the attitudes and values of individuals, families, and the community;
 - (c) predict how decisions specific to health behavior have consequences for self and others;
 - (d) describe personal factors that influence an individual's health goals;
 - (e) explain a personal health plan that addresses needs, strengths, and risks; and
 - (f) identify the validity of health information and how culture, media, and technology influence choices.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXX BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 5 UPON GRADUATION

- (1) The benchmark for health enhancement content standard 5 for a student upon graduation is the ability to:

(a) utilize various problem-solving strategies when making health decisions related to needs and risks of young adults;

(b) predict immediate and long-term impacts of health decisions on the individual, family, and community;

(c) implement a plan for achieving personal health goals;

(d) evaluate progress toward attaining personal health goals;

(e) formulate an effective plan for lifelong health; and

(f) locate, evaluate, and utilize credible health information.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXI HEALTH ENHANCEMENT CONTENT STANDARD 6

(1) To satisfy the requirements of health enhancement content standard 6, a student must demonstrate interpersonal communication skills to enhance health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 6 FOR END OF GRADE 4 (1) The benchmark for health enhancement content standard 6 for a student at the end of grade 4 is the ability to:

(a) describe characteristics needed to be a responsible friend and family member;

(b) demonstrate ways to communicate care, consideration, and respect of self and others;

(c) demonstrate healthy ways to express needs, wants, and feelings;

(d) demonstrate refusal skills;

(e) demonstrate active listening skills; and

(f) demonstrate non-violent strategies to resolve conflicts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXIII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 6 FOR END OF GRADE 8 (1) The benchmark for health enhancement content standard 6 for a student at the end of grade 8 is the ability to:

(a) describe how the behavior of family and peers affects interpersonal communication;

(b) demonstrate ways to communicate care, consideration, and respect of self and others;

(c) demonstrate healthy ways to express needs, wants, and feelings;

(d) demonstrate refusal and mediation skills to enhance health; and

(e) demonstrate strategies to analyze and manage conflict in healthy ways.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXIV BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 6 UPON GRADUATION (1) The benchmark for health enhancement content standard 6 for a student upon graduation is the ability to:

(a) demonstrate skills for communicating effectively with family, peers, and others;

(b) demonstrate ways to communicate care, consideration, and respect of self and others;

(c) demonstrate healthy ways to express needs, wants, and feelings;

(d) demonstrate refusal, mediation, and collaboration skills for solving interpersonal conflict without harming self or others;

(e) analyze how interpersonal communication affects relationships; and

(f) analyze the possible causes of conflict and demonstrate strategies to manage conflict.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXV HEALTH ENHANCEMENT CONTENT STANDARD 7

(1) To satisfy the requirements of health enhancement content standard 7, a student must demonstrate health-enhancing behaviors.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXVI BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 7 FOR END OF GRADE 4 (1) The benchmark for health enhancement content standard 7 for a student at the end of grade 4 is the ability to:

(a) interact with friends and others through participation;

(b) use physical activity as a means of self-expression;

(c) experience enjoyment through physical activity;

(d) regularly participate in physical activity; and

(e) demonstrate strategies to improve or maintain personal health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXVII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 7 FOR END OF GRADE 8 (1) The benchmark for health enhancement content standard 7 for a student at the end of grade 8 is the ability to:

(a) enjoy participation in physical activity;

(b) recognize the social benefits of physical activity;

(c) participate in health-enhancing physical activity outside of school;

(d) work cooperatively with a group to achieve group goals in both cooperative and competitive settings; and

(e) demonstrate strategies to improve or maintain personal and family health.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXVIII BENCHMARK FOR HEALTH ENHANCEMENT CONTENT STANDARD 7 UPON GRADUATION (1) The benchmark for health enhancement content standard 7 for a student upon graduation is the ability to:

(a) regularly participate in health-enhancing physical fitness activities to promote personal well-being on a voluntary basis;

(b) experience enjoyment from physical activity and a healthy lifestyle;

(c) participate in activities that promote community well-being;

(d) initiate independent and responsible health-enhancing personal behavior; and

(e) demonstrate strategies to improve or maintain personal, family, and community health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CLXXXIX ADVANCED HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the advanced level in health enhancement demonstrates superior performance. He/she:

(a) uses a variety of motor skills and skillful and efficient movement patterns in a variety of applied and dynamic settings;

(b) knows, understands, describes, and demonstrates health enhancing concepts and behaviors, and how they relate to personal and family health; and

(c) demonstrates conflict resolution skills, refusal skills, appropriate self expression, and concern for others.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXI PROFICIENT HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the proficient level in health enhancement demonstrates solid academic performance. He/she:

(a) consistently exhibits fundamental motor skills in a variety of applied settings;

(b) uses a combination of movement patterns with smooth transitions; and

(c) identifies, describes, and demonstrates understanding of some concepts of health promotion and how they impact personal and family health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCI NEARING PROFICIENCY HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing proficiency level in health enhancement demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in health enhancement. He/she:

(a) demonstrates fundamental motor skills in some applied settings;

(b) identifies and demonstrates understanding of some relationships between healthy behaviors and disease prevention; and

(c) exhibits socially acceptable behavior in most settings.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCII NOVICE HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 4 (1) A fourth-grade student at the novice level in health enhancement is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in health enhancement. He/she:

(a) sometimes demonstrates and combines fundamental motor skills and socially acceptable interpersonal behavior;

(b) seldom identifies concepts related to a healthy lifestyle and healthy relationships; and

(c) does not consistently understand health promotion and disease prevention concepts and how they relate to his/her own health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCIII ADVANCED HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the advanced level in health enhancement demonstrates superior performance. He/she:

(a) effectively maintains an appropriate level of skill and health related fitness;

(b) applies health promotion concepts to access valid health information and products;

(c) thoroughly evaluates the influences of media and culture on health;

(d) exhibits effective interpersonal social skills;

(e) predicts consequences of actions;

(f) develops a personal plan for health that involves goal-setting and decision-making skills; and

(g) effectively communicates information and opinions regarding health promotion and personal and social health.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCIV PROFICIENT HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level in health enhancement demonstrates solid academic performance. He/she:

- (a) attains an appropriate level of skill related fitness;
 - (b) identifies influences of media and culture on health; and
 - (c) analyzes concepts of health promotion, including determining the validity of information and products, evaluating the influence of external factors on health, and examining the causes of interpersonal conflicts and how goal setting and decision making influence health.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCV NEARING PROFICIENCY HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level in health enhancement demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in health enhancement. He/she:

- (a) shows some improvement in developing appropriate skill related fitness components and understands their contributions to overall well-being;
 - (b) achieves an appropriate level of health enhancing physical fitness;
 - (c) describes fundamental relationships in health promotion and disease prevention; and
 - (d) demonstrates basic interpersonal social skills appropriate to the eighth grade level.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCVI NOVICE HEALTH ENHANCEMENT PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level in health enhancement is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in health enhancement. He/she:

- (a) participates in appropriate skill related fitness activities and identifies the contributions to overall well-being;
 - (b) works toward health-related physical fitness;
 - (c) identifies and describes healthy behaviors and disease prevention concepts;
 - (d) often demonstrates understanding of health information; and
 - (e) sometimes demonstrates appropriate interpersonal social skills.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCVII ADVANCED HEALTH ENHANCEMENT PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the advanced level in health enhancement demonstrates superior performance. He/she:

- (a) demonstrates high levels of competency in a variety of physical activities;

(b) demonstrates understanding of scientific principles of physical fitness and the relationships to total well-being, and applies that information in developing personal wellness during different periods of life;

(c) initiates independent personal and social behaviors and takes both leadership and following roles as situations determine;

(d) thoroughly analyzes, evaluates, and articulates opinions concerning personal and social health issues;

(e) effectively utilizes a variety of strategies to overcome barriers in social situations; and

(f) forms a comprehensive plan for healthful living.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCVIII PROFICIENT HEALTH ENHANCEMENT PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the proficient level in health enhancement demonstrates solid academic performance. He/she:

(a) participates in some physical activities;

(b) demonstrates competency in a variety of physical activities;

(c) demonstrates the knowledge and skills necessary to determine current and future fitness needs;

(d) initiates independent and responsible personal behavior;

(e) anticipates potentially dangerous consequences of actions;

(f) analyzes, evaluates, and forms opinions regarding health information, services, products, and the effects of external influences; and

(g) uses communication skills effectively in a variety of settings.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CXCIX NEARING PROFICIENCY HEALTH ENHANCEMENT PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the nearing proficiency level in health enhancement demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in health enhancement. He/she:

(a) participates in some physical activities;

(b) demonstrates the fundamental knowledge and skill to achieve a health-enhancing level of fitness;

(c) displays socially responsible behavior; and

(d) describes health concepts, health care costs and services, the role of personal responsibility, and external influences on a health enhancing lifestyle.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CC NOVICE HEALTH ENHANCEMENT PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student at the novice level in health enhancement is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in health enhancement. He/she:

- (a) participates in some physical activities that contribute to well-being throughout the life span;
 - (b) demonstrates the knowledge and skills to adjust activity levels to meet personal fitness needs;
 - (c) identifies socially responsible behavior; and
 - (d) sometimes, demonstrates understanding of health concepts, health care costs and services, and the role of personal responsibility, decision making, and external factors on health-enhancing lifestyles.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCI TECHNOLOGY CONTENT STANDARD 1 (1) To satisfy the requirements of technology content standard 1, a student must demonstrate an understanding of the basic operations of technologies.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for technology content standard 1 for a student at the end of grade 4 is the ability to:

- (a) develop basic skills and procedures needed to operate various technologies;
- (b) communicate using appropriate terminology and demonstrate simple care and maintenance of various technology tools; and
- (c) identify and solve simple operating problems.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCIII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for technology content standard 1 for a student at the end of grade 8 is the ability to:

- (a) use and refine skills and procedures needed to operate various technologies;
- (b) develop competence with basic system and tool set-up, technical terminology, and basic care and maintenance; and
- (c) develop trouble shooting strategies to solve operations problems (e.g., lost files, equipment failures).

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCIV BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for technology content standard 1 for a student upon graduation is the ability to:

- (a) use and enhance an established repertoire of skills and procedures as needed to operate various technologies;

(b) demonstrate competence with basic system and tool set-up, technical terminology, and basic care and maintenance; and

(c) use and refine trouble shooting strategies to solve technical operations problems.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCV TECHNOLOGY CONTENT STANDARD 2 (1) To satisfy the requirements of technology content standard 2, a student must use a variety of technologies to enhance productivity.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCVI BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for technology content standard 2 for a student at the end of grade 4 is the ability to:

(a) develop skills to enhance performance and ease task completion (e.g., word processing, calculating, graphing, imaging);

(b) develop and present a project using technology; and

(c) choose appropriate technology for a task.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCVII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for technology content standard 2 for a student at the end of grade 8 is the ability to:

(a) refine skills to enhance performance and ease task completion (e.g., programming, authoring, editing);

(b) apply technology in designing, developing, and presenting a project; and

(c) compare technologies and select the best one for a task.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCVIII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2 UPON GRADUATION (1) The benchmark for technology content standard 2 for a student upon graduation is the ability to:

(a) apply sophisticated skills and strategies to enhance performance and ease task completion;

(b) integrate technology in designing, developing, presenting, and managing projects; and

(c) analyze and evaluate a variety of technologies and match the best technology to a task.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCIX TECHNOLOGY CONTENT STANDARD 3 (1) To satisfy the requirements of technology content standard 3, a student must use a variety of technologies for communication.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCK BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for technology content standard 3 for a student at the end of grade 4 is the ability to:

(a) use multiple communication technologies to fulfill a variety of purposes; and

(b) explore online telecommunications tools.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCKI BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for technology content standard 3 for a student at the end of grade 8 is the ability to:

(a) identify and use telecommunications tools to exchange ideas and information with others (e.g., geographic information system map, web page); and

(b) identify and use telecommunications tools to participate in online projects.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCKII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for technology content standard 3 for a student upon graduation is the ability to:

(a) select and apply telecommunications tools to exchange ideas and information (e.g., geographic information system map, multimedia presentation, web page); and

(b) use telecommunications tools to participate in collaborative online projects.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCKIII TECHNOLOGY CONTENT STANDARD 4 (1) To satisfy the requirements of technology content standard 4, a student must use technology responsibly and understand its impact on individuals and society.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCKIV BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 FOR END OF GRADE 4 (1) The benchmark for technology content standard 4 for a student at the end of grade 4 is the ability to:

(a) safely use various technologies (e.g., internet, software, computers);

(b) demonstrate ethical technology use (e.g., fair use, ownership); and

(c) identify some impacts of technology on people.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXV BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for technology content standard 4 for a student at the end of grade 8 is the ability to:

- (a) safely use various technologies (e.g., e-mail, chat software, tools);
 - (b) develop a personal code of standards for ethical technology use (e.g., privacy, copyright, etiquette); and
 - (c) compare the present and future impacts of technology on people and the environment.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXVI BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for technology content standard 4 for a student upon graduation is the ability to:

- (a) safely use various technologies (e.g., robotics, work place tools);
 - (b) model and exemplify a high standard of ethics for the uses of technology (e.g., privacy, intellectual property); and
 - (c) evaluate the present and future impacts of technology on society, economy, and the environment.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXVII TECHNOLOGY CONTENT STANDARD 5 (1) To satisfy the requirements of technology content standard 5, a student must develop the skills, knowledge, and abilities to apply a variety of technologies to conduct research, manage information, make decisions, and solve problems.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXVIII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 5 FOR END OF GRADE 4 (1) The benchmark for technology content standard 5 for a student at the end of grade 4 is the ability to:

- (a) ask questions and use technology to find answers;
 - (b) use various technologies to identify sources and access information; and
 - (c) identify information from technical sources and communicate findings.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXIX BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 5 FOR END OF GRADE 8 (1) The benchmark for technology content standard 5 for a student at the end of grade 8 is the ability to:

- (a) ask questions and use technology resources to solve problems;
- (b) use various technologies and develop strategies to assess the quality of sources and information; and

(c) organize information from technical sources and communicate findings.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXX BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 5 UPON GRADUATION (1) The benchmark for technology content standard 5 for a student upon graduation is the ability to:
(a) ask questions and use technology resources for self-directed learning and problem solving;
(b) evaluate the accuracy, relevance, appropriateness, comprehensiveness, and bias of electronic information; and
(c) organize and analyze information from technical sources and communicate findings.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXI TECHNOLOGY CONTENT STANDARD 6 (1) To satisfy the requirements of technology content standard 6, a student must apply technological abilities and knowledge to construct new personal understanding.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 6 FOR END OF GRADE 4 (1) The benchmark for technology content standard 6 for a student at the end of grade 4 is the ability to:
(a) apply existing information to develop personal understanding;
(b) create original work using various technologies;
(c) apply a variety of technologies to investigate a problem within a content area; and
(d) apply personal understanding and technologies to solve a problem.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXIII BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 6 FOR END OF GRADE 8 (1) The benchmark for technology content standard 6 for a student at the end of grade 8 is the ability to:
(a) analyze and apply existing information to generate personal understanding;
(b) create a collection of original work using various technologies;
(c) apply a variety of technologies to investigate problems across content areas; and
(d) apply personal understanding and technologies to develop an invention or original solution to an authentic problem.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXIV BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 6 UPON GRADUATION

- (1) The benchmark for technology content standard 6 for a student upon graduation is the ability to:
- (a) analyze and evaluate existing information to generate personal understanding;
 - (b) create a portfolio of original work using various technologies;
 - (c) evaluate and apply a variety of technologies to investigate complex problems in multidisciplinary contexts; and
 - (d) apply and evaluate personal understanding to develop an invention or innovative solution to an authentic problem.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXV ADVANCED TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 4

- (1) A fourth-grade student at the advanced level in technology demonstrates superior performance. He/she:
- (a) demonstrates an understanding of the overall operations and responsible use of technologies and explores advanced concepts;
 - (b) uses technology to accomplish the task in an effective and efficient manner;
 - (c) uses technology eagerly to communicate understanding;
 - (d) identifies impacts of technologies on society and uses technology ethically and safely;
 - (e) independently and enthusiastically seeks information from technological sources, and thoroughly communicates the information through an original product; and
 - (f) confidently applies technological skills to create original work and solve problems in multidisciplinary contexts.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXVI PROFICIENT TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 4

- (1) A fourth-grade student at the proficient level in technology demonstrates solid academic performance. He/she:
- (a) demonstrates understanding of the overall operations and responsible use of appropriate technologies;
 - (b) identifies and chooses appropriate technology to complete the task;
 - (c) uses technology to communicate understanding;
 - (d) recognizes impacts of technology on society and uses technologies ethically and safely;
 - (e) finds information from technological sources and communicates the information through an original product; and
 - (f) uses technological skills to create original work and solve problems in multidisciplinary contexts.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXVII NEARING PROFICIENCY TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 4

(1) A fourth-grade student at the nearing proficiency level in technology demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in technology. He/she:

(a) demonstrates a basic understanding of the overall operations and responsible use of appropriate technologies;

(b) identifies and, with assistance, chooses technology for the task;

(c) uses technology, with assistance, to communicate understanding;

(d) recognizes the obvious impacts of technology on society and usually uses technologies ethically and safely;

(e) finds information, with assistance, and communicates the information through a product; and

(f) uses technological skills, with assistance, to create a product or solve a problem in a content area.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXVIII NOVICE TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 4

(1) A fourth-grade student at the novice level in technology is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in technology. He/she:

(a) demonstrates limited understanding of the overall operations and responsible use of appropriate technologies;

(b) seldom identifies or uses technology for a task;

(c) uses technology, with assistance, to communicate;

(d) seldom recognizes the impacts of technology on society and needs to be reminded to use technologies ethically and safely;

(e) finds information and, with assistance, communicates the information through a simple product; and

(f) has difficulty using limited technological skills to create a product or solve a problem.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXIX ADVANCED TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 8

(1) An eighth-grade student at the advanced level in technology demonstrates superior performance. He/she:

(a) applies thorough understanding of the overall operations and responsible use of technologies, and pursues advanced concepts;

(b) integrates technology into most phases of projects by consistently and effectively matching technologies to the task;

(c) identifies and uses technology to efficiently communicate and collaborate in a variety of ways;

(d) thoughtfully identifies the impact of technology on society and consistently uses technologies ethically and safely;

(e) applies information about available technologies to locate useful information, and thoughtfully communicates findings through a well-developed original product; and

(f) independently evaluates and applies technological skills to create original work and/or solve problems in multidisciplinary contexts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXX PROFICIENT TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level in technology demonstrates solid academic performance. He/she:

(a) demonstrates clear understanding of the overall operations and responsible use of technologies, and explores new concepts;

(b) integrates technology into most phases of projects by matching technologies to the task;

(c) identifies and uses communication technology to communicate and collaborate in a variety of ways;

(d) identifies the impact of technology on society and uses technologies ethically and safely;

(e) uses information about available technologies to locate useful information, and communicates findings through an original product; and

(f) applies technological skills to create original work and/or solve problems in multidisciplinary contexts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXI NEARING PROFICIENCY TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing proficiency level in technology demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in technology. He/she:

(a) demonstrates a basic understanding of the overall operations and responsible use of appropriate technologies, and sometimes explores new concepts;

(b) integrates technology, with assistance, into obvious phases of projects and sometimes identifies technologies for the task;

(c) identifies and, with assistance, uses technology to communicate and collaborate;

(d) sometimes identifies the impact of technology on society but most often uses technologies ethically and safely;

(e) finds information from technological sources and, with assistance, communicates the information through a product; and

(f) sometimes uses technological skills to create a product or solve a basic problem in content area.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXII. NOVICE TECHNOLOGY PERFORMANCE STANDARDS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level in technology is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in technology. He/she:

(a) demonstrates a limited understanding of the overall operations and responsible use of appropriate technologies;
(b) has difficulty selecting or using technology in projects;
(c) seldom uses technology to communicate;
(d) has limited understanding of the impact of technology on society, and needs to be reminded to use technologies ethically and safely;

(e) finds information from technological sources and, with assistance, communicates the information through a simple product; and

(f) has difficulty using technological skills to complete a product or solve a basic problem in a content area.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXIII. ADVANCED TECHNOLOGY PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student advanced in the use of technology demonstrates superior performance. He/she:

(a) evaluates and applies appropriate technology skills and procedures and pursues advanced concepts and operations;

(b) independently and effectively integrates technology into all phases of projects, and skillfully matches technologies to the task;

(c) independently and routinely uses the most effective technologies to thoughtfully and purposefully communicate and collaborate in a variety of ways;

(d) consistently evaluates the impact of technology on society and always uses technologies ethically and safely;

(e) effectively applies information about available technologies to locate information, to analyze and evaluate the information, and to thoroughly communicate findings through an original and complex product; and

(f) independently and routinely analyzes, evaluates, and applies technological skills to create original work and solve problems in multidisciplinary contexts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXIV. PROFICIENT TECHNOLOGY PERFORMANCE STANDARDS UPON GRADUATION (1) A graduating student proficient with technology demonstrates solid academic performance. He/she:

(a) applies appropriate technology skills and procedures, and explores increasingly complex concepts and operations;

(b) integrates technology into most phases of projects, selecting appropriate technologies for the task;

(c) demonstrates independence in using technologies to effectively communicate and collaborate in a variety of ways;

(d) evaluates the impact of technology on society and uses technologies ethically and safely;

(e) applies information about available technologies to locate information, to analyze and evaluate the information, and to organize the information to effectively communicate through an original product; and

(f) typically evaluates and applies technological skills to create original work and solve problems in multidisciplinary contexts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXV NEARING PROFICIENCY TECHNOLOGY PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student nearing proficiency in the use of technology demonstrates partial mastery of prerequisite knowledge and skills. He/she:

(a) often applies skills and procedures, and sometimes explores new concepts and operations;

(b) integrates technology, with assistance, in obvious phases of projects, and sometimes selects the appropriate technologies for the task;

(c) demonstrates limited independence in using technologies to communicate and collaborate;

(d) sometimes evaluates the impact of technologies on society and uses technologies ethically and safely;

(e) uses technology to locate some information and to organize the information to communicate through a product; and

(f) sometimes evaluates and uses technological skills to create a project or solve a problem in a content area.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXVI NOVICE TECHNOLOGY PERFORMANCE STANDARDS UPON GRADUATION

(1) A graduating student at the novice level in the use of technology is beginning to attain prerequisite knowledge and skills. He/she:

(a) uses limited skills and procedures to identify and sometimes explore new concepts and operations;

(b) selects and uses technology in some phases of projects with assistance;

(c) uses technologies, with assistance, to communicate ideas and information;

(d) seldom considers the impact of technologies on society, and inconsistently uses technologies ethically and safely;

(e) identifies, with assistance, the need for information, selects and uses technologies to locate some of the information needed, and simply organizes the information to communicate in a limited way; and

(f) uses technologies in a limited way to complete an assignment or solve a simple problem in a specific content area.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXVII WORLD LANGUAGES CONTENT STANDARD 1 (1) To satisfy the requirements of world languages content standard 1, a student must engage in conversation, provide and obtain information, express feelings and emotions, and exchange opinions.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXVIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 1 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 1 for a student at the end of benchmark 1 is the ability to:

- (a) express feelings, likes, and dislikes;
- (b) respond in one-on-one interactions;
- (c) create simple descriptions of people and things within a context;
- (d) express agreement and disagreement; and
- (e) express basic needs.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXXXIX BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 1 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 1 for a student at the end of benchmark 2 is the ability to:

- (a) qualify feelings, likes, and dislikes;
- (b) exchange information using appropriate gestures;
- (c) create detailed descriptions within a context;
- (d) describe a problem and suggest and recommend solutions; and
- (e) elaborate on needs and interact in basic survival situations.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXL BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 1 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 1 for a student at the end of benchmark 3 is the ability to:

- (a) exchange personal ideas and support them;
- (b) initiate, sustain, and conclude conversations appropriate to the setting on a variety of topics;
- (c) create more elaborate descriptions and add opinions;
- (d) collaborate and compromise to develop, propose, and negotiate solutions; and
- (e) manage unforeseen situations.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLI WORLD LANGUAGES CONTENT STANDARD 2 (1) To satisfy the requirements of world languages content standard 2, a student must understand and interpret spoken and/or written language on a variety of topics.
(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 2 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 2 for a student at the end of benchmark 1 is the ability to:

(a) identify people and objects using aural, visual, and contextual cues;

(b) comprehend and respond appropriately to simple oral and written communications; and

(c) read and respond to developmentally appropriate material and identify the main idea.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 2 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 2 for a student at the end of benchmark 2 is the ability to:

(a) respond appropriately to complex aural, visual, written, or contextual cues;

(b) comprehend and respond appropriately to complex oral and written communications; and

(c) interpret the main idea and significant details from authentic materials and literary samples.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLIV BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 2 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 2 for a student at the end of benchmark 3 is the ability to:

(a) analyze information based on complex aural, visual, written, or contextual cues;

(b) comprehend and respond appropriately to oral and written communications intended for native speakers; and

(c) interpret and analyze relationships, sequences, mood, cause and effect, and applied meaning in authentic materials and literary samples.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLV WORLD LANGUAGES CONTENT STANDARD 3 (1) To satisfy the requirements of world languages content standard 3, a student must convey information, concepts, and ideas to listeners and/or readers for a variety of purposes.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLVI BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 3 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 3 for a student at the end of benchmark 1 is the ability to:

- (a) give directions, commands, and instructions;
 - (b) give a description orally and/or in writing using simple phrases;
 - (c) write a personal communication (e.g., note, letter, invitation); and
 - (d) summarize main idea of selected authentic and/or contextualized material.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLVII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 3 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 3 for a student at the end of benchmark 2 is the ability to:

- (a) explain a process based on prior knowledge and/or experience;
 - (b) give a description orally and/or in writing using complex sentences;
 - (c) produce formal and informal written and/or oral communication; and
 - (d) interpret information from authentic material for an audience.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLVIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 3 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 3 for a student at the end of benchmark 3 is the ability to:

- (a) explain a complex process incorporating detailed instructions;
 - (b) give a description orally and in writing using complex, detailed paragraphs;
 - (c) produce a written sample to convey a mood, implied meaning, or abstract idea; and
 - (d) create an analysis of authentic media or literary samples and present it to an audience.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCXLIX WORLD LANGUAGES CONTENT STANDARD 4 (1) To satisfy the requirements of world languages content standard 4, a student must demonstrate an understanding of the relationship between the perspectives, practices, and products/contributions of cultures studied, and use this knowledge to interact effectively in cultural contexts.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCL BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 4 FOR END OF BENCHMARK 1

(1) The benchmark for world languages content standard 4 for a student at the end of benchmark 1 is the ability to:

- (a) identify significant cultural perspectives and practices;
 - (b) recognize and interpret language and behaviors that reflect the culture;
 - (c) identify objects, images, symbols, products, and other contributions of the culture; and
 - (d) identify the expressive forms of the culture (e.g., art, architecture, music, dance).
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLI BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 4 FOR END OF BENCHMARK 2

(1) The benchmark for world languages content standard 4 for a student at the end of benchmark 2 is the ability to:

- (a) describe cultural characteristics and behaviors of everyday life (e.g., social and geographic factors);
 - (b) produce language and behaviors appropriate to the culture;
 - (c) explain objects, images, symbols, products, and other contributions of the culture; and
 - (d) describe and discuss the expressive forms of the culture (e.g., art, architecture, music, dance).
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 4 FOR END OF BENCHMARK 3

(1) The benchmark for world languages content standard 4 for a student at the end of benchmark 3 is the ability to:

- (a) analyze the development of different cultural practices (e.g., social and geographic factors);
 - (b) apply language and behaviors that reflect the culture in an authentic situation;
 - (c) analyze and evaluate the cultural significance of objects, images, symbols, products, and other contributions of the culture; and
 - (d) analyze and evaluate the expressive forms of the culture (e.g., art, architecture, music, dance).
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLIII WORLD LANGUAGES CONTENT STANDARD 5

(1) To satisfy the requirements of world languages content standard 5, a student must reinforce and increase his/her knowledge of other disciplines through world languages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLIV BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 5 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 5 for a student at the end of benchmark 1 is the ability to:

(a) identify and apply, within a familiar context, information and skills shared by the language classroom and other disciplines; and

(b) identify, through world language resources, information for use in other disciplines.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLV BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 5 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 5 for a student at the end of benchmark 2 is the ability to:

(a) transfer and apply, within a designated context, information and skills common to the language classroom and other disciplines; and

(b) analyze information gathered through world language resources for use in other disciplines.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLVI BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 5 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 5 for a student at end of benchmark 3 is the ability to:

(a) apply, within an unfamiliar context, information and skills common to the language classroom and other disciplines; and

(b) locate authentic language resources and synthesize information for use in other disciplines.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLVII WORLD LANGUAGES CONTENT STANDARD 6 (1) To satisfy the requirements of world languages content standard 6, a student must acquire information and perspectives through authentic materials in the world languages and within the cultures.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLVIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 6 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 6 for a student at the end of benchmark 1 is the ability to:

(a) gather information from sources intended for native speakers of the language; and

(b) use authentic sources to identify perspectives of world cultures.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLIX BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 6 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 6 for a student at the end of benchmark 2 is the ability to:

(a) analyze and apply information from sources intended for native speakers of the language; and

(b) use authentic sources to analyze perspectives of world cultures.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLX BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 6 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 6 for a student at the end of benchmark 3 is the ability to:

(a) acquire and synthesize information from sources intended for native speakers of the language; and

(b) use authentic sources to synthesize perspectives of world cultures.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXI WORLD LANGUAGES CONTENT STANDARD 7 (1) To satisfy the requirements of world languages content standard 7, a student must recognize that different languages use different patterns and can apply this knowledge to his/her own language.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 7 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 7 for a student at the end of benchmark 1 is the ability to:

(a) identify sound patterns of the target language and compare them to the student's own language;

(b) identify structural patterns of the target language;

(c) identify idiomatic expressions of the target language; and

(d) identify connections among languages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 7 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 7 for a student at the end of benchmark 2 is the ability to:

(a) apply, within limited contexts, sound patterns of the target language;

(b) apply, within limited contexts, structural patterns of the target language;

(c) compare and contrast idiomatic expressions of the target language and the student's own language; and

(d) explain the changing nature of languages.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXIV BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 7 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 7 for a student at the end of benchmark 3 is the ability to:

- (a) apply, in a variety of contexts, sound patterns of the target language;
 - (b) use knowledge of structural patterns in both the target language and the student's own language to communicate effectively;
 - (c) use idiomatic expressions of the target language in the correct context; and
 - (d) describe how languages influence each other.
- (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXV WORLD LANGUAGES CONTENT STANDARD 8 (1) To satisfy the requirements of world languages content standard 8, a student must demonstrate understanding of the concept of culture through comparisons of the cultures studied and his/her own.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXVI BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 8 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 8 for a student at the end of benchmark 1 is the ability to recognize similarities and differences, including behavior patterns, among target cultures and the student's own culture using evidence from authentic sources.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXVII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 8 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 8 for a student at the end of benchmark 2 is the ability to analyze similarities and differences, including behavior patterns, among target cultures and the student's own culture using evidence from authentic sources.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXVIII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 8 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 8 for a student at the end of benchmark 3 is the ability to:

- (a) analyze and explain significance of similarities and differences among target cultures and the student's own culture using evidence from authentic sources; and
- (b) use knowledge of similar and different behavioral patterns to interact effectively in a variety of social contexts in target cultures and the student's own culture.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXIX WORLD LANGUAGES CONTENT STANDARD 9 (1) To satisfy the requirements of world languages content standard 9, a student must apply language skills and cultural knowledge in daily life.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXX BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 9 FOR END OF BENCHMARK 1 (1) The benchmark for world languages content standard 9 for a student at the end of benchmark 1 is the ability to:

- (a) identify the target language in the student's daily life and share that knowledge with others;
- (b) locate connections with the target culture through the use of technology, media, and authentic sources; and
- (c) locate resources in the community to learn about the target culture.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXI BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 9 FOR END OF BENCHMARK 2 (1) The benchmark for world languages content standard 9 for a student at the end of benchmark 2 is the ability to:

- (a) respond to the target language encountered in the student's daily life;
- (b) establish connections with the target culture through the use of technology, media, and authentic sources; and
- (c) interact with members of the community to research the target culture.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXII BENCHMARK FOR WORLD LANGUAGES CONTENT STANDARD 9 FOR END OF BENCHMARK 3 (1) The benchmark for world languages content standard 9 for a student at the end of benchmark 3 is the ability to:

- (a) interact appropriately in the target language in real-life situations;
- (b) maintain connections with the target culture through the use of technology, media, and authentic sources; and
- (c) collaborate and use resources in the community to research the target culture.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXIII ADVANCED WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 1 (1) A student at the end of benchmark 1, at the advanced level of world languages demonstrates superior performance. He/she:

- (a) initiates conversations, on familiar topics, comprehensible to a native speaker;
- (b) comprehends and interprets main ideas from authentic material appropriate for his/her level;

(c) initiates communication orally and/or in writing for a variety of purposes and audiences;

(d) identifies significant cultural contributions of the target language culture;

(e) consistently identifies and applies, within familiar contexts, target language information and skills;

(f) eagerly uses authentic resources to identify culturally relevant information and perspectives;

(g) identifies sound and structural patterns of the target language and compares them to his/her first language;

(h) identifies significant similarities and differences among target cultures with his/her culture; and

(i) identifies and thoroughly describes language and culture connections within and outside the classroom.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXIV PROFICIENT WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 1 (1) A student at the end of benchmark 1, at the proficient level of world languages demonstrates solid academic performance. He/she:

(a) initiates exchanges of simple information (e.g., likes and dislikes, descriptions, basic needs, familiar topics);

(b) comprehends main ideas from authentic material appropriate for his/her level;

(c) communicates orally and/or in writing for an assigned purpose and audience;

(d) identifies some significant cultural contributions of the target language culture;

(e) identifies, within familiar contexts, target language information and skills;

(f) uses authentic resources to recognize some cultural information and perspectives;

(g) recognizes sound and structural patterns of the target language and makes connections to his/her first language;

(h) identifies similarities and differences among target cultures with his/her culture; and

(i) identifies language and culture connections within and outside the classroom.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXV NEARING PROFICIENCY WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 1 (1) A student at the end of benchmark 1, at the nearing proficiency level of world languages demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in world languages. He/she:

(a) exchanges simple information, with assistance, (e.g., likes and dislikes, basic needs, familiar topics);

(b) responds to repeated oral and/or written material appropriate for his/her level;

(c) communicates orally and/or in writing in limited situations;

(d) recognizes obvious cultural contributions of the target language culture;

(e) sometimes identifies, within familiar contexts, target language information and skills;

(f) uses, with assistance, authentic resources to recognize some cultural information and perspectives;

(g) sometimes recognizes sound and structural patterns of the target language and, with assistance, makes connections to his/her first language;

(h) identifies some similarities and differences among target cultures with his/her culture; and

(i) identifies, with assistance, some language and culture connections within and outside the classroom.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXVI NOVICE WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 1 (1) A student at the end of benchmark 1, at the novice level of world languages is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in world languages. He/she:

(a) exchanges basic information, with assistance, (e.g., likes and dislikes, basic needs);

(b) responds to some oral and/or written cues;

(c) attempts limited oral and/or written communication;

(d) recognizes, with assistance, obvious cultural contributions of the target language culture;

(e) seldom identifies, in any context, target language information and skills;

(f) has difficulty using authentic resources to recognize cultural information;

(g) seldom recognizes sound and structural patterns of the target language;

(h) identifies, with assistance, some similarities and differences among target cultures with his/her culture; and

(i) seldom recognizes language and culture connections.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXVII ADVANCED WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 2 (1) A student at the end of benchmark 2, at the advanced level of world languages demonstrates superior performance. He/she:

(a) initiates and sustains conversations, on a variety of topics, comprehensible to a native speaker;

(b) consistently comprehends and interprets main ideas and supporting details from authentic material above his/her level;

(c) independently and routinely communicates verbally and/or in writing and easily elaborates on familiar topics in a variety of situations;

(d) analyzes and describes, in detail, significant cultural contributions of the target language culture;

(e) consistently analyzes and applies target language information and skills to other contexts;

(f) thoroughly examines and applies information and perspectives of world cultures using authentic sources;

(g) applies, in limited contexts, sound and structural patterns and idiomatic expressions of the target language, and compares target language to his/her first language;

(h) observes, analyzes, and explains significant similarities and differences among target cultures with his/her culture; and

(i) enhances classroom activities by independently seeking new information and illustrating language and culture connections.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXVIII PROFICIENT WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 2 (1) A student at the end of benchmark 2, at the proficient level of world languages demonstrates solid academic performance. He/she:

(a) exchanges information verbally and/or in writing and usually understands and produces speech at normal speed;

(b) comprehends and interprets main ideas from authentic material appropriate for his/her level;

(c) communicates verbally and/or in writing and elaborates on familiar topics in survival situations;

(d) describes significant cultural contributions of the target language culture;

(e) analyzes and applies target language information and skills to designated contexts and other disciplines;

(f) investigates and applies information and perspectives of world cultures using authentic sources;

(g) applies, in limited contexts, sound and structural patterns and idiomatic expressions of the target language, and compares target language to his/her first language;

(h) observes and describes significant similarities and differences among target cultures with his/her culture; and

(i) contributes to classroom activities by finding and sharing language and culture connections.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXIX NEARING PROFICIENCY WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 2 (1) A student at the end of benchmark 2, at the nearing proficiency level of world languages demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in world languages. He/she:

(a) often exchanges information verbally and/or in writing and usually understands and produces speech at near-normal speed;

(b) identifies main ideas from material appropriate for his/her level;

(c) communicates verbally and/or in writing and sometimes elaborates on familiar topics in survival situations;

(d) describes some significant cultural contributions of the target language culture;

(e) applies limited target language information to other disciplines;

(f) investigates and applies information and common perspectives of world cultures;

(g) applies, in limited contexts, sound and structural patterns and idiomatic expressions of the target language, but has difficulty comparing target language to his/her first language;

(h) provides limited explanation of similarities and differences among target cultures with his/her culture; and

(i) sometimes contributes to classroom activities by finding and sharing language and culture connections.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXX NOVICE WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 2 (1) A student at the end of benchmark 2, at the novice level of world languages is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in world languages. He/she:

(a) exchanges predictable information verbally and/or in writing, and relies on questions or prompts to produce understandable language;

(b) identifies main ideas from familiar material appropriate for his/her level;

(c) describes familiar topics, but rarely elaborates in basic survival situations;

(d) describes some significant cultural contributions of the target language culture;

(e) seldom applies limited target language information to other disciplines;

(f) has difficulty applying information of world cultures;

(g) seldom applies, even in limited contexts, sound and structural patterns or idiomatic expressions of the target language to his/her first language;

(h) has difficulty identifying similarities and differences among target cultures with his/her culture; and

(i) rarely contributes to classroom activities.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXXI ADVANCED WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 3 (1) A student at the end of benchmark 3, at the advanced level of world languages demonstrates superior performance. He/she:

(a) confidently initiates, sustains, and concludes conversations, in a variety of contexts, comprehensible to a native speaker;

(b) comprehends and responds to oral and/or written communication intended for a native speaker;

(c) adeptly uses a variety of language strategies to convey meaning in the target language;

(d) thoroughly analyzes and evaluates significant cultural contributions to effectively interact in authentic situations;

(e) integrates and consistently applies information and skills to familiar and unfamiliar contexts;

(f) independently acquires and integrates world cultures perspectives from authentic sources, and communicates new understanding;

(g) confidently applies, in a variety of contexts, sound and structural patterns and idiomatic expressions of the target language and his/her first language to communicate effectively;

(h) analyzes and explains significant similarities and differences among target cultures to interact effectively in a variety of contexts; and

(i) independently and enthusiastically extends classroom learning by seeking out language and culture connections and thoroughly communicating his/her findings.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXXII PROFICIENT WORLD LANGUAGES PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 3 (1) A student at the end of benchmark 3, at the proficient level of world languages demonstrates solid academic performance. He/she:

(a) initiates, sustains, and concludes conversations, in a variety of contexts, comprehensible to a native speaker;

(b) comprehends and responds to oral and/or written communication intended for a native speaker;

(c) consistently uses a variety of language strategies to convey meaning in the target language;

(d) analyzes and evaluates significant cultural contributions to effectively interact in authentic situations;

(e) integrates information from authentic sources and applies that information and skills to familiar and unfamiliar contexts;

(f) acquires and integrates world cultures information and perspectives from authentic sources;

(g) confidently applies, in a variety of contexts, sound and structural patterns and idiomatic expressions of the target language and his/her first language to communicate effectively;

(h) analyzes and explains significant similarities and differences among target cultures to interact effectively in a variety of contexts; and

(i) extends classroom learning by seeking out language and culture connections and by communicating his/her findings. (AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXXIII NEARING PROFICIENCY WORLD LANGUAGES.
PERFORMANCE STANDARDS FOR THE END OF BENCHMARK 3 (1) A student at the end of benchmark 3, at the nearing proficiency level of world languages demonstrates partial mastery of prerequisite knowledge and skills fundamental for proficiency in world languages. He/she:

(a) initiates, sustains, and concludes limited conversations comprehensible to a native speaker accustomed to non-native speakers;

(b) usually comprehends and responds to oral and/or written communication intended for a native speaker;

(c) uses some language strategies to convey meaning in the target language;

(d) identifies and analyzes significant cultural contributions, but needs assistance to effectively interact in authentic situations;

(e) sometimes integrates information from authentic sources and applies the information and skills to familiar contexts;

(f) acquires and integrates world cultures information and perspectives from authentic sources;

(g) applies, in limited contexts, sound and structural patterns, and idiomatic expressions of the target language and his/her first language;

(h) explains significant similarities and differences among target cultures, but has difficulty interacting effectively; and

(i) sometimes extends classroom learning by locating and sharing language and culture connections.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

RULE CCLXXXIV NOVICE WORLD LANGUAGES PERFORMANCE
STANDARDS FOR THE END OF BENCHMARK 3 (1) A student at the end of benchmark 3, at the novice level of world languages is beginning to attain the prerequisite knowledge and skills that are fundamental at each benchmark in world languages. He/she:

- (a) engages in limited conversations;
- (b) usually comprehends and responds to familiar oral and/or written material;
- (c) seldom uses language strategies to convey meaning in the target language;
- (d) identifies significant cultural contributions, but seldom interacts in authentic situations;
- (e) sometimes integrates predictable information from authentic sources but has difficulty applying the information;
- (f) sometimes acquires, but seldom integrates world cultures information or perspectives from authentic sources;
- (g) recognizes, in limited contexts, sound and structural patterns, and idiomatic expressions of the target language and his/her first language;
- (h) explains predictable similarities and differences among target cultures and seldom interacts effectively; and
- (i) rarely makes language and culture connections to extend classroom learning.

(AUTH: 20-2-114, MCA; IMP: 20-2-121, 20-3-106, 20-7-101, MCA)

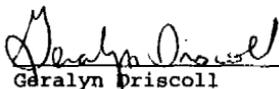
6. Any person/party may be placed on the Board of Public Education's list of interested persons/parties by contacting Board of Public Education, PO Box 200601, Helena, Montana 59620-0601, telephone number (406) 444-6576, FAX (406) 444-0684.

For purposes of this rulemaking, you may also be placed on the Board's list of interested persons by contacting Pat Reichert, Office of Public Instruction, PO Box 202501, Helena, Montana 59620-2501, telephone number (406) 444-4402.

7. Interested persons may submit their data, views, or arguments, either orally or in writing, at the hearings. Written testimony may also be submitted to the Office of Public Instruction, PO Box 202501, Helena, Montana 59620-2501, until 5:00 p.m. on July 16, 1999.

8. Geralyn Driscoll and Janice Frankino Doggett of the Legal Services Unit, Office of Public Instruction, have been designated to preside over and conduct the hearings.

9. The notice requirements of 2-4-302, MCA, have been satisfied.



Geralyn Driscoll
Rule Reviewer



Storrs M. Bishop
Chairperson

Certified to the Secretary of State May 7, 1999.

BEFORE THE BOARD OF ALTERNATIVE HEALTH CARE
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of a rule pertaining to fees) 8.4.301 FEES

TO: All Interested Persons:

1. On March 25, 1999, the Board of Alternative Health Care published a notice of public hearing on the proposed amendment of the above-stated rule at page 431, 1999 Montana Administrative Register, issue number 6. The hearing was held on April 14, 1999, in Helena, Montana.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF ALTERNATIVE HEALTH CARE
MICHAEL BERGKAMP, ND, CHAIRMAN

BY: *Annie M. Bartos*
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF LANDSCAPE ARCHITECTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

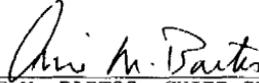
In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of a rule pertaining to fees) 8.24.409 FEE SCHEDULE

TO: All Concerned Persons:

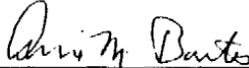
1. On March 25, 1999, the Board of Landscape Architects published a notice of public hearing on the proposed amendment of the above-stated rule, at page 445, 1999 Montana Administrative Register, issue number 6.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF LANDSCAPE ARCHITECTS
SHELLY ENGLER, CHAIRMAN

BY:



ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE



ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of rules pertaining to) 8.34.414 EXAMINATIONS AND
examinations and fees) 8.34.418 FEE SCHEDULE

TO: All Interested Persons:

1. On March 25, 1999, the Board of Nursing Home Administrators published a notice of public hearing on the proposed amendment of the above-stated rules at page 453, 1999 Montana Administrative Register, issue number 6.
2. The Board has amended the rules exactly as proposed.
3. No comments or testimony were received.

BOARD OF NURSING HOME
ADMINISTRATORS
D. KAY JENNINGS, CHAIRMAN

BY:

Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF PHARMACY
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of a rule pertaining to fees) 8.40.404 FEE SCHEDULE

TO: All Interested Persons:

1. On March 25, 1999, the Board of Pharmacy published a notice of public hearing on the proposed amendment of the above-stated rule at page 455, 1999 Montana Administrative Register, issue number 6. The hearing was held in Helena, Montana.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF PHARMACY
SHIRLEY BAUMGARTNER, PRESIDENT

BY: Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF PSYCHOLOGISTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of a rule pertaining to fees) 8.52.616 FEE SCHEDULE

TO: All Interested Persons:

1. On March 25, 1999, the Board of Psychologists published a notice of public hearing on the proposed amendment of the above-stated rule at page 461, 1999 Montana Administrative Register, issue number 6. The hearing was held on April 14, 1999, in Helena, Montana.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF PSYCHOLOGISTS
JAMES P. MURPHEY, Ph.D., CHAIRMAN

BY:

Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of a rule pertaining to fees) 8.64.402 FEE SCHEDULE

TO: All Interested Persons:

1. On March 25, 1999, the Board of Veterinary Medicine published a notice of public hearing on the proposed amendment of the above-stated rule at page 467, 1999 Montana Administrative Register, issue number 6. The hearing was held on April 14, 1999, in Helena, Montana.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF VETERINARY MEDICINE
DON SMITH, D.V.M., CHAIRMAN

BY: Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 7, 1999.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the)
amendment of rules 16.30.801,) NOTICE OF AMENDMENT
16.30.803 and 16.30.804)
pertaining to control of)
transmission of infectious)
diseases to emergency medical)
service providers)

TO: All Interested Persons

1. On March 25, 1999, the Department of Public Health and Human Services published notice of the proposed amendment of the above-stated rules at page 488 of the 1999 Montana Administrative Register, issue number 6.

2. The Department has amended rules 16.30.801, 16.30.803 and 16.30.804 as proposed.

3. No comments or testimony were received.

Jane Silva
Rule Reviewer

Laurie Fleming
Director, Public Health and
Human Services

Certified to the Secretary of State May 7, 1999.

VOLUME NO. 48

OPINION NO. 2

EXEMPTIONS - Exemption of Chief Water Judge from state leave policies;
JUDGES - Status of Chief Water Judge as agency employee for purposes of state leave policies;
MONTANA CODE ANNOTATED - Title 2, chapter 18, part 6; sections 2-18-103, -601, -604, 3-7-221;
MONTANA CONSTITUTION - Article III, section 1; article VI, section 7; article VII, sections 2(2), 11.

HELD: The Chief Water Judge is not subject to the state leave policies in Mont. Code Ann. title 2, chapter 18, part 6.

April 27, 1999

Mr. John Northey
Legal Counsel
Legislative Audit Division
State Capitol
P.O. Box 201705
Helena, MT 59620-1705

Dear Mr. Northey:

You have requested my opinion regarding whether the Chief Water Judge is subject to the state leave policies in Mont. Code Ann. title 2, chapter 18, part 6. These provisions provide annual vacation, as well as other types of leave, for state employees and further direct the Department of Administration or other administrative officer to monitor the accumulation and taking of such leave.

The state leave policies apply to "any person employed by an agency except elected state, county, and city officials." Mont. Code Ann. § 2-18-601(4). Also exempted from the state leave policies are schoolteachers, independent contractors, and persons hired under personal services contracts. Id. You propose that because the Chief Water Judge is not an "elected official," he or she is not exempt under this statute.

It is true that the Chief Water Judge is appointed rather than elected. See Mont. Code Ann. § 3-7-221(1) (authorizing appointment by the Chief Justice of the Montana Supreme Court). However, the Chief Water Judge is a judicial officer, see State ex rel. Wilcox v. District Court, 208 Mont. 351, 359, 678 P.2d 209, 212 (1984), and the fact that the position is appointed does not address the more fundamental question of whether the Chief Water Judge is a "person employed by an agency" under Mont. Code Ann. § 2-18-601(4) for purposes of the state leave policies.

The term "agency" is defined as "any legally constituted department, board, or commission of state, county, or city government or any political subdivision thereof." Mont. Code Ann. § 2-18-601(1). The terms "department, board, or commission" more aptly describe the executive branch of government, not the judiciary. See Mont. Const. art. VI, § 7 (allocating not more than 20 departments, which make up the executive branch of government). The judiciary is an independent branch of government, unattached to any department, board, or commission. See Mont. Const. art. VII.

It is noteworthy that the judiciary is specifically mentioned in other provisions of title 2, chapter 18. In Mont. Code Ann. § 2-18-103, the legislature has exempted judges and their employees from state employee classification, compensation, and benefits. The legislature could have similarly referenced the judiciary in Mont. Code Ann. § 2-18-601 had it intended to include judicial officers within its scope. The fact that it did not, using instead terms which generally describe the executive branch, suggests that the legislature did not consider the judiciary as an "agency" for purposes of the state leave policies.

Not only does the statutory language of Mont. Code Ann. § 2-18-601(4) favor this interpretation, but the Separation of Powers Clause demands such a result. The Separation of Powers Clause of the Montana Constitution provides:

The power of the government of this state is divided into three distinct branches-legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

Mont. Const. art. III, § 1.

If the state leave policies apply to judicial officers, the legislative branch has effectively dictated work hours of the judiciary and placed supervisory control of those hours in the hands of the executive branch. By statute, the department of administration or the administrative officer of any county, city or political subdivision is authorized to oversee administration of employee annual, sick and military leave. Mont. Code Ann. § 2-18-604. In addition, the department is authorized to "promulgate rules necessary to achieve the uniform administration of these provisions and to prevent the abuse thereof." Id. Pursuant to these statutes, an administrative officer could feasibly require a judge to report work hours on

a form devised by the department in order to monitor compliance with the state leave policies. This is an executive infringement on the judicial branch of government.

Under article VII, section 2(2), supervisory authority over inferior courts lies exclusively within the control of the Supreme Court. Furthermore, disciplinary action against a judicial officer is under the exclusive jurisdiction of the Judicial Standards Commission. Mont. Const. art. VII, § 11. The legislature cannot delegate supervisory authority of the judiciary to the executive branch without running afoul of these provisions, as well as the Separation of Powers Clause.

The Supreme Court's decision in Coate v. Omholt, 203 Mont. 488, 662 P.2d 591 (1983), is illustrative. In that case, the Montana Supreme Court struck down a statute which imposed sanctions on judges if judicial decisions were not rendered within the procedural restraints and time limits set by statute. The Court observed:

"Courts are an integral part of the government, and entirely independent, deriving their powers directly from the Constitution, in so far as such powers are not inherent in the very nature of the judiciary. A court of general jurisdiction, whether named in the Constitution or established in pursuance of the provisions of the Constitution, cannot be directed, controlled, or impeded in its functions by any other departments of the government. The security of human rights and the safety of free institutions require the absolute integrity and freedom of action of courts."

Id., 203 Mont. at 494, 622 P.2d at 595, citing State ex rel. Kostas v. Johnson, 69 N.E.2d 592, 595 (Ind. 1946). The Court concluded that legislation imposing time limits for judicial action violated the separation of powers clause in article III, section 1. The same reasoning applies here. The legislature cannot require judges to abide by administrative rules governing their work hours. Montana Code Annotated § 2-18-601(4) must be construed to avoid this result.

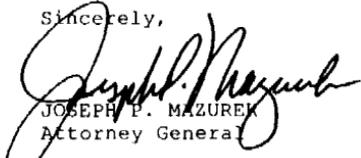
This opinion does not address the broader question of whether employees within the judicial branch, other than judges, are subject to the state leave policies. However, it is clear that the legislature cannot dictate work hours for the Chief Water Judge or delegate supervision of the judge's work hours to the Department of Administration without violating the constitutional principles discussed above. Since I am obligated to construe statutes to avoid constitutional infirmities if reasonably possible, Department of State Lands v. Pettibone, 216

Mont. 361, 374, 702 P.2d 948, 956 (1985), I interpret the phrase "employed by an agency" in Mont. Code Ann. § 2-18-601(4) to exclude judicial officers, whether elected or appointed.

THEREFORE, IT IS MY OPINION:

The Chief Water Judge is not subject to the state leave policies in Mont. Code Ann. title 2, chapter 18, part 6.

Sincerely,



JOSEPH P. MAZUREK
Attorney General

jpm/ja/dm

VOLUME NO. 48

OPINION NO. 3

COUNTIES - Authority of board of library trustees to adopt county library budget and determine library staff compensation;
COUNTY COMMISSIONERS - Authority of county commissioners to modify library budget and determine library staff compensation;
LIBRARIES - Authority of board of library trustees;
TAXATION AND REVENUE - Obligation of county commissioners to fund county library;
MONTANA CODE ANNOTATED - Title 22, chapter 1, part 3; sections 7-6-2348(1), -2501, 22-1-304(1), (2), -308 to -310;
OPINIONS OF THE ATTORNEY GENERAL - 42 Op. Att'y Gen. No. 98 (1988), 41 Op. Att'y Gen. No. 91 (1986).

- HELD: 1. A board of county commissioners does not have the authority to modify the annual library budget submitted by the library trustees even if the library is funded by a general fund levy, except that the board of county commissioners may limit the amount of general fund tax revenue requested in the budget by the library trustees to that amount generated by a tax levy of five mills.
2. A board of county commissioners does not have the authority to modify the library trustees' decisions regarding library staff compensation even if the library is funded by a general fund levy.

May 4, 1999

Ms. Christine A. Cooke
Big Horn County Attorney
P.O. Box 908
Hardin, MT 59034-0908

Dear Ms. Cooke:

You have requested my opinion concerning the following questions:

Where a county library is funded by a general fund levy under Mont. Code Ann. § 7-6-2501 and not under Mont. Code Ann. § 22-1-304(1), does the board of county commissioners have the authority to:

1. modify the annual budget submitted by the county library trustees?
2. modify the determination by the library trustees as to the amount of pay increases to library personnel?

Resolution of these issues requires a review of the statutes creating the Big Horn County Library (library) and the extent of statutory authority given to the board of library trustees in its governing of the library.

The library is a free public library established under Mont. Code Ann. title 22, chapter 1, part 3. As such, it is governed by a board of five appointed trustees. Mont. Code Ann. § 22-1-308; 41 Op. Att'y Gen. No. 91 (1986). The library trustees have a broad range of powers and duties. Mont. Code Ann. §§ 22-1-309, -310; 41 Op. Att'y Gen. No. 91 (1986); see also Municipal Employees Local 2390 v. City of Billings, 171 Mont. 20, 24, 555 P.2d 507, 509 (1976). The trustees are given exclusive control of the expenditures of the public library fund, the construction or lease of library buildings, and the operation and care of the library. Mont. Code Ann. § 22-1-309. The trustees also have the duty to appoint and set the compensation for the chief librarian and, with the recommendation of the chief librarian, "shall employ and discharge such other persons as may be necessary in the administration of the affairs of the library, fix and pay their salaries and compensation, and prescribe their duties." Mont. Code Ann. § 22-1-310. Furthermore, § 22-1-309(9) provides that the library trustees shall "exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library."

In addition, library trustees have exclusive control of a library's budget. 41 Op. Att'y Gen. No. 91 at 394-95; see also Mont. Code Ann. § 7-6-2348(1) (the proposed budget and the number of mills to be assessed by any appointed board, commission, or other government entity are subject to approval by the local governing body, except a board of trustees of a public library and an airport authority). Specifically, Mont. Code Ann. § 22-1-309(6) mandates that library trustees "prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds." The trustees must submit the budget to the county commissioners, § 22-1-309(6), and the county commissioners "may impose a property tax levy not to exceed five mills for the purpose of raising the funds required to maintain the library." 41 Op. Att'y Gen. No. 91 at 394, citing Mont. Code Ann. § 22-1-304(1). If the library is funded through the statutory special tax levy under § 22-1-304, the maximum five-mill levy amount may be exceeded only upon a majority vote of the qualified electors at the general election. See Mont. Code Ann. § 22-1-304(2)(a)-(d). When a county chooses to fund its library through the general fund levy a public vote is not necessary for the county to provide the library with funding in excess of five mills.

Previous Attorney General's Opinions have acknowledged the broad statutory powers and duties vested in a board of library trustees and the autonomy given to the trustees in governing the library. 42 Op. Att'y Gen. No. 98 (1988); 41 Op. Att'y Gen. No. 91 (1986). In 41 Op. Att'y Gen. No. 91, Attorney General Greely

considered whether a board of county commissioners could: (1) override a decision by library trustees to grant pay increases to library personnel; (2) modify the annual budget submitted by the library trustees even though it did not exceed the five-mill limit; and (3) refuse to levy any millage for the funding of the library. Attorney General Greely rejected the proposition that a board of county commissioners could override the decision of library trustees regarding pay increases. Relying on the broad statutory powers and duties given library trustees under § 22-1-310, Attorney General Greely concluded that the trustees' express authority to fix compensation for library employees prohibits a board of county commissioners from establishing a different wage level. 41 Op. Att'y Gen. No. 91 at 395.

Attorney General Greely also concluded that a board of county commissioners has no authority to modify the budget submitted by library trustees, explaining:

The trustees' power under section 22-1-309(6), MCA, to adopt an annual budget forecloses the board of county commissioners from effecting changes in such budget. The obvious purpose of the trustees' authority in library budget matters is to allow application of their informed judgment to fiscal issues. Such authority is, moreover, an integral aspect of the trustees' independence without which many of their other express powers would be rendered meaningless. The board of county commissioners' only role in library budget matters is to assign a property tax levy amount, which presently cannot exceed five mills, sufficient to satisfy the budgetary needs. The commissioners' function is thus purely ministerial with respect to the imposition of the levy.

Id. Finally, Attorney General Greely concluded that a board of county commissioners did not have the authority within the statutory five-mill limit to refuse to levy some or all of the property taxes necessary to satisfy the library budget prepared by the trustees. Id. at 395-96.

The broad powers and duties of library trustees were also discussed in 42 Op. Att'y Gen. No. 98 (1988), which held that a city commission did not have authority to overrule a decision by city library trustees not to sell or lease a parking lot held in the name of the city and purchased to serve the library's parking needs. Relying on 41 Op. Att'y Gen. No. 91, Attorney General Greely stated, "Insofar as the library trustees have been given explicit authority under the Library Systems Act, their determinations may not be subjected to plenary review and possible modification by the city commission." 42 Op. Att'y Gen. No. 98 at 381.

You have stated that the library is not financed through the five-mill levy under § 22-1-304(1), but rather through the county general fund which is funded by the mill levy under Mont. Code Ann. § 7-6-2501. Last year, the county commissioners provided the library with approximately nine mills for its budget. You believe that because the library is funded through the general fund rather than § 22-1-304, the final authority to decide the library's budget and possible pay increases for library staff no longer rests with the library trustees but with the county commissioners. I conclude otherwise.

Big Horn County's funding of the library through the general fund does not allow county commissioners to usurp the library trustees' statutory authority in setting the library's budget and compensation for the library staff. In enacting the statutes regarding free public libraries, the legislature clearly intended that library trustees be given independent power to manage and operate libraries without the threat of being censored by a city or county government. See Mont. Code Ann. §§ 22-1-309, -310; 41 Op. Atty Gen. No. 91 at 394-95. To hold that a board of county commissioners could usurp the library trustees' express statutory authority by simply funding the library's budget through the general fund would defeat the very purpose of free public libraries and render meaningless §§ 22-1-301 to -317. Accordingly, if the county commissioners fund the library's budget through the general fund, the power to decide the budget and library staff compensation still rests with the library trustees as set forth in Mont. Code Ann. §§ 22-1-309 and -310.

Although the county commissioners cannot modify specific parts of the budget adopted by library trustees if the library's budget is funded through the general fund, the commissioners may limit the overall funding of the budget to five mills as if it were being funded pursuant to tax levy under Mont. Code Ann. § 22-1-304. To find otherwise would allow library trustees to adopt a budget that could assume the entire general fund levy. Moreover, in enacting § 22-1-304, the legislature only intended, absent a vote pursuant to § 22-1-304(2), that a county governing body be responsible for funding a library at a five-mill levy amount. To disregard that five-mill limit simply because the library is funded through the general fund would ignore the clear intent of the legislature. Many counties, such as Big Horn County, currently fund their libraries at an amount greater than five mills, and this opinion should in no way be construed to prohibit or discourage that worthy practice.

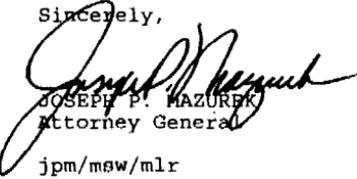
THEREFORE, IT IS MY OPINION:

1. A board of county commissioners does not have the authority to modify the annual library budget submitted by the library trustees even if the library is funded by a general fund levy, except that the board of county commissioners may limit the amount of

general fund tax revenue requested in the budget by the library trustees to that amount generated by a tax levy of five mills.

2. A board of county commissioners does not have the authority to modify the library trustees' decisions regarding library staff compensation even if the library is funded by a general fund levy.

Sincerely,



JOSEPH P. MAZUREK
Attorney General

jpm/msw/mlr

**NOTICE OF FUNCTIONS OF ADMINISTRATIVE RULE REVIEW COMMITTEE
Interim Committees and the Environmental Quality Council**

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Business and Labor Interim Committee:

- ▶ Department of Agriculture;
- ▶ Department of Commerce;
- ▶ Department of Labor and Industry;
- ▶ Department of Livestock;
- ▶ Department of Public Service Regulation; and
- ▶ Office of the State Auditor and Insurance Commissioner.

Education Interim Committee:

- ▶ State Board of Education;
- ▶ Board of Public Education;
- ▶ Board of Regents of Higher Education; and
- ▶ Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- ▶ Department of Public Health and Human Services.

Law, Justice, and Indian Affairs Interim Committee:

- ▶ Department of Corrections; and
- ▶ Department of Justice.

Revenue and Taxation Interim Committee:

- ▶ Department of Revenue; and
- ▶ Department of Transportation.

State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee:

- ▶ Department of Administration;
- ▶ Department of Military Affairs; and
- ▶ Office of the Secretary of State.

Environmental Quality Council:

- ▶ Department of Environmental Quality;
- ▶ Department of Fish, Wildlife, and Parks; and
- ▶ Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is PO Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE
MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|-------------------------------|--|
| Known Subject Matter | 1. Consult ARM topical index. 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 Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 1999. This table includes those rules adopted during the period April 1, 1999 through June 30, 1999 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 1999, 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 1998 and 1999 Montana Administrative Registers.

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BOARD APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the *Montana Administrative Register* a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in April 1999, appear. Vacancies scheduled to appear from June 1, 1999, through August 31, 1999, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 10, 1999.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Athletics (Commerce)			
Mr. John Kinna	Governor	not listed	4/25/1999
Fairfield			4/25/2002
Qualifications (if required): public member			
Board of County Printing (Commerce)			
Mr. Verle Rademacher	Governor	reappointed	4/7/1999
White Sulphur Springs			4/1/2001
Qualifications (if required): representative of the printing industry			
Ms. Nancy Clark	Governor	reappointed	4/7/1999
Ryegate			4/1/2001
Qualifications (if required): public member			
Mr. Curtis Starr	Governor	reappointed	4/7/1999
Malta			4/1/2001
Qualifications (if required): representative of the printing industry			
Ms. Marianne Roose	Governor	Aafedt	4/7/1999
Eureka			4/1/2001
Qualifications (if required): county commissioner			
Ms. Julie Jordan	Governor	Hart	4/7/1999
Miles City			4/1/2001
Qualifications (if required): county commissioner			
Board of Directors of the State Compensation Insurance Fund (State Compensation Insurance Fund)			
Mr. Tom Horn	Governor	reappointed	4/28/1999
Cohagen			4/28/2003
Qualifications (if required): private enterprise and a policy holder			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Directors of the State Compensation Insurance Fund (State Compensation Insurance Fund) cont.			
Ms. Lorretta Lynde	Governor	reappointed	4/28/1999 4/28/2003
Helena			
Qualifications (if required):	public member		
Board of Hail Insurance (Agriculture)			
Ms. Rebecca McCabe	Governor	reappointed	4/18/1999 4/18/2002
Ekalaka			
Qualifications (if required):	public member		
Board of Optometry (Commerce)			
Ms. Charliene Staffanson	Governor	reappointed	4/3/1999 4/3/2003
Deer Lodge			
Qualifications (if required):	public member		
Dr. Larry Obie	Governor	reappointed	4/3/1999 4/3/2003
Havre			
Qualifications (if required):	registered optometrist		
Board of Physical Therapy Examiners (Commerce)			
Ms. Linda Stordahl	Governor	Hatcher	4/28/1999 7/1/2001
Butte			
Qualifications (if required):	licensed physical therapist		
Board of Psychologists (Commerce)			
Dr. Paul Silverman	Governor	Murphey	4/19/1999 9/1/1999
Missoula			
Qualifications (if required):	licensed psychologist engaged in teaching of psychology		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capital Finance Advisory Council (Administration)	Governor	Gage	4/20/1999
Rep. Royal C Johnson			2/25/2000
Billings			
Qualifications (if required): legislator			
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services)	Governor	LaSalle	4/14/1999
Ms. June Powell			1/1/2001
Browning			
Qualifications (if required): Native American and has a family member with a developmental disability			
Governor's Council on Organ Donor Awareness (Public Health and Human Services)	Governor	not listed	4/14/1999
Mr. Dean Roberts			2/12/2000
Helena			
Qualifications (if required): representative of the Department of Justice			
MSU - Billings Executive Board (Education)	Governor	reappointed	4/19/1999
Mr. Jim Sites			4/15/2002
Billings			
Qualifications (if required): public member			
MSU - Northern Executive Board (Education)	Governor	reappointed	4/19/1999
Mr. David G Rice			4/15/2002
Havre			
Qualifications (if required): public member			
Montana Geographic Information Council (Administration)	Governor	Childress	4/30/1999
Mr. Chris Smith			9/9/1999
Helena			
Qualifications (if required): designee of a director of a state agency			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Geographic Information Council (Administration) cont.			
Ms. Pam Case	Governor	Solem	4/30/1999
Missoula			9/9/1999
Qualifications (if required):	federal representative		
Montana State University Executive Board (Education)			
Mr. Lee Oldenburger	Governor	Murphy	4/19/1999
Manhattan			4/15/2002
Qualifications (if required):	public member		
Montana Tech of the University of Montana Executive Board (Education)			
Mr. Dan Berube	Governor	Lord	4/19/1999
Anaconda			4/15/2002
Qualifications (if required):	public member		
Montana Workforce Investment Board (Labor and Industry)			
Ms. Donna Sevalstad	Governor	Morris	4/2/1999
Dillon			0/0/0
Qualifications (if required):	representing chief elected officials		
Mr. Bryan Flake	Governor	Keck	4/9/1999
Butte			0/0/0
Qualifications (if required):	representing business		
Public Employees' Retirement Board (Administration)			
Ms. Jean Thompson	Governor	reappointed	4/1/1999
Billings			4/1/2004
Qualifications (if required):	active member of a public retirement system		
Trauma Care Committee (Public Health and Human Services)			
Mr. Michael P. McGree	Governor	Shavelly	4/20/1999
Butte			11/2/2003
Qualifications (if required):	representing the Montana private ambulance operators		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Successes</u>	<u>Appointment/End Date</u>
Trauma Care Committee (Public Health and Human Services) cont.			
Dr. Douglas Kuntzweiler	Governor	Gardner	4/20/1999
Ciancy			11/2/2003
Qualifications (if required):	representing the American College of Emergency Physicians		
University of Montana Executive Board (Education)			
Colonel Sam A. Roberts	Governor	reappointed	4/19/1999
Missoula			4/15/2002
Qualifications (if required):	public member		
Western Montana College of the University of Montana Executive (Education)			
Ms. Maryellen Wilkerson	Governor	Flynn	4/19/1999
Dillon			4/15/2002
Qualifications (if required):	public member		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Aging Advisory Council (Public Health and Human Services) Ms. Vi Thomson, Missoula Qualifications (if required): public member	Governor	7/18/1999
Ms. Mary Alice Rehbein, Lambert Qualifications (if required): public member	Governor	7/18/1999
Ms. Pauline Nikolaisen, Kalispell Qualifications (if required): public member	Governor	7/18/1999
Ms. Dorothea C. Neath, Helena Qualifications (if required): public member	Governor	7/18/1999
Agriculture Development Council (Agriculture) Mr. Everett Snortland, Conrad Qualifications (if required): actively engaged in agriculture	Governor	7/1/1999
Mr. John Swanz, Judith Gap Qualifications (if required): actively engaged in agriculture	Governor	7/1/1999
Ms. Julie Burke, Glasgow Qualifications (if required): actively engaged in agriculture	Governor	7/1/1999
Alfalfa Leaf-Cutting Bee Advisory Committee (Agriculture) Mr. Tim Wetstein, Joliet Qualifications (if required): member of the Montana Alfalfa Seed Association	Governor	7/1/1999
Board of Banking (Commerce) Mr. Loren Tucker, Virginia City Qualifications (if required): public member	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Banking (Commerce) cont. Mr. Robert T. Baxter, Thompson Falls Qualifications (if required): state bank officer	Governor	7/1/1999
Board of Barbers (Commerce) Ms. Adeline Fisher, Butte Qualifications (if required): public member	Governor	7/1/1999
Ms. Monica Eisenzimer, Columbia Falls Qualifications (if required): licensed barber	Governor	7/1/1999
Board of Cosmetology (Commerce) Mr. John Reichelt, Billings Qualifications (if required): cosmetologist	Governor	7/1/1999
Board of Funeral Services (Commerce) Mr. David G. Fulkerson, Plentywood Qualifications (if required): licensed mortician	Governor	7/1/1999
Board of Hearing Aid Dispensers (Commerce) Mr. Ed VanTighem, Great Falls Qualifications (if required): public member	Governor	7/1/1999
Ms. Lee Micken, Bozeman Qualifications (if required): hearing aid dispenser	Governor	7/1/1999
Board of Nursing (Commerce) Ms. Nancy Heyer, Missoula Qualifications (if required): registered professional nurse	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Nursing (Commerce) cont. Ms. Terry Buhre, Lewistown Qualifications (if required): LPN	Governor	7/1/1999
Board of Pharmacy (Commerce) Ms. Shirley Baumgartner, Glasgow Qualifications (if required): licensed pharmacist	Governor	7/1/1999
Board of Physical Therapy Examiners (Commerce) Mr. Jeff Pallister, Great Falls Qualifications (if required): physical therapist	Governor	7/1/1999
Board of Private Security Patrol Officers and Investigators (Commerce) Mr. Gary Boyer, Great Falls Qualifications (if required): member of the Peace Officers' Standards and Training Advisory Council	Governor	8/1/1999
Ms. Mariann Calnan, Montana City Qualifications (if required): public member	Governor	8/1/1999
Board of Professional Engineers and Land Surveyors (Commerce) Dr. Fred Walter, Butte Qualifications (if required): professional engineer	Governor	7/10/1999
Mr. David E. Bowman, Ennis Qualifications (if required): professional land surveyor	Governor	7/1/1999
Mr. Warren P. Scarrah, Bozeman Qualifications (if required): engineering instructor	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Professional Engineers and Land Surveyors (Commerce) cont. Ms. Paulette Ferguson, Missoula Qualifications (if required): public member	Governor	7/1/1999
Board of Public Accountants (Commerce) Mr. Curtis Ammondson, Great Falls Qualifications (if required): certified public accountant	Governor	7/1/1999
Board of Radiologic Technologists (Commerce) Ms. Debbie Sanford, Lewistown Qualifications (if required): radiologist technologist	Governor	7/1/1999
Dr. Dennis S. Yutani, Glasgow Qualifications (if required): radiologist	Governor	7/1/1999
Ms. Cynthia L. Smith, Billings Qualifications (if required): radiologist technologist	Governor	7/1/1999
Mr. Alan Sevier, Glendive Qualifications (if required): public member	Governor	7/1/1999
Board of Regents of Higher Education (Education) Ms. Kimberly Cunningham, Billings Qualifications (if required): student representative	Governor	6/1/1999
Board of Sanitarians (Commerce) Mr. John Shea, Anaconda Qualifications (if required): public member	Governor	7/1/1999
Board of Science and Technology Development (Commerce) Mr. Dolph Harris, Sidney Qualifications (if required): representing the private sector	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Science and Technology Development (Commerce) cont. Mr. Loren Smith, Great Falls Qualifications (if required): representing the private sector and expertise in applied technology	Governor Governor	6/30/1999
Mr. Will Brooke, Bozeman Qualifications (if required): representing the private sector and an attorney	Governor	6/30/1999
Ms. Susan Riplett, Billings Qualifications (if required): representing private business and finance	Governor	6/30/1999
Mr. Doug Lair, Big Timber Qualifications (if required): representing the private sector	Governor	6/30/1999
Mr. Haven Holsapple, Hamilton Qualifications (if required): representing early stage financing of private businesses	Governor	6/30/1999
Mr. Monte Giese, Great Falls Qualifications (if required): representing early stage financing of private businesses	Governor	6/30/1999
Board of Veterinary Medicine (Commerce) Dr. Don Smith, Livingston Qualifications (if required): licensed veterinarian	Governor	7/31/1999
Building Codes Advisory Council (Commerce) Mr. Richard Grover, Missoula Qualifications (if required): board of plumbers	Director	6/1/1999
Mr. Robert Ross, Kalispell Qualifications (if required): home builder	Director	6/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Building Codes Advisory Council (Commerce) cont. Ms. Linda Cockhill, Helena Qualifications (if required): public member	Director	6/1/1999
Mr. Bruce Suenram, Helena Qualifications (if required): state fire marshal	Director	6/1/1999
Mr. Robert C. McKenna, Helena Qualifications (if required): engineer	Director	6/1/1999
Mr. Robert J. Karhu, Helena Qualifications (if required): architect	Director	6/1/1999
Mr. Evan Peacock, Helena Qualifications (if required): building contractor	Director	6/1/1999
Mr. Mike Skinner, Helena Qualifications (if required): mobile homes	Director	6/1/1999
Ms. Kim Palmieri, Billings Qualifications (if required): municipal building officials	Director	6/1/1999
Mr. Joe F. Wolfe, Helena Qualifications (if required): state electrical board	Director	6/1/1999
Burial Preservation Board (Indian Affairs) Mr. Clarence Wagner, Browning Qualifications (if required): representative of the Blackfeet Tribe	Governor	8/22/1999
Mr. Carl Fourstar, Poplar Qualifications (if required): representative of the Assiniboine Tribe	Governor	8/22/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Burial Preservation Board (Indian Affairs) cont. Mr. David Schwab, Polson Qualifications (if required): representative of the State Historic Preservation Office	Governor	8/22/1999
Ms. Juanita Stovall, Billings Qualifications (if required): representative of the public	Governor	8/22/1999
Mr. Francis Auld, Elmo Qualifications (if required): representative of the Salish Kootenai Tribe	Governor	8/22/1999
Dr. Randall Skelton, Missoula Qualifications (if required): physical anthropologist	Governor	8/22/1999
Ms. Jennie Parker, Ashland Qualifications (if required): representative of the Northern Cheyenne Tribe	Governor	8/22/1999
Committee on Telecommunications Services for the Handicapped (Public Health and Human Services) Mr. Edward VanTighem, Great Falls Qualifications (if required): deaf	Governor	7/1/1999
Ms. Cathy Brightwell, Helena Qualifications (if required): member from an interLATA interexchange carrier	Governor	7/1/1999
Ms. Flo Elien Hippe, Great Falls Qualifications (if required): handicapped	Governor	7/1/1999
Community Services Advisory Council (Governor) Mr. Charles McCarthy, Helena Qualifications (if required): representative of the Department of Public Health and Human Services	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community Services Advisory Council (Governor) cont. Ms. Sherry Stevens Wulf, Kalispell Qualifications (if required): representing a non-profit agency	Governor	7/1/1999
Ms. Norma Bixby, Lame Deer Qualifications (if required): representative of tribal government	Governor	7/1/1999
Electrical Board (Commerce) Mr. Ron VanDiest, Helena Qualifications (if required): licensed electrician	Governor	7/1/1999
Family Education Savings Oversight Committee (Education) Mr. Patrick P. Davison, Billings Qualifications (if required): presiding officer of the Board of Regents	Governor	7/1/1999
Family Education Savings Program Oversight Committee (Commissioner of Higher Education) Ms. Sarah Kelly, Helena Qualifications (if required): public member	Governor	7/1/1999
Flathead Basin Commission (Governor) Ms. Marilyn Wood, Kalispell Qualifications (if required): public member	Governor	6/30/1999
Mr. Paul Smiley, Columbia Falls Qualifications (if required): public member	Governor	6/30/1999
Mr. Gary Wicks, Polson Qualifications (if required): public member	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Gambling Study Commission</u> (Legislative Services) Ms. Phoebe Williams, Deer Lodge Qualifications (if required): business owner with no economic interest in the gambling industry	Governor	6/30/1999
Ms. Barbara Nemecek, Billings Qualifications (if required): doctorate in social science pertinent to socioeconomic analysis	Governor	6/30/1999
Professor Rodney Brod, Missoula Qualifications (if required): representative of Sociology Department of the University of Montana	Governor	6/30/1999
Professor Shannon Taylor, Bozeman Qualifications (if required): representative of the school of business at Montana State University	Governor	6/30/1999
Dr. Robert Caldwell, Helena Qualifications (if required): mental health professional	Governor	6/30/1999
<u>Game Farm Advisory Council</u> (Livestock and Fish, Wildlife and Parks) Dr. Anne Johnson, Malta Qualifications (if required): veterinarian	Governor	7/19/1999
Mr. Chris Marchion, Anaconda Qualifications (if required): representing sportspersons of Montana	Governor	7/19/1999
Mr. David Simpson, Hardin Qualifications (if required): representing the Department of Fish, Wildlife and Parks	Governor	7/19/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Game Farm Advisory Council</u> (Livestock and Fish, Wildlife and Parks) cont. Mr. Duane Braaten, Kalispell Qualifications (if required): representing the Board of Livestock	Governor	7/19/1999
Mr. Bill Nyby, Antelope Qualifications (if required): representing the game farm industry	Governor	7/19/1999
<u>Health Care Advisory Council</u> (Public Health and Human Services) Ms. Laurie Ekanger, Helena Qualifications (if required): representing the Executive Branch	Governor	6/30/1999
Ms. Kathleen Richardson, Havre Qualifications (if required): representing Region 2	Governor	6/30/1999
Mr. Max Agather, Kalispell Qualifications (if required): representing Region 5	Governor	6/30/1999
Dr. Lawrence R. Palazzo, Glasgow Qualifications (if required): representing Region 1	Governor	6/30/1999
Ms. Joan Taylor, Helena Qualifications (if required): representing Region 4	Governor	6/30/1999
Ms. Kristianne Wilson, Billings Qualifications (if required): representing Region 3	Governor	6/30/1999
<u>Information Technology Managers Council</u> (Administration) Mr. Tony Herbert, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Steve Colberg, Helena Qualifications (if required): none specified	Director	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Information Technology Managers Council (Administration) cont.		
Mr. Mike Billings, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Terry Johnson, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Barney Bankelman, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Hank Voderberg, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Robert LaRue, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Bob Meisner, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Gary Wulf, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Larry DeFrance, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Tripp Hammer, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Jim Frahm, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Patti Jacques, Helena Qualifications (if required): none specified	Director	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Information Technology Managers Council (Administration) cont. Ms. Dana Corson, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Art Pembroke, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. David Nagel, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Tori Hunthausen, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Hank Trenk, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Karen Hruska, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Kipp Riebe, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Kathy James, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Homer Young, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Carleen Layne, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Bob Auer, Helena Qualifications (if required): none specified	Director	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Information Technology Managers Council (Administration)		
Ms. Dulcy Hubbert, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Bob Morris, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Joel Oelfke, Helena Qualifications (if required): none specified	Director	7/1/1999
Ms. Judy Jones, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Gregg Wheeler, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Eivind Nilsen, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Michael Randall, Helena Qualifications (if required): none specified	Director	7/1/1999
Mr. Ken Stolz, Missoula Qualifications (if required): none specified	Director	7/1/1999
Interagency Coordinating Council/State Prevention Programs (Public Health and Human Services)		
Ms. Trudy Miller, Helena Qualifications (if required): representing prevention programs and services	Governor	7/1/1999
Ms. DeAnn Thomas, Kalispell Qualifications (if required): representing prevention programs and services	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Judicial Standards Commission (Justice) Ms. Patty JO Henthorn, Big Timber Qualifications (if required): public member	Governor	7/1/1999
Mental Disabilities Board of Visitors (Commerce) Mr. Robert W. Visscher, Livingston Qualifications (if required): professional person	Governor	8/1/1999
Mr. Wallace A. King, Helena Qualifications (if required): professional person	Governor	8/1/1999
Mr. John Sampsel, Miles City Qualifications (if required): consumer	Governor	8/1/1999
Ms. Jennifer Pryor, Boulder Qualifications (if required): representative of organization concerned with welfare of the mentally retarded	Governor	8/1/1999
Mr. Steve Cahill, Clancy Qualifications (if required): representative of organization concerned with welfare of mentally ill	Governor	8/1/1999
Microbusiness Advisory Council (Commerce) Mr. Richard C. King, Havre Qualifications (if required): experience in revolving loan fund	Governor	6/30/1999
Mr. Duane Kurokawa, Wolf Point Qualifications (if required): banker	Governor	6/30/1999
Mr. Stephen Mehring, Great Falls Qualifications (if required): experience in revolving loan fund	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Microbusiness Advisory Council (Commerce) cont. Mr. Jim Hollenback, Superior Qualifications (if required): microbusiness owner	Governor	6/30/1999
Mr. Mark Dahl, Butte Qualifications (if required): banker	Governor	6/30/1999
Ms. Billie Lee, Ronan Qualifications (if required): representing small cities	Governor	6/30/1999
Ms. Candace Eide, Glendive Qualifications (if required): representing low income groups	Governor	6/30/1999
Montana Consensus Council (Governor) Sen. Greg Jergeson, Chinook Qualifications (if required): public member	Governor	6/30/1999
Governor Marc Racicot, Helena Qualifications (if required): none specified	Governor	6/30/1999
Mr. Mike Zimmerman, Butte Qualifications (if required): none specified	Governor	6/30/1999
Ms. Janet Ellis, Helena Qualifications (if required): none specified	Governor	6/30/1999
Mr. Donald Snow, Missoula Qualifications (if required): none specified	Governor	6/30/1999
Ms. Monica Switzer, Richey Qualifications (if required): none specified	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Consensus Council (Governor) cont. Rep. Karl Ohs, Harrison Qualifications (if required): public member	Governor	6/30/1999
Ms. Elaine Forest, Helena Qualifications (if required): Native American	Governor	6/30/1999
Mr. Bruce Vincent, Libby Qualifications (if required): public member	Governor	6/30/1999
Mr. Robbie Garrett, Dillon Qualifications (if required): public member	Governor	6/30/1999
Ms. Anne Hedges, Helena Qualifications (if required): public member	Governor	6/30/1999
Montana Historical Society Board of Trustees (Historical Society) Ms. Susan McDaniel, Miles City Qualifications (if required): public member	Governor	7/1/1999
Mr. William MacKay, Roscoe Qualifications (if required): public member	Governor	7/1/1999
Mr. Ed Henrich, Anaconda Qualifications (if required): public member	Governor	7/1/1999
Ms. Lee Rostad, Martinsdale Qualifications (if required): public member	Governor	7/1/1999
Montana Library Services Advisory Council (State Library) Mr. Bill Cochran, Billings Qualifications (if required): representing the Montana Library Association	Governor	6/20/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Library Services Advisory Council (State Library) cont. Rep. Linda McCulloch, Missoula Qualifications (if required): representing the Montana Legislature	Governor	6/20/1999
Mr. Wes Plann, Terry Qualifications (if required): representing library users from Eastern Montana	Governor	6/20/1999
Ms. Gloria Wahl, Lewistown Qualifications (if required): representing library users from Central Montana	Governor	6/20/1999
Ms. Lois Fitzpatrick, Helena Qualifications (if required): representing academic libraries	Governor	6/20/1999
Ms. Peggy Bloom, Missoula Qualifications (if required): representing library users from Western Montana	Governor	6/20/1999
Ms. Dolores Drennen, Miles City Qualifications (if required): representing public libraries	Governor	6/20/1999
Ms. Lynn Donovan, Sidney Qualifications (if required): representing school libraries	Governor	6/20/1999
Mr. Duran DuBoise, Butte Qualifications (if required): representing persons unable to use traditional library services	Governor	6/20/1999
Montana Mint Committee (Agriculture) Mr. John Ficken, Kalispell Qualifications (if required): mint grower	Governor	7/1/1999
Montana Research and Development Task Force (Commerce) Mr. Edwin H. Jasmin, Bigfork Qualifications (if required): public member	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Research and Development Task Force Mr. Ken Thuerbach, Victor Qualifications (if required): public member	Governor (Commerce) cont.	6/30/1999
Rep. Ernest Bergsagel, Malta Qualifications (if required): public member	Governor	6/30/1999
Sen. Mignon Waterman, Helena Qualifications (if required): public member	Governor	6/30/1999
Mr. Richard A. Crofts, Helena Qualifications (if required): public member	Governor	6/30/1999
Mr. Ralph Hutcheson, Bozeman Qualifications (if required): public member	Governor	6/30/1999
Dr. Tom McCoy, Bozeman Qualifications (if required): public member	Governor	6/30/1999
Mr. Chuck Merja, Sun River Qualifications (if required): public member	Governor	6/30/1999
Dr. Lloyd Chestnut, Missoula Qualifications (if required): public member	Governor	6/30/1999
Mr. Rob Ryan, Hamilton Qualifications (if required): public member	Governor	6/30/1999
Mr. Chris Busch, Ronan Qualifications (if required): public member	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Special Education Advisory Panel (Office of Public Instruction) Mr. Wallace Melcher, Helena Qualifications (if required): business concerned with transition	Director	7/1/1999
Rep. Royal C. Johnson, Billings Qualifications (if required): legislator	Director	7/1/1999
Ms. Judith Oberst, Helena Qualifications (if required): parent of a child with disabilities	Director	7/1/1999
Ms. Mary Ann Akers, Helena Qualifications (if required): state agency	Director	7/1/1999
Ms. Mary Susan Fishbaugh, Billings Qualifications (if required): higher education	Director	7/1/1999
Ms. Kim Miller, Lewistown Qualifications (if required): regular classroom teacher	Director	7/1/1999
Ms. Crystal Dreese, Billings Qualifications (if required): individual with a disability	Director	7/1/1999
Mr. Ed Heiser, Eureka Qualifications (if required): general educator	Director	7/1/1999
Superintendent Maria Harrison, Shelby Qualifications (if required): county superintendent	Director	7/1/1999
Ms. Sondra Strong, Kalispell Qualifications (if required): special education program administrator	Director	7/1/1999
Ms. Laurie Pipinich, Great Falls Qualifications (if required): teacher of children with disabilities	Director	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Special Education Advisory Panel (Office of Public Instruction) cont. Ms. Vicki LaPond-Smith, Helena Qualifications (if required): parent of a child with disabilities	Director	7/1/1999
Ms. Julie Traver, Bozeman Qualifications (if required): parent of a child with disabilities	Director	7/1/1999
Ms. Judy Jonart, Butte Qualifications (if required): regular classroom teacher	Director	7/1/1999
Ms. Linda Adelson, Bozeman Qualifications (if required): private school representative	Director	7/1/1999
Ms. Carol Damm, Miles City Qualifications (if required): representative from juvenile and adult corrections	Director	7/1/1999
Motorcycle Safety Advisory Committee (Office of Public Instruction) Mr. Dal Smilie, Helena Qualifications (if required): representing motorcycle riding groups	Governor	7/1/1999
Mr. William Henne, Hamilton Qualifications (if required): peace officer	Governor	7/1/1999
Noxious Weed Advisory Council (Agriculture) Rep. Bob Gilbert, Sidney Qualifications (if required): Montana Weed Control Association	Director	6/30/1999
Rep. Robert Thoft, Stevensville Qualifications (if required): biological research and control	Director	6/30/1999
Mr. Jim Squires, Glendive Qualifications (if required): agriculture crop production	Director	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Advisory Council (Agriculture) cont. Ms. Linda Ellison, Bozeman Qualifications (if required): sportsman/wildlife group	Director	6/30/1999
Mr. Charles M. Jarecki, Polson Qualifications (if required): at-large member	Director	6/30/1999
Mr. W. Ralph Peck, Helena Qualifications (if required): director of the Department of Agriculture	Director	6/30/1999
Mr. Bob Ullom, Billings Qualifications (if required): herbicide dealer and applicator	Director	6/30/1999
Ms. Nancy Thuesen, Reserve Qualifications (if required): consumer group	Director	6/30/1999
Mr. Steve Roth, Big Sandy Qualifications (if required): livestock production	Director	6/30/1999
Noxious Weed Seed Free Forage Advisory Council (Agriculture) Mr. W. Ralph Peck, Helena Qualifications (if required): director of the Department of Agriculture	Director	7/24/1999
Mr. Harry Woll, Kallispeil Qualifications (if required): forage producer	Director	7/24/1999
Mr. LaMonte Schnur, Townsend Qualifications (if required): forage producer	Director	7/24/1999
Mr. Kerry Kovanda, Columbus Qualifications (if required): forage producer	Director	7/24/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Seed Free Forage Advisory Council (Agriculture) cont.		
Mr. Don Walker, Glendive	Director	7/24/1999
Qualifications (if required): forage producer		
Mr. Dennis Perry, Choteau	Director	7/24/1999
Qualifications (if required): feed pellets and cube products		
Ms. Marjorie Schuler, Carter	Director	7/24/1999
Qualifications (if required): livestock/agriculture		
Mr. Robert Carlson, Butte	Director	7/24/1999
Qualifications (if required): weed districts		
Mr. Bob McNeill, Dillon	Director	7/24/1999
Qualifications (if required): outfitters/guides		
Mr. Dennis Cash, Bozeman	Director	7/24/1999
Qualifications (if required): extension service/ex officio		
Mr. Ray Ditterline, Bozeman	Director	7/24/1999
Qualifications (if required): agricultural experiment station/ex officio		
Mr. Con Donvan, Sidney	Director	7/24/1999
Qualifications (if required): weed districts		
Petroleum Tank Release Compensation Board (Environmental Quality)		
Mr. Terry Phillips, Helena	Governor	6/30/1999
Qualifications (if required): representative of the State Fire Prevention and Investigation Program		
Postsecondary Education Policy and Budget Committee (Legislative Fiscal Analyst)		
Ms. Kris Copenhaver-Landon, Billings	Governor	6/30/1999
Qualifications (if required): student representative		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Postsecondary Education Policy and Budget Committee (Legislative Fiscal Analyst) cont. Mr. Erik Hanson, Helena Qualifications (if required): representative of the executive branch	Governor	6/30/1999
Private Land-Public Wildlife Advisory Council (Fish, Wildlife and Parks) Mr. Verle Rademacher, White Sulphur Springs Qualifications (if required): media representative	Governor	6/30/1999
Mr. Lonnie McCurdie, Conrad Qualifications (if required): sportsman	Governor	6/30/1999
Rep. Emily Swanson, Bozeman Qualifications (if required): legislator	Governor	6/30/1999
Ms. Darlyne Dascher, Fort Peck Qualifications (if required): landowner	Governor	6/30/1999
Ms. Jean Kelly, Kalispell Qualifications (if required): sportsperson	Governor	6/30/1999
Mr. Tony Carroccia, Big Timber Qualifications (if required): landowner	Governor	6/30/1999
Mr. Steve Roth, Big Sandy Qualifications (if required): landowner	Governor	6/30/1999
Mr. Dave Cole, Helena Qualifications (if required): hunter	Governor	6/30/1999
Sen. John Hertel, Moore Qualifications (if required): legislator	Governor	6/30/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Land-Public Wildlife Advisory Council (Fish, Wildlife and Parks) cont.		
Mr. Tom Hougren, Melstone	Governor	6/30/1999
Qualifications (if required): landowner		
Mr. Cecil Noble, Kalispell	Governor	6/30/1999
Qualifications (if required): outfitter		
Mr. Lee Gustafson, Billings	Governor	6/30/1999
Qualifications (if required): hunter		
Mr. Ray Marxer, Dillon	Governor	6/30/1999
Qualifications (if required): ranch manager		
Mr. John Wilkinson, Miles City	Governor	6/30/1999
Qualifications (if required): outfitter		
Reserved Water Rights Compact Commission (Natural Resources and Conservation)		
Mr. Gene Etchart, Glasgow	Governor	6/1/1999
Qualifications (if required): public member		
Mr. Jack Salmond, Choteau	Governor	6/1/1999
Qualifications (if required): public member		
Rep. Robert Thoft, Stevensville	Governor	6/1/1999
Qualifications (if required): public member		
Ms. Tara DePuy, Livingston	Governor	6/1/1999
Qualifications (if required): public member		
State Emergency Response Commission (Military Affairs)		
Dr. Drew Dawson, Helena	Governor	8/10/1999
Qualifications (if required): representing state medical response		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.	Governor	8/10/1999
Mr. Paul Spengler, Helena Qualifications (if required): representing a local emergency planning committee	Governor	8/10/1999
Ms. Linda Williams, Fort Benton Qualifications (if required): representing local medical response	Governor	8/10/1999
Mr. Pat Keim, Helena Qualifications (if required): representing Burlington Railroad	Governor	8/10/1999
Mr. Thomas Ellerhoff, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	8/10/1999
Mr. Bill Rhoads, Butte Qualifications (if required): representing a Montana utility company	Governor	8/10/1999
Sheriff Cliff Brophy, Columbus Qualifications (if required): representing local law enforcement	Governor	8/10/1999
Mr. Seldon Weedon, Great Falls Qualifications (if required): representing a state fire organization	Governor	8/10/1999
Mr. Jim Greene, Helena Qualifications (if required): representing Disaster and Emergency Services	Governor	8/10/1999
Mr. Pat Brannon, Helena Qualifications (if required): representing the Department of Transportation	Governor	8/10/1999
Mr. Gary Hindoien, Clancy Qualifications (if required): representing the Montana National Guard	Governor	8/10/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.		
Mr. Bill Gianoulias, Helena	Governor	8/10/1999
Qualifications (if required): representing the Department of Administration		
Mr. Lloyd Jackson, Pablo	Governor	8/10/1999
Qualifications (if required): representing Native Americans		
Mr. Tim Murphy, Missoula	Governor	8/10/1999
Qualifications (if required): representing the Department of Natural Resources and Conservation		
Mr. Andrew Malcolm, Helena	Governor	8/10/1999
Qualifications (if required): representing the Governor's Office		
Mr. Donald Skaar, Helena	Governor	8/10/1999
Qualifications (if required): Department of Fish, Wildlife and Parks representative		
Lt Randy Yaeger, Helena	Governor	8/10/1999
Qualifications (if required): representative of state law enforcement		
Mr. Larry Barton, Helena	Governor	8/10/1999
Qualifications (if required): representing motor carriers		
Mr. Terry Phillips, Helena	Governor	8/10/1999
Qualifications (if required): representative of the Department of Justice		
Captain David Martinson, Great Falls	Governor	8/10/1999
Qualifications (if required): representative of Malstrom Air Force Base		
Mr. Jim Hirose, Great Falls	Governor	8/10/1999
Qualifications (if required): representative of a local fire organization		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.	Governor	8/10/1999
Mr. Brent Erickson, Helena Qualifications (if required): railroad representative		
SummitNet Executive Council (Administration)	Governor	7/1/1999
Ms. Lois A. Menzies, Helena Qualifications (if required): director of the Department of Administration		
Mr. Bob Person, Helena Qualifications (if required): information technology advisory council representative	Governor	7/1/1999
Mr. William Salisbury, Helena Qualifications (if required): representative of a state agency	Governor	7/1/1999
Mr. Scott Buswell, Helena Qualifications (if required): representative of the Office of Public Instruction	Governor	7/1/1999
Ms. Janet Kelly, Miles City Qualifications (if required): local government representative	Governor	7/1/1999
Mr. Richard A. Crofts, Helena Qualifications (if required): Commissioner of Higher Education	Governor	7/1/1999
Ms. Mary Bryson, Helena Qualifications (if required): information technology advisory council representative	Governor	7/1/1999
Teachers' Retirement Board (Administration)	Governor	7/1/1999
Mr. Joseph Cross, Billings Qualifications (if required): teacher		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Telecommunications Access Services for Disabilities (Public Health and Human Services) Mr. Jack Sterling, Billings Qualifications (if required): representative of independent local exchange companies	Governor	7/1/1999
Tourism Advisory Council (Commerce) Mr. Larry McRae, Kalispell Qualifications (if required): public member representing Glacier Country	Governor	7/1/1999
Ms. Thelma M. Baker, Missoula Qualifications (if required): public member representing Glacier Country	Governor	7/1/1999
Mr. Carl Kochman, Great Falls Qualifications (if required): public member representing Russell Country	Governor	7/1/1999
Mr. Kelly Flynn, Townsend Qualifications (if required): public member representing Gold West Country and outfitters	Governor	7/1/1999
Vocational Rehabilitation Advisory Council (Public Health and Human Services) Mr. Ben Longie, Dillon Qualifications (if required): none specified	Director	8/25/1999
Wheat and Barley Committee (Agriculture) Mr. Lanny Christman, Dutton Qualifications (if required): Republican from District IV	Governor	8/20/1999
Mr. Leonard Schock, Vida Qualifications (if required): Republican from District VII	Governor	8/20/1999
Yellowstone River Task Force (Fish, Wildlife and Parks) Mr. Tom Lane, Livingston Qualifications (if required): rancher who lives along the river	Governor	7/1/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Yellowstone River Task Force (Fish, Wildlife and Parks) cont.		
Mr. John Bailey, Livingston	Governor	7/1/1999
Qualifications (if required): representative of local businesses		
Mr. Joel Marshik, Helena	Governor	7/1/1999
Qualifications (if required): representative of the Department of Transportation		
Mr. Bob Wiltshire, Livingston	Governor	7/1/1999
Qualifications (if required): representative of the angling community		
Mr. Mike Atwood, Livingston	Governor	7/1/1999
Qualifications (if required): representative of local businesses		
Ms. Michelle Goodwine, Livingston	Governor	7/1/1999
Qualifications (if required): representative of local businesses		
Mr. Jerry O'Hair, Livingston	Governor	7/1/1999
Qualifications (if required): rancher who lives along the river		
Mr. Roy Aserlind, Livingston	Governor	7/1/1999
Qualifications (if required): representative of property owners		
Mr. Rod Siring, Livingston	Governor	7/1/1999
Qualifications (if required): representative of property owners		
Mr. Brant Oswald, Livingston	Governor	7/1/1999
Qualifications (if required): representative of conservation groups		
Ms. Ellen Woodbury, Livingston	Governor	7/1/1999
Qualifications (if required): representative of Park County		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Yellowstone River Task Force Mr. Ken Kasteleit, Livingston Qualifications (if required): representative of the City of Livingston	Governor	7/1/1999
Mr. Doug McDonald, Helena Qualifications (if required): representative of the Corp of Engineers and an ex-officio member	Governor	7/1/1999
Mr. Laurence Siroky, Helena Qualifications (if required): representative of the Department of Natural Resources and Conservation	Governor	7/1/1999
Mr. Stuart Lehman, Helena Qualifications (if required): representative of the Department of Environmental Quality	Governor	7/1/1999
Mr. Joel Tohtz, Helena Qualifications (if required): representative of the Department of Fish, Wildlife and Parks	Governor	7/1/1999
Mr. Martin Davis, Livingston Qualifications (if required): representative of the Conservation District	Governor	7/1/1999
Youth Justice Advisory Council (Justice) Ms. Valarie Weber-Rasch, Billings Qualifications (if required): representative of a public agency concerned with detention services	Governor	6/10/1999
Ms. Donna Macdoux, Whitefish Qualifications (if required): representative of the education community	Governor	6/10/1999
Miss Rachaelle Williams, Billings Qualifications (if required): youth representative	Governor	6/10/1999

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont.		
Mr. Craig Anderson, Glendive	Governor	6/10/1999
Qualifications (if required): representing probation services		
Ms. Gail Gray, Helena	Governor	6/10/1999
Qualifications (if required): representing educational services		
Mr. Rick Day, Helena	Governor	6/10/1999
Qualifications (if required): representing correctional services		
Rep. Ernest Bergsagel, Malta	Governor	6/10/1999
Qualifications (if required): representing the Montana legislature		
Ms. Sally K. Stansberry, Missoula	Governor	6/10/1999
Qualifications (if required): represents private non-profit organization concerned with delinquency		
Judge Gary Acevedo, Pablo	Governor	6/10/1999
Qualifications (if required): representing the judiciary and Native American concerns		
Mr. Allen Horsfall, Jr., Hamilton	Governor	6/10/1999
Qualifications (if required): representing a public agency concerned with detention services		
Ms. Jani McCall, Billings	Governor	6/10/1999
Qualifications (if required): representing non-profit organizations concerned with mental health		
Judge Marc George Buyske, Shelby	Governor	6/10/1999
Qualifications (if required): representing the judiciary		
Captain Kevin Clader, Missoula	Governor	6/10/1999
Qualifications (if required): representing law enforcement		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 1999 through AUGUST 31, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont. Mr. Steven Nelsen, Bozeman Qualifications (if required): represents private non-profit organizations concerned with delinquency	Governor	6/10/1999
Ms. Ellin Nessel, Bozeman Qualifications (if required): representing non-profit organizations concerned with youth development	Governor	6/10/1999
Ms. Peggy Beltrone, Great Falls Qualifications (if required): representative of local government	Governor	6/10/1999
Mr. Chuck Hunter, Helena Qualifications (if required): representing a public agency concerned with delinquency prevention	Governor	6/10/1999
Ms. Tara Young, Laurel Qualifications (if required): youth representative	Governor	6/10/1999
Mr. Joseph Fekete, Essex Qualifications (if required): youth representative	Governor	6/10/1999