

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 15

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end 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 Secretary of State's Office, Administrative Rules Services, at (406) 444-9000.

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BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 8.94.3728 pertaining to the	)	PROPOSED AMENDMENT
administration of the 2021 Biennium)	
Federal Community Development)	
Block Grant (CDBG) Program –)	
Planning Grants)	

TO: All Concerned Persons

1. On August 27, 2020, at 10:00 a.m., the Department of Commerce will hold a public hearing by conference call, 1-877-273-4202, conference room 7865396, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., August 25, 2020, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov.

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

8.94.3728 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the ~~2019-2020~~ 2020 Community Development Block Grant Program Community Planning Grant Application Guidelines, Grant Administration, and Application ~~Application and Administrative Guidelines for Housing, Public Facilities and Economic Development Planning Grants~~ as rules for the administration of the ~~2019-2020~~ 2020 Community Development Block Grant (CDBG) Program.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of matching planning grants to cities, towns, counties, consolidated governments, county or multicounty water, wastewater or solid waste districts, and tribal governments.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, ~~Planning Bureau~~, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the ~~Planning Bureau~~ web site at <http://comdev.mt.gov/Programs/CDBG/PlanningActivities/Applying>.

AUTH: 90-1-103, MCA

IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule because the federal regulations governing the state's administration of the Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., September 4, 2020.

5. The Office of Legal Affairs, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Amy Barnes

Amy Barnes
Rule Reviewer

/s/ Tara Rice

Tara Rice
Director
Department of Commerce

Certified to the Secretary of State on July 28, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I through X, the amendment of	)	PROPOSED ADOPTION,
ARM 10.53.101 and 10.54.2501, and	)	AMENDMENT, AND REPEAL
the repeal of ARM Title 10, chapter)	
54, subchapters 75 and 76 pertaining)	
to technology integration content)	
standards)	

TO: All Concerned Persons

1. On September 2, 2020, at 10:45 a.m., the Board of Public Education will hold a public hearing via ZOOM online meeting platform to consider the proposed adoption, amendment, and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following ways:

(a) Join Zoom meeting, <https://mt-gov.zoom.us/j/93162327751?pwd=WFRSQzhLK044S2J1OVJLUThQUVFsUT09>
Meeting ID: 931 6232 7751
Password: 838190

OR

(b) Dial by Telephone, +1 646 558 8656 or +1 406 444 9999
Meeting ID: 931 6232 7751
Password: 838190

The hearing will begin with a brief introduction by board staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 26, 2020, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR K-12 (1) The content areas covered by the technology integration standards include skills for:

- (a) empowered learners;
- (b) digital citizens;
- (c) knowledge constructors;
- (d) innovative designers;
- (e) computational thinkers;
- (f) creative communicators;
- (g) global collaborators; and
- (h) reflective users.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE II CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR KINDERGARTEN (1) The empowered learner content standards for kindergarten are that each student will identify a variety of technologies that will help in learning.

(2) The digital citizen content standards for kindergarten are that each student will:

- (a) practice appropriate use of devices;
- (b) share information and respect the work of others; and
- (c) recognize the importance of keeping personal information private.

(3) The innovative designer content standards for kindergarten are that each student will use a design process with digital and non-digital tools.

(4) The computational thinker content standards for kindergarten are that each student will identify how technology is used to make a task easier.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE III CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR FIRST GRADE (1) The empowered learner content standards for first grade are that each student will identify a variety of technologies that will help in learning.

(2) The digital citizen content standards for first grade are that each student will:

- (a) practice responsible use of technology;
- (b) practice appropriate use of devices;
- (c) share information and respect the work of others; and
- (d) recognize the importance of keeping personal information private.

(3) The innovative designer content standards for first grade are that each student will:

- (a) use a design process to develop ideas or creations; and
- (b) use digital and non-digital tools to design a product.

(4) The computational thinker content standards for first grade are that each student will break down a problem into parts and identify ways to solve the problem.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE IV CONTENT STANDARDS FOR TECHNOLOGY

INTEGRATION FOR SECOND GRADE (1) The empowered learner content standards for second grade are that each student will identify a variety of technologies that will help in learning.

(2) The digital citizen content standards for second grade are that each student will:

- (a) practice responsible use of technology;
- (b) practice appropriate use of devices;
- (c) recognize ownership of information; and
- (d) explain the importance of keeping personal information private and how to be safe online.

(3) The knowledge constructor content standards for second grade are that each student will use a tool to organize information.

(4) The innovative designer content standards for second grade are that each student will:

- (a) use a design process to develop ideas or creations; and
- (b) use digital and non-digital tools to design a product.

(5) The computational thinker content standards for second grade are that each student will:

- (a) break down a problem into parts and identify ways to solve the problem; and
- (b) explain how technology can make a task easier.

(6) The creative communicator content standards for second grade are that each student will use tools to create something that communicates an idea to others.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE V CONTENT STANDARDS FOR TECHNOLOGY

INTEGRATION FOR THIRD GRADE (1) The empowered learner content standards third grade are that each student will:

- (a) use appropriate tools to set and support a personal learning goal; and
- (b) recognize how skills can be transferred between tools.

(2) The digital citizen content standards for third grade are that each student will:

- (a) practice responsible use of technology;
- (b) demonstrate appropriate use of devices;
- (c) practice how to be safe online;
- (d) identify ownership of information and acknowledge the work of others; and
- (e) recognize the importance of keeping personal information private.

- (3) The knowledge constructor content standards for third grade are that each student will:
- (a) identify digital tools and resources to find information on topics of interest;
 - (b) explore the accuracy, credibility, and relevance of sources; and
 - (c) use a variety of tools to organize information.
- (4) The innovative designer content standards for third grade are that each student will:
- (a) define questions, find solutions, test ideas to solve problems and share learning; and
 - (b) use digital and non-digital tools to design a product with a step-by-step design process.
- (5) The computational thinker content standards for third grade are that each student will:
- (a) define a problem and select appropriate technology tools to explore and find solutions;
 - (b) identify patterns and categories in a data set;
 - (c) break down problems into smaller parts, identify key information, and propose solutions; and
 - (d) evaluate how technology is used to make a task easier or repeatable.
- (6) The creative communicator content standards for third grade are that each student will:
- (a) use strategies for remixing or repurposing resources to create new works; and
 - (b) create digital objects to communicate ideas visually and graphically.
- (7) The global collaborator content standards for third grade are that each student will practice working with others using collaborative technologies.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE VI CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR FOURTH GRADE (1) The empowered learner content standards fourth grade are that each student will:

- (a) develop learning goals and choose the appropriate technology tools to achieve them; and
 - (b) explore technologies and transfer learned skills to different tools or learning environments.
- (2) The digital citizen content standards for fourth grade are that each student will:
- (a) recognize the role an online identity plays in the digital world and in real life;
 - (b) practice safe, legal and ethical behavior when using technology and interacting online;
 - (c) identify ownership of intellectual property and acknowledge the work of others; and
 - (d) identify what personal data is, the importance of keeping it private, and how it might be shared online.

(3) The knowledge constructor content standards for fourth grade are that each student will:

- (a) use research techniques to locate digital resources;
- (b) explore the accuracy, perspective, cultural sensitivity, credibility, and relevance of sources; and
- (c) use a variety of tools to organize information and make meaningful connections between resources.

(4) The innovative designer content standards for fourth grade are that each student will:

- (a) practice using digital and non-digital tools to plan and manage a design process; and
- (b) use design process to solve a problem.

(5) The computational thinker content standards for fourth grade are that each student will:

- (a) solve problems by selecting technology, analyzing data, and creating models; and
- (b) break down problems into smaller parts, identify key information, and propose solutions.

(6) The creative communicator content standards for fourth grade are that each student will:

- (a) identify the features and functions of a variety of creation or communication tools;
- (b) create original works by practicing strategies for remixing or repurposing; and
- (c) create digital objects to communicate ideas visually and graphically.

(7) The global collaborator content standards for fourth grade are that each student will use collaborative technologies to connect with people from different backgrounds or cultures, including peers, experts and community members, to explore different points of view on various topics.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE VII. CONTENT STANDARDS FOR TECHNOLOGY

INTEGRATION FOR FIFTH GRADE (1) The empowered learner content standards fifth grade are that each student will:

- (a) develop learning goals, select the technology tools to achieve them and reflect on and revise the learning process as needed to achieve goals; and
- (b) transfer learned skills to different tools or learning environments.

(2) The digital citizen content standards for fifth grade are that each student will:

- (a) demonstrate an understanding of the role an online identity plays in the digital world and the permanence of decisions when interacting online;
- (b) engage in safe, legal and ethical behavior when using technology and interacting online;
- (c) demonstrate respect for intellectual property when using and sharing the work of others; and

- (d) explain what personal data is, how to keep it private, and how it might be shared online.
- (3) The knowledge constructor content standards for fifth grade are that each student will:
 - (a) employ appropriate research techniques to locate digital resources;
 - (b) evaluate the accuracy, perspective, cultural sensitivity, credibility, and relevance of sources; and
 - (c) organize information and make meaningful connections between resources.
- (4) The innovative designer content standards for fifth grade are that each student will:
 - (a) use digital and non-digital tools to plan and manage a design process; and
 - (b) use design process to develop and test prototypes.
- (5) The computational thinker content standards for fifth grade are that each student will:
 - (a) explore or solve problems by selecting technology for data analysis, modeling and algorithmic thinking;
 - (b) break down problems into smaller parts, identify key information, and propose solutions; and
 - (c) identify basic concepts related to automation, patterns, and algorithmic thinking.
- (6) The creative communicator content standards for fifth grade are that each student will:
 - (a) identify and use the features of a variety of creation or communication tools;
 - (b) use a variety of strategies for remixing or repurposing to create new works; and
 - (c) create digital objects to communicate ideas visually and graphically.
- (7) The global collaborator content standards for fifth grade are that each student will:
 - (a) use appropriate digital tools to work with people from a variety different backgrounds or cultures; and
 - (b) perform a variety of roles within a team using age-appropriate technology to complete a project or solve a problem.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE VIII CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR SIXTH THROUGH EIGHTH GRADE (1) The empowered learner content standards sixth-eighth grade are that each student will:

- (a) define personal learning goals, select and manage appropriate technologies to achieve them and reflect on successes and areas of improvement in working toward those goals; and
- (b) navigate a variety of technologies and transfer personal knowledge and skills to learn how to use new technologies.

(2) The digital citizen content standards for sixth-eighth grade are that each student will:

(a) manage digital identities and demonstrate an understanding of how the digital footprint is permanent and can impact reputation;

(b) demonstrate positive, safe, legal and ethical habits when using technology and interacting with others online;

(c) demonstrate and model the appropriate use of intellectual property of print and digital media, including copyright, permission and fair use, by creating a variety of media products that include appropriate citation and attribution elements; and

(d) demonstrate how to keep personal data secure and understand how data-collection technologies work.

(3) The knowledge constructor content standards for sixth-eighth grade are that each student will:

(a) use research strategies effectively to locate appropriate digital resources in support of learning;

(b) evaluate the accuracy, perspective, cultural sensitivity, credibility, and relevance of resources;

(c) define and consider potential biases resources; and

(d) locate and collect resources from a variety of sources and organize into collections for a range of projects and purposes.

(4) The innovative designer content standards for sixth-eighth grade are that each student will:

(a) select and use digital tools to support design processes, identify constraints and trade-offs and weigh risks;

(b) engage in design process to develop, test and revise prototypes or create innovative products; and

(c) use the process of trial and error and understand problems or setbacks as potential opportunities for improvement.

(5) The computational thinker content standards for sixth-eighth grade are that each student will:

(a) investigate and practice solving problems by using data analysis, modeling or algorithmic thinking;

(b) organize data and use technology to display, analyze, solve problems and make decisions;

(c) break down problems into component parts, identify key pieces and use that information to problem solve; and

(d) demonstrate an understanding of how automation works and use algorithmic thinking to design and automate solutions.

(6) The creative communicator content standards for sixth-eighth grade are that each student will:

(a) select appropriate platforms and tools to create, share, and communicate work;

(b) create original works or responsibly remix and repurpose other digital resources into new creative works; and

(c) communicate complex ideas clearly using various digital tools to convey the concepts in a variety of accessible formats.

(7) The global collaborator content standards for sixth-eighth grade are that each student will:

- (a) identify and use collaborative technologies to connect with others; and
- (b) identify and select a role within a team to meet goals, based on knowledge of technology and content, as well as personal preference.

(8) The reflective user content standards for sixth-eighth grade are that each student will evaluate personal preferences for use of technology tools for different tasks or purposes.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE IX. CONTENT STANDARDS FOR TECHNOLOGY
INTEGRATION FOR NINTH THROUGH TWELFTH GRADE (1) The empowered learner content standards ninth-twelfth grade are that each student will:

- (a) set personal learning goals, develop strategies leveraging technology to achieve them and reflect on the learning process to improve learning outcomes;
- (b) build personal learning networks and customize learning environments in ways that support the learning process;
- (c) use technology to seek feedback that informs and improves practice and to demonstrate learning in a variety of ways; and
- (d) demonstrate the ability to choose, use, and troubleshoot current technologies, and transfer knowledge to explore emerging technologies.

(2) The digital citizen content standards for ninth-twelfth grade are that each student will:

- (a) cultivate and manage a positive digital identity and demonstrate an understanding of how the digital footprint is permanent and can impact reputation;
- (b) engage in positive, safe, legal and ethical behavior when using technology, including social interactions online or when using networked devices;
- (c) respect the rights and obligations of creating, using, and sharing intellectual property; and
- (d) manage personal data to maintain digital privacy and security.

(3) The knowledge constructor content standards for ninth-twelfth grade are that each student will:

- (a) use research strategies to locate information and resources for intellectual or creative pursuits;
- (b) evaluate the accuracy, perspective, cultural sensitivity, credibility, and relevance of information, media, data, or other resources;
- (c) evaluate potential biases in resources; and
- (d) curate information from digital resources using a variety of tools and methods to create collections of artifacts that are connected to a theme or support a thesis.

(4) The innovative designer content standards for ninth-twelfth grade are that each student will:

- (a) initiate a deliberate design process for generating ideas, testing theories, creating innovative artifacts, or solving authentic problems;

(b) select and use digital tools to plan and manage design process that considers design constraints and calculated risks; and

(c) develop, test, and refine prototypes as part of cyclical design process.

(5) The computational thinker content standards for ninth-twelfth grade are that each student will:

(a) identify problems suited for technology-assisted methods for data analysis, abstract models, and algorithmic thinking;

(b) collect data or identify relevant data sets, use digital tools to analyze them, and represent data in various ways to facilitate problem-solving and decision-making;

(c) break down problems into component parts, extract key information and develop descriptive models to understand complex systems or facilitate problem-solving; and

(d) explain how automation works and use algorithmic thinking to develop a sequence of steps to create and test automate solutions.

(6) The creative communicator content standards for ninth-twelfth grade are that each student will:

(a) choose the appropriate platforms and tools for meeting the desired objections of the creation or communicate;

(b) create original works or responsibly repurpose or remix digital resources into new creative works;

(c) communicate complex ideas clearly and effectively by creating or using a variety of digital objects such as visualizations, models or simulations; and

(d) publish, present, and defend content that customizes the message and medium for the intended audiences.

(7) The global collaborator content standards for ninth-twelfth grade are that each student will:

(a) identify and use digital tools to connect with learners from a variety of backgrounds and cultures, engaging with them in ways that broaden mutual understanding and learning others;

(b) identify and use collaborative technologies to work with others to examine global and local issues, problems and solutions from multiple viewpoints; and

(c) contribute constructively to project teams, assuming various roles and responsibilities to work effectively toward a common goal.

(8) The reflective user content standards for ninth-twelfth grade are that each student will:

(a) evaluate historical, cultural, and social impacts of technology innovations on individuals and groups, including urban, rural and reservations communities; and

(b) reflect on and explain how technological innovations influence selection of tools and resources appropriate to a task.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

NEW RULE X TECHNOLOGY INTEGRATION PROGRAM DELIVERY STANDARDS (1) In general, a basic program in technology integration education shall:

- (a) meet the following conditions:
 - (i) development of skills that lead to lifelong pursuits;
 - (ii) provide opportunities for authentic application, work experience, and/or articulation with postsecondary education;
 - (iii) integrate and transfer technology skills across grade levels, content areas, and programs; and
 - (iv) provide access to emerging technology across grade levels, content areas, and programs;
- (b) include the following practices:
 - (i) progression of skills and knowledge from basic to advanced;
 - (ii) integration of technology competencies with academic knowledge in a contextual setting; and
 - (iii) incorporate a range of instructional strategies, including personalized learning.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

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

10.53.101 EXPLANATION OF THE CONTENT STANDARDS (1) The content standards shall be used by school districts to develop local curriculum and assessment in all the content areas including:

- (a) English language proficiency;
- (b) English language arts and literacy;
- (c) mathematics;
- (d) arts;
- (e) health and physical education; ~~and~~
- (f) science;
- (g) career and technical education;
- (h) computer science;
- (i) library media and information literacy;
- (j) social studies; and
- (k) technology integration.

(2) The K-12 content standards describe what students shall know, understand, and be able to do in these content standards. These K-12 standards define end-of-year expectations and a cumulative progression designed to enable students to meet college and career readiness expectations no later than the end of high school.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

10.54.2501 EXPLANATION OF THE CONTENT AND PERFORMANCE STANDARDS (1) The content and performance standards shall be used by school districts to develop local curriculum and assessment in content areas including:

library media; social studies; technology; world languages; workplace competencies; and career and vocational/technical education. The K-12 content standards describe what students shall know, understand, and be able to do in these content areas. Benchmarks define the expectations for students' knowledge, skills, and abilities along a developmental continuum in each content area. Progress toward meeting these standards is measured at three points along that continuum: the end of grade 4, the end of grade 8, and upon graduation. Performance standards define the quality of student performance and describe the performance to be demonstrated. Performance level descriptions provide a picture or profile of student achievement at the four performance levels: advanced, proficient, nearing proficiency, and novice.

AUTH: Mont. Const. Art. X. sec. 9, 20-2-114, MCA

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

5. The department proposes to repeal the following rules:

10.54.7510 TECHNOLOGY CONTENT STANDARD 1, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7511 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1
FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7512 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1
FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7513 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 1
UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7520 TECHNOLOGY CONTENT STANDARD 2, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7521 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2
FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7522 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2
FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7523 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 2
UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7530 TECHNOLOGY CONTENT STANDARD 3, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7531 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3
FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7532 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7533 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 3 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7540 TECHNOLOGY CONTENT STANDARD 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7541 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7542 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7543 BENCHMARK FOR TECHNOLOGY CONTENT STANDARD 4 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7601 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7602 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7603 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7604 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7605 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7606 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7607 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7608 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7609 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7610 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7611 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7612 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7613 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7614 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7615 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7616 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7617 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: [20-2-114](#); IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7618 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7619 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7620 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7621 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7622 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7623 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7624 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7625 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7626 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7627 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7628 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7629 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7630 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7631 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7632 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7633 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7634 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7635 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7636 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7637 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7638 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7639 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7640 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7641 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7642 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.43 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7644 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7645 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7646 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7647 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.7648 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

6. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to adopt, amend, and repeal rules relating to technology integration content standards pursuant to ARM 10.54.2503 Standards Review Schedule and 10.53.104 Standards Review Schedule. The board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 Legislative Session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes its standards represent the minimum standards. These standards are the basis upon which a quality system of education is built and maintained. The board strives to conform to a regular review cycle for every chapter of accreditation. The standards review process shall use context information, criteria, processes, and procedures identified by the Office of Public Instruction with input from representatives of accredited schools and in accordance with the requirements of 20-7-101, MCA.

Using a negotiated rulemaking process involving stakeholder groups, Superintendent of Public Instruction Elsie Arntzen has developed recommendations for the revision of the Montana Career and Technical Education Standards. The current standards were adopted in 2008. In order to benefit students, it is important to implement standards that are based on current knowledge and understanding of best practices in technology integration education.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

7. Economic impact statement summary: The Office of Public Instruction (OPI) surveyed school districts in winter and spring of 2020 about the impacts of the proposed standards on district resources for staffing, instructional materials, curriculum development, and professional development. There were only five responses. Sixty percent of respondents indicated that their district could implement the proposed technology integration standards using existing resources. The majority of the respondents in this group indicated that they need additional instructional materials (including technology) and personnel.

The OPI has identified \$1,305 to support the implementation of the proposed technology integration standards. This funding will provide online professional development opportunities. The OPI will also develop a model curriculum guide to assist school districts with curriculum development.

Based on the analysis of the survey results and the advice of the negotiated rulemaking committee, the OPI has concluded that the school district expenditures required under the proposed standards are insubstantial expenditures that can be readily absorbed into the budgets of existing district programs.

8. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., September 9, 2020.

9. Pete Donovan, Board of Public Education, has been designated to preside over and conduct this hearing.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 8 above or may be made by completing a request form at any rules hearing held by the department.

11. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/arm/register>.

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

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

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Board Chair
Board of Public Education

Certified to the Secretary of State July 28, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF PUBLIC HEARING ON
RULES I through IX and the repeal of	)	PROPOSED ADOPTION AND
ARM 10.54.8010 through 10.54.8013,	)	REPEAL
10.54.8020 through 10.54.8023,)	
10.54.8030 through 10.54.8033,)	
10.54.8040 through 10.54.8043,)	
10.54.8050 through 10.54.8053,)	
10.54.8087 through 10.54.8098,)	
10.54.9510 through 10.54.9513,)	
10.54.9520 through 10.54.9523,)	
10.54.9530 through 10.54.9533,)	
10.54.9540 through 10.54.9543,)	
10.54.9550 through 10.54.9553,)	
10.54.9560 through 10.54.9563, and)	
10.54.9587 through 10.54.9598,)	
pertaining to K-12 Career and)	
Technical Education content)	
standards)	

TO: All Concerned Persons

1. On September 2, 2020, at 10:00 a.m., the Board of Public Education will hold a public hearing via ZOOM online meeting platform to consider the proposed adoption and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following ways:

(a) Join Zoom meeting, <https://mt-gov.zoom.us/j/93162327751?pwd=WFRSQzhLK044S2J1OVJLUThQUVFsUT09>
Meeting ID: 931 6232 7751
Password: 838190

OR

(b) Dial by Telephone, +1 646 558 8656 or +1 406 444 9999
Meeting ID: 931 6232 7751
Password: 838190

The hearing will begin with a brief introduction by board staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 26, 2020, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA CONTENT STANDARDS FOR CAREER AND TECHNICAL EDUCATION (1) The content areas covered by the career and technical education standards may include:

- (a) act as a responsible and contributing citizen and employee;
 - (b) apply appropriate academic and technical skills;
 - (c) attend to personal health and financial well-being;
 - (d) communicate clearly, effectively, and with reason;
 - (e) consider the environmental, social and economic impacts of decisions;
 - (f) demonstrate creativity and innovation;
 - (g) employ valid and reliable research strategies;
 - (h) utilize critical thinking to make sense of problems and persevere in solving them;
 - (i) model integrity, ethical leadership, and effective management;
 - (j) plan education and career path aligned to personal goals;
 - (k) use technology to enhance productivity; and
 - (l) work productively in teams while using cultural/global competence.
- (2) Students will learn career and technical education content across programs of study, also known as Career Pathways, and integrated with academic content.

(3) Programs of study may include:

- (a) agriculture, food, and natural resources;
- (b) architecture and construction;
- (c) arts, audio-visual technology, and communications;
- (d) business management and administration;
- (e) education and training;
- (f) finance;
- (g) government and public administration;
- (h) health sciences;
- (i) hospitality and tourism;
- (j) human services;
- (k) information technology;
- (l) law, public safety, corrections and security;
- (m) manufacturing;
- (n) marketing;
- (o) STEM (science, technology, engineering, math); and
- (p) transportation, distribution and logistics.

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

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

NEW RULE II CAREER AND TECHNICAL EDUCATION STANDARDS FOR KINDERGARTEN (1) The career and technical education standards for

kindergarten are that each student will:

- (a) act as a responsible and contributing citizen and employee by exploring roles of employees, citizens, and community members;
- (b) demonstrate creativity and innovation by exploring more than one way to solve a problem;
- (c) utilize critical thinking to make sense of problems and persevere in solving them:
 - (i) look for and make use of patterns; and
 - (ii) try several methods to solve a problem;
- (d) plan education and career path aligned to personal goals by identifying various careers.

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

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

NEW RULE III CAREER AND TECHNICAL EDUCATION STANDARDS FOR FIRST GRADE (1) The career and technical education standards for first grade are that each student will:

- (a) act as a responsible and contributing citizen and employee by identifying the characteristics of citizenship across jobs and communities;
- (b) communicate clearly, effectively, and with reason by recognizing effective communication and active listening skills to foster positive relationships;
- (c) demonstrate creativity and innovation by identifying an alternate solution to a problem;
- (d) utilize critical thinking to make sense of problems and persevere in solving them:
 - (i) look for and make use of patterns; and
 - (ii) try several methods to solve a problem;
- (e) plan education and career path aligned to personal goals:
 - (i) identify and describe various careers; and
 - (ii) work successfully in small and large groups to accomplish tasks within a time frame;
- (f) use technology to enhance productivity by exploring how technology is used in different jobs and careers; and
- (g) work productively in teams while using cultural/global competence by exploring an awareness of cultural differences to develop a sense of inclusion.

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

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

NEW RULE IV CAREER AND TECHNICAL EDUCATION STANDARDS FOR SECOND GRADE

(1) The career and technical education standards for second grade are that each student will:

- (a) act as a responsible and contributing citizen and employee by recognizing the rights and responsibilities of citizenship;
- (b) communicate clearly, effectively, and with reason by practicing compromise and conflict resolution with support;
- (c) consider the environmental, social and economic impacts of decisions:
 - (i) compare and contrast safety procedures for different environments and tasks; and
 - (ii) identify and explain the reasons for personal protective equipment for personal use;
- (d) demonstrate creativity and innovation by discussing ways people work together to solve problems;
- (e) utilize critical thinking to make sense of problems and persevere in solving them:
 - (i) outline and explain the steps to complete a task; and
 - (ii) try several methods to solve a problem;
- (f) model integrity, ethical leadership, and effective management by describing the role of a leader;
- (g) plan education and career path aligned to personal goals by identifying and describe basic work skills that contribute to the success of a team;
- (h) use technology to enhance productivity by investigating how technology in school and at work enhances learning and connections with others; and
- (i) work productively in teams while using cultural/global competence by working cooperatively to examine issues from multiple viewpoints.

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

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

NEW RULE V CAREER AND TECHNICAL EDUCATION STANDARDS FOR THIRD GRADE

(1) The career and technical education standards for third grade are that each student will:

- (a) act as a responsible and contributing citizen and employee by identifying characteristics of being a productive employee;
- (b) attend to personal health and financial well-being by describing how consumer actions influence the use of resources;
- (c) communicate clearly, effectively, and with reason by applying active listening, compromise, and conflict resolution skills;
- (d) consider the environmental, social and economic impacts of decisions:
 - (i) adapt to different environments by adjusting behavior to promote personal and group safety; and
 - (ii) identify and explain the reasons for personal protective equipment for personal and classroom use;
- (e) demonstrate creativity and innovation by exploring the design cycle;
- (f) employ valid and reliable research strategies by representing data in multiple formats;

(g) utilize critical thinking to make sense of problems and persevere in solving them:

(i) compare and explain similarities and differences of patterns and operations;

(ii) plan and execute activities to develop a solution or complete a project; and

(iii) test and refine methods to solve a problem;

(h) model integrity, ethical leadership, and effective management:

(i) explain how actions and attitudes impact others; and

(ii) define and give examples of leadership roles;

(i) plan education and career path aligned to personal goals:

(i) explore career options that align with a variety of personal interests; and

(ii) explore how work relates to meeting needs for goods, clothing, shelter, and other necessities for living;

(j) use technology to enhance productivity by explaining how technology is used in homes, schools, and jobs; and

(k) work productively in teams while using cultural/global competence by recognizing and understanding barriers to productive communication.

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

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

NEW RULE VI CAREER AND TECHNICAL EDUCATION STANDARDS FOR FOURTH GRADE (1) The career and technical education standards for fourth grade are that each student will:

(a) act as a responsible and contributing citizen and employee by exploring consequences of actions in communities and workplace;

(b) attend to personal health and financial well-being by investigating advertising and media that influence behavior;

(c) communicate clearly, effectively, and with reason by practicing compromise, consensus, and conflict resolution;

(d) consider the environmental, social and economic impacts of decisions:

(i) adapt to different environments by adjusting behavior to promote personal and group safety;

(ii) predict potential outcomes of various decisions in a complex environment; and

(iii) identify and explain the consequences of both proper and improper personal protective equipment use;

(e) demonstrate creativity and innovation by exploring innovations and inventions and their originators;

(f) employ valid and reliable research strategies by mapping data for a culture, community, or state;

(g) utilize critical thinking to make sense of problems and persevere in solving them:

(i) identify models that organize and analyze patterns of information; and

(ii) test and refine methods to solve a problem;

- (h) model integrity, ethical leadership, and effective management by contributing constructively to teams assuming various roles and responsibilities to work effectively toward a common goal;
- (i) plan education and career path aligned to personal goals;
- (i) describe how work relates to meeting needs for goods, clothing, shelter, and other necessities for living; and
- (ii) prepare personal communications based upon the intended audience;
- (j) use technology to enhance productivity by selecting appropriate tools to create and communicate
- (k) work productively in teams while using cultural/global competence:
- (i) engage with learners from diverse cultures through use of available technology; and
- (ii) explain how personal and cultural histories can influence team approaches to completing tasks and projects.

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

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

NEW RULE VII CAREER AND TECHNICAL EDUCATION STANDARDS FOR FIFTH GRADE (1) The career and technical education standards for fifth grade are that each student will:

- (a) act as a responsible and contributing citizen and employee:
 - (i) identify activities and behaviors that build and strengthen community; and
 - (ii) define employability skills;
- (b) apply appropriate academic and technical skills:
 - (i) read and comprehend a variety of resources to explain procedures, ideas, or concepts in Career Pathways;
 - (ii) construct charts, tables, and graphs using mathematical data; and
 - (iii) apply scientific methods including data gathering, direct and indirect observation, and prediction to solve workplace problems;
- (c) attend to personal health and financial well-being by modeling the interrelationships between mental, emotional, social, cultural, intellectual, and physical health;
- (d) communicate clearly, effectively, and with reason:
 - (i) apply safety, responsibility, and ethical use of information to communicate knowledge of Career Pathways; and
 - (ii) demonstrate employability skills to interact with team members to accomplish group goals;
- (e) consider the environmental, social and economic impacts of decisions by evaluating the effectiveness of safety procedures for different environments and tasks;
- (f) demonstrate creativity and innovation by communicating complex ideas in creative ways;
- (g) employ valid and reliable research strategies by identifying valid data from multiple sources for a variety of career-related research projects;
- (h) utilize critical thinking to make sense of problems and persevere in solving them:

- (i) interpret data to observe and explain trends;
- (ii) compare and contrast multiple approaches to solving a problem or completing a project; and
- (iii) test and refine methods to solve a problem;
- (i) model integrity, ethical leadership, and effective management by leading a group activity;
- (j) plan education and career path aligned to personal goals:
- (i) explore education expectations for different career options; and
- (ii) performs basic tasks for personal and workplace communication;
- (k) use technology to enhance productivity by demonstrating how to work cooperatively and collaboratively with peers when using technology tools; and
- (l) work productively in teams while using cultural/global competence by collaborate across cultures when setting teamwork roles and goals.

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

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

NEW RULE VIII CAREER AND TECHNICAL EDUCATION STANDARDS FOR SIXTH THROUGH EIGHTH GRADE (1) The career and technical education standards for sixth through eighth grades are that each student will:

- (a) act as a responsible and contributing citizen and employee:
 - (i) defend choices related to positive, safe, legal, and ethical behavior; and
 - (ii) practice employability skills;
 - (b) apply appropriate academic and technical skills:
 - (i) develop a product using oral, illustrative, or multimedia communications;
 - (ii) compose well-organized written documents for the workplace;
 - (iii) communicate mathematical data using charts, tables, and graphs; and
 - (iv) integrate and translate scientific methods to technical data using oral, written, and multimedia communications;
 - (c) attend to personal health and financial well-being:
 - (i) investigate the connection between work and financial well-being;
 - (ii) identify how peers positively or negatively influence personal well-being;
- and
- (iii) develop a personal budget and savings plan;
 - (d) communicate clearly, effectively, and with reason:
 - (i) apply employability skills to productively interact with all team members to accomplish group goals; and
 - (ii) integrate a variety of multimedia applications to effectively organize and present information.
 - (e) consider the environmental, social and economic impacts of decisions:
 - (i) evaluate peer behaviors and exhibit personal responsibility to promote personal and group safety in all environments; and
 - (ii) identify personal protective equipment for workplace, classroom, and personal use, determining when and where it should be utilized;
 - (f) demonstrate creativity and innovation by developing or modifying an existing innovation to improve the workplace;
 - (g) employ valid and reliable research strategies:

- (i) evaluate the accuracy, credibility, perspective, and relevance of information, media, data, and other resources;
- (ii) curate information from multiple sources to make meaningful connections and draw conclusions; and
- (iii) apply fair use and copyright laws;
- (h) utilize critical thinking to make sense of problems and persevere in solving them:
 - (i) analyze trends to draw conclusions and explore solutions to problems;
 - (ii) analyze and explain how individual behaviors influence processes and environments; and
 - (iii) evaluate resources in testing and refining solutions to problems before asking for assistance;
- (i) model integrity, ethical leadership, and effective management:
 - (i) examine the importance of professional ethics, cultural, and legal responsibilities of the workplace;
 - (ii) evaluate alternative responses to workplace situations; and
 - (iii) describe the diversity of workplace environments;
- (j) plan education and career path aligned to personal goals:
 - (i) develop programs of study for various Career Pathways, examining outlook, salary, education, job duties, and lifestyle; and
 - (ii) identify job opportunities, and organize and synthesize information about career skills and requirements for applications.
- (k) use technology to enhance productivity:
 - (i) explain how scientific and technological changes impact specific careers; and
 - (ii) describe the role of technology within a community in maintaining safe and healthy environments;
- (l) work productively in teams while using cultural/global competence:
 - (i) evaluate local and global challenges; and
 - (ii) evaluate diversity and inclusion language in documents and policies.

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

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

NEW RULE IX CAREER AND TECHNICAL EDUCATION STANDARDS FOR NINTH THROUGH TWELFTH GRADE (1) The career and technical education standards for ninth through twelfth grades are that each student will:

- (a) act as a responsible and contributing citizen and employee:
 - (i) engage in positive, safe, legal, and ethical behavior; and
 - (ii) model industry-identified, career-ready skills;
- (b) apply appropriate academic and technical skills:
 - (i) compose clear and coherent documents and presentations appropriate to task, purpose, and audience;
 - (ii) demonstrate knowledge of mathematical operations needed to succeed in a selected Career Pathway;
 - (iii) apply appropriate scientific methods in qualitative and quantitative analysis in a selected Career Pathway;

- (c) attend to personal health and financial well-being:
 - (i) evaluate validity of health and financial information, products, and services;
 - (ii) analyze financial practices including budgeting, banking, savings, investments;
 - (iii) explain significance in achieving personal and business short and long term goals; and
 - (iv) develop financial goals based on lifestyle expectations, education plans, and career choices;
- (d) communicate clearly, effectively, and with reason:
 - (i) model integrity, ethical leadership, and effective employability skills in all communication;
 - (ii) evaluate and use information systems to prepare technical documents for the workplace;
 - (iii) model appropriate strategies for communicating persuasively in professional settings to effectively interact with individuals from various cultural, ethnic, and language backgrounds; and
 - (iv) employ awareness of world cultures and languages in work-based learning opportunities;
- (e) consider the environmental, social, and economic impacts of decisions:
 - (i) design and construct safe working environments according to government and industry standards;
 - (ii) create plans and policies that reflect deep understanding of individual histories and societal complexities in a work environment; and
 - (iii) integrate personal protective equipment use regularly in necessary environments;
- (f) demonstrate creativity and innovation:
 - (i) design and implement an innovation; and
 - (ii) evaluate peer innovations and provide feedback;
- (g) employ valid and reliable research strategies:
 - (i) use evidence from multiple sources to defend a position;
 - (ii) determine various research methodologies based on a defined problem/purpose; and
 - (iii) identify research protocols required to ensure legality, validity, and reliability;
- (h) utilize critical thinking to make sense of problems and persevere in solving them:
 - (i) devise forecasts or solutions to problems that reflect analysis of trends;
 - (ii) utilize understanding of resources and culture to devise collaborative solutions to problems; and
 - (iii) utilize multiple resources to test and refine solutions to a problem;
- (i) model integrity, ethical leadership, and effective management:
 - (i) apply laws, regulations, and policies to personnel situations that help employees perform their jobs according to employer rules and expectations;
 - (ii) apply insight to positively influence others' actions, attitudes, and beliefs based on the needs of the workplace; and

- (iii) create and modify procedures to most effectively function within laws, regulations, and policies;
- (j) plan education and career path aligned to personal goals:
- (i) execute a program of study following a Career Pathway, evaluating the opportunities for personal and professional lifelong learning;
- (ii) explore the benefits of having a personal or career mentor;
- (iii) construct and complete resumes, applications, and other necessary work-related documents;
- (iv) evaluate job descriptions that align to a selected Career Pathway and the necessary skill set; and
- (v) prepare and practice for, and demonstrate skills needed for job interviews in a selected Career Pathway;
- (k) use technology to enhance productivity:
- (i) describe how job market changes have resulted from scientific advancements and the increased use of technology in the global economy;
- (ii) evaluate the purpose of technology tools and multimedia to analyze their impact on productivity in homes, schools, and workplaces;
- (iii) safely and ethically use current industry-standard and emerging technologies; and
- (iv) model appropriate communication and technological skills to seek, obtain, and change jobs/careers; and
- (l) work productively in teams while using cultural/global competence by collaborating to address geographic, economic, cultural, or political issues considering multiple perspective.

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

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

4. The department proposes to repeal the following rules:

10.54.8010 CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8011 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 1 FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8012 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 1 FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8013 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 1 FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8020 CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8021 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 2 FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8022 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 2 FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8023 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 2 FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8030 CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8031 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 3 FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8032 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 3 FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8033 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 3 FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8040 CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8041 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 4 FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8042 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 4 FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8043 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 4 FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8050 CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 5, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8051 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 5 FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8052 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 5 FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8053 BENCHMARK FOR CAREER AND VOCATIONAL/TECHNICAL EDUCATION CONTENT STANDARD 5 FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8087 ADVANCED CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8088 PROFICIENT CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8089 NEARING PROFICIENCY CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8090 NOVICE CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8091 ADVANCED CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8092 PROFICIENT CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8093 NEARING PROFICIENCY CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8094 NOVICE CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 2,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8095 ADVANCED CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 3,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8096 PROFICIENT CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 3,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8097 NEARING PROFICIENCY CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.8098 NOVICE CAREER AND VOCATIONAL/TECHNICAL EDUCATION PERFORMANCE STANDARDS FOR END OF BENCHMARK 3,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9510 WORKPLACE COMPETENCIES CONTENT STANDARD 1,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9511 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 1 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9512 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 1 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9513 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 1 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9520 WORKPLACE COMPETENCIES CONTENT STANDARD 2,
AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9521 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 2 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9522 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 2 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9523 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 2 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9530 WORKPLACE COMPETENCIES CONTENT STANDARD 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9531 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 3 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9532 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 3 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9533 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 3 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9540 WORKPLACE COMPETENCIES CONTENT STANDARD 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9541 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 4 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9542 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 4 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9543 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 4 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9550 WORKPLACE COMPETENCIES CONTENT STANDARD 5, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9551 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 5 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9552 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 5 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9553 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 5 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9560 WORKPLACE COMPETENCIES CONTENT STANDARD 6, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9561 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 6 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9562 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 6 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9563 BENCHMARK FOR WORKPLACE COMPETENCIES CONTENT STANDARD 6 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9587 ADVANCED WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9588 PROFICIENT WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9589 NEARING PROFICIENCY WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9590 NOVICE WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9591 ADVANCED WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9592 PROFICIENT WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9593 NEARING PROFICIENCY WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9594 NOVICE WORKPLACE COMPETENCIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9595 ADVANCED WORKPLACE COMPETENCIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9596 PROFICIENT WORKPLACE COMPETENCIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9597 NEARING PROFICIENCY WORKPLACE COMPETENCIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.9598 NOVICE WORKPLACE COMPETENCIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

5. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to adopt and repeal rules relating to career and technical education content standards pursuant to ARM 10.54.2503 Standards Review Schedule and ARM 10.53.104 Standards Review Schedule. The board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 Legislative Session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes its standards represent the minimum standards. These standards are the basis upon which a quality system of education is built and maintained. The board strives to conform to a regular review cycle for every chapter of accreditation. The standards review process shall use context information, criteria, processes, and procedures identified by the Office of Public Instruction with input from representatives of accredited schools and in accordance with the requirements of 20-7-101, MCA.

Using a negotiated rulemaking process involving stakeholder groups, Superintendent of Public Instruction Elsie Arntzen has developed recommendations for the revision of the Montana Career and Technical Education Standards. The current standards were adopted in 2001. In order to benefit students, it is important to implement standards that are based on current knowledge and understanding of best practices in career and technical education.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

6. Economic impact statement summary: The Office of Public Instruction (OPI) surveyed school districts in winter and spring of 2020 about the impacts of the proposed standards on district resources for staffing, instructional materials, curriculum development, and professional development. Sixty-nine percent of respondents indicated that their district could implement the proposed standards using existing resources. Of the remaining respondents, many of these districts face challenges in meeting the current standards and are concerned with the additional professional development needed with the expansion of the standards to K-6. A majority of the respondents in this group indicated that they need additional instructional materials, personnel, and professional development. Fifty-seven percent noted that they will have a shortage of teachers endorsed in career and technical education.

The OPI has identified \$1,305 to support the implementation of the proposed career and technical education standards. This funding will provide online professional development opportunities. The OPI will also develop a model curriculum guide to assist school districts with curriculum development. For those districts that are having trouble meeting the current standards, the statewide trainings and model curriculum guide may provide more support than the districts are presently receiving.

Based on the analysis of the survey results and the advice of the negotiated rulemaking committee, the OPI has concluded that the school district expenditures required under the proposed standards are insubstantial expenditures that can be readily absorbed into the budgets of existing district programs.

7. The proposed effective date of these rules is July 1, 2021.

8. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., September 9, 2020.

9. Peter Donovan, Board of Public Education, has been designated to preside over and conduct this hearing.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 8 above or may be made by completing a request form at any rules hearing held by the department.

11. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

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

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

/s/ Peter Donovan

Peter Donovan
Rule Reviewer

/s/ Darlene Schottle

Darlene Schottle
Board Chair
Board of Public Education

Certified to the Secretary of State July 28, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULES I through X) PROPOSED ADOPTION
pertaining to K-12 Computer Science)
content standards)

TO: All Concerned Persons

1. On September 2, 2020, at 10:15 a.m., the Board of Public Education will hold a public hearing via ZOOM online meeting platform to consider the proposed adoption and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following ways:

(a) Join Zoom meeting, <https://mt-gov.zoom.us/j/93162327751?pwd=WFRSQzhLK044S2J1OVJLUThQUVFsUT09>
Meeting ID: 931 6232 7751
Password: 838190

OR

(b) Dial by Telephone, +1 646 558 8656 or +1 406 444 9999
Meeting ID: 931 6232 7751
Password: 838190

The hearing will begin with a brief introduction by board staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 26, 2020, Year, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA CONTENT STANDARDS FOR COMPUTER SCIENCE (1) The content areas covered by the computer science standards may include:

(a) algorithms and programming;

- (b) computing systems;
- (c) data and analysis;
- (d) impacts of computing; and
- (e) computer science networks and the internet.
- (2) When a district incorporates or integrates computer science content into district curriculum or offers a course in computer science, the following skills at each grade level apply:
 - (a) fostering an inclusive computing culture;
 - (b) collaborating around computing;
 - (c) recognizing and defining computational problems;
 - (d) developing and using abstractions;
 - (e) creating computational artifacts;
 - (f) testing and refining computational artifacts; and
 - (g) communicating about computing.

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

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

NEW RULE II COMPUTER SCIENCE CONTENT STANDARDS FOR KINDERGARTEN (1) Computer science algorithms and programming standards for kindergarten are:

- (a) follow step-by-step instructions; and
- (b) recognize that numbers and symbols represent information.
- (2) Computer science computing systems standards for kindergarten are:
 - (a) identify computing devices; and
 - (b) identify examples of common hardware and software.
- (3) Computer science data and analysis standards to kindergarten are:
 - (a) collect and categorize data;
 - (b) retrieve information; and
 - (c) identify patterns in data.
- (4) Computer science impacts of computing standards for kindergarten are:
 - (a) work respectfully and responsibly in groups; and
 - (b) keep login information private and log off devices appropriately.

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

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

NEW RULE III COMPUTER SCIENCE CONTENT STANDARDS FOR FIRST GRADE (1) Computer science algorithms and programming standards for first grade are:

- (a) retell step-by-step instructions to complete a task;
- (b) use numbers and symbols to represent information; and
- (c) arrange sequences and simple loops in correct order.
- (2) Computer science computing systems standards for first grade are:
 - (a) identify tasks that can be performed by computing devices;
 - (b) use appropriate terminology in identifying common hardware and software problems; and

- (c) identify simple hardware and software problems.
- (3) Computer science data and analysis standards for first grade are:
 - (a) collect and categorize data in up to three categories;
 - (b) retrieve, arrange and modify information; and
 - (c) identify patterns in data.
- (4) Computer science impacts of computing standards for first grade are:
 - (a) work respectfully and responsibly in groups; and
 - (b) keep login information private and log off devices appropriately.

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

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

NEW RULE IV COMPUTER SCIENCE CONTENT STANDARDS FOR SECOND GRADE (1) The computer science algorithms and programming standards for second grade are:

- (a) model daily processes by creating and following sets of step-by-step instructions to complete tasks;
 - (b) model the way programs store and manipulate data by using numbers or other symbols to represent information;
 - (c) develop programs with sequences and simple loops to express ideas or address a problem; and
 - (d) break down the steps needed to solve a problem into a precise sequence of instructions.
- (2) Computer science computing systems standards for second grade are:
- (a) select and operate appropriate tools to perform a variety of tasks;
 - (b) use appropriate terminology in identifying and describing the function of common hardware and software; and
 - (c) describe basic hardware and software problems using accurate terminology.
- (3) Computer science data and analysis standards for second grade are:
- (a) collect and present the data in various visual formats;
 - (b) define data as gathered and stored information; and
 - (c) identify and describe patterns in data visualizations, such as charts or graphs, to make predictions.
- (4) Computer science impacts of computing standards for second grade are:
- (a) identify how computing technology has changed how people live and work;
 - (b) work respectfully and responsibly online; and
 - (c) keep login information private and log off devices appropriately.
- (5) Computer science networks and the internet standards for second grade are:
- (a) explain what passwords are and why they are used; and
 - (b) recognize that computing devices and the internet enable people to connect with other people, places, information, and ideas.

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

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

NEW RULE V COMPUTER SCIENCE CONTENT STANDARDS FOR THIRD GRADE (1) Computer science algorithms and programming standards for third grade are:

- (a) compare and contrast multiple algorithms to complete the same task;
- (b) break down problems into smaller, manageable subproblems to facilitate the program development process;
- (c) describe steps taken and choices made during the process of program development; and
- (d) identify intellectual property rights and give appropriate credit when creating or remixing programs.

(2) Computer science computing systems standards for third grade are:

- (a) identify the internal and external parts of computing devices; and
- (b) determine potential solutions to solve simple hardware and software problems using common troubleshooting strategies.

(3) Computer science data and analysis standards for the third grade are:

- (a) collect data from multiple sources and display the data in graphs;
- (b) describe multiple types of data; and
- (c) understand the accuracy of predictions and how they are influenced by the amount of data collected.

(4) Computer science impacts of computing standards for third grade are:

- (a) collect diverse perspectives for the purpose of improving computational artifacts;
- (b) identify rules associated with the appropriate use of digital information when creating computational artifacts; and
- (c) describe ethical issues that relate to computing devices and networks.

(5) Computer science networks and the internet standards for third grade are to identify how personal information can be protected.

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

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

NEW RULE VI COMPUTER SCIENCE CONTENT STANDARDS FOR FOURTH GRADE (1) Computer science algorithms and programming standards for fourth grade are:

- (a) compare and refine multiple algorithms for the same task and determine which is the most appropriate;
- (b) break down problems into smaller, manageable subproblems to facilitate the program development process; and
- (c) test and debug a program or algorithm to ensure it runs as intended.

(2) Computer science computing systems standards for fourth grade are:

- (a) explain the function of individual internal and external parts; and
- (b) determine potential solutions to solve simple hardware and software problems using common troubleshooting strategies.

(3) Computer science data and analysis standards for fourth grade are:

- (a) select and use appropriate non-digital and digital tools to collect and represent data;

- (b) identify and use multiple types of data to complete a task; and
- (c) evaluate the validity of data based on accuracy and relevance.
- (4) Computer science impacts of computing standards for fourth grade are:
 - (a) collect diverse perspectives for the purpose of improving computational artifacts;
 - (b) identify rules associated with the appropriate use of digital information when creating computational artifacts; and
 - (c) describe ethical issues that relate to computing devices and networks.
- (5) Computer science networks and the internet standards for fourth grade are to identify cybersecurity problems.

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

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

NEW RULE VII COMPUTER SCIENCE CONTENT STANDARDS FOR FIFTH GRADE (1) Computer science algorithms and programming standards for fifth grade are:

- (a) compare and refine multiple algorithms for the same task and determine which is the most appropriate;
- (b) create programs that use variables to store and modify data;
- (c) create programs that include sequences, events, loops, and conditionals;
- (d) modify, remix, or incorporate portions of an existing program to develop something new or add more advanced features; and
- (e) describe choices made during program development.
- (2) Computer science computing systems standards for fifth grade are:
 - (a) describe how internal and external parts of computing devices function to form a system;
 - (b) model how computer hardware and software work together as a system to accomplish tasks; and
 - (c) determine potential solutions to solve simple hardware and software problems using common troubleshooting strategies.
- (3) Computer science data and analysis standards for fifth grade are:
 - (a) organize and present collected data visually to highlight relationships and support a claim;
 - (b) demonstrate how to store, copy, search, retrieve, modify, and delete information using a computing device; and
 - (c) use accurate and relevant data to highlight or propose cause-and-effect relationships, predict outcomes, or communicate an idea.
- (4) Computer science impacts of computing standards for fifth grade are:
 - (a) explain how computing technologies have changed Montana and the world, and express how those technologies influence, and are influenced by, cultural practices;
 - (b) identify ways to improve the accessibility and usability of technology products for the diverse needs and wants of users;
 - (c) utilize diverse perspectives for the purpose of improving computational artifacts;

- (d) apply laws associated with digital information and intellectual property;
- and
- (e) describe ethical issues that relate to computing devices and networks.
- (5) Computer science networks and the internet standards for fifth grade are:
 - (a) explain cybersecurity problems; and
 - (b) explain how personal information can be protected.

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

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

NEW RULE VIII COMPUTER SCIENCE CONTENT STANDARDS FOR SIXTH THROUGH EIGHTH GRADE

(1) Computer science algorithms and programming standards for sixth through eighth grades are:

- (a) use algorithms to address complex problems;
- (b) create clearly named variables that represent different data types and perform operations on their values;
- (c) develop programs that combine control structures, including nested loops and compound conditionals;
- (d) decompose problems and subproblems into parts to facilitate the design, implementation, and review of programs;
- (e) create procedures with parameters to organize code and make it easier to reuse;
- (f) seek and incorporate feedback from team members and users to refine a solution that meets user needs;
- (g) incorporate existing code, media, and libraries into original programs, and give attribution;
- (h) systematically test and refine programs using a range of test cases;
- (i) distribute tasks and maintain a project timeline when collaboratively developing computational artifacts; and
- (j) document programs in order to make them easier to follow, test, and debug.

(2) Computer science computing systems standards for sixth through eighth grades are:

- (a) recommend improvements to the design of computing devices, based on an analysis of how users interact with the devices;
- (b) design projects that combine hardware and software components to collect and exchange data; and
- (c) systematically identify and fix problems with computing devices and their components.

(3) Computer science data and analysis standards for sixth through eighth grades are:

- (a) collect data using computational tools and transform the data to make it more useful and reliable;
- (b) represent data using multiple formats; and
- (c) refine computational models based on the data they have generated.

(4) Computer science impacts of computing standards for sixth through eighth grades are:

- (a) compare tradeoffs associated with computing technologies that affect people's everyday activities and career options in Montana and the world, urban, rural, and reservation communities;
 - (b) discuss issues of bias and accessibility in the design of existing technologies;
 - (c) collaborate with other contributors when creating a computational artifact; and
 - (d) describe tradeoffs between allowing information, personal or intellectual, to be public and keeping information private and secure.
- (5) Computer science networks and the internet standards for sixth through eighth grades are:
- (a) explain how physical and digital security measures protect electronic information;
 - (b) apply multiple methods of encryption to demonstrate how to securely transmit information; and
 - (c) demonstrate how information is broken down and transmitted through multiple devices over networks and the internet and reassembled at the destination.

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

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

NEW RULE IX COMPUTER SCIENCE CONTENT STANDARDS FOR NINTH THROUGH TWELFTH GRADE (1) Computer science algorithms and programming standards for ninth through twelfth grades are:

- (a) create prototypes that use algorithms to solve computational problems by leveraging prior student knowledge and personal interests;
- (b) describe how artificial intelligence drives many software and physical systems;
- (c) implement an artificial intelligence algorithm to play a game against a human opponent or solve a problem;
- (d) use and adapt classic algorithms to solve computational problems;
- (e) evaluate algorithms in terms of their efficiency, correctness, and clarity;
- (f) use lists to simplify solutions, generalizing computational problems instead of repeatedly using simple variables;
- (g) compare and contrast fundamental data structures and their uses;
- (h) justify the selection of specific control structures when tradeoffs involve implementation, readability, and program performance, and explain the benefits and drawbacks of choices made;
- (i) design and iteratively develop computational artifacts for practical intent, personal expression, or to address a societal issue by using events to initiate instructions;
- (j) decompose problems into smaller components through systematic analysis, using constructs such as procedures, modules, or objects;
- (k) create artifacts by using procedures within a program, combinations of data and procedures, or independent but interrelated programs;
- (l) construct solutions to problems using student-created procedures, modules, or objects;

- (m) analyze a large-scale computational problem and identify generalizable patterns that can be applied to a solution;
 - (n) demonstrate code reuse by creating programming solutions using libraries and application programming interfaces;
 - (o) systematically design and develop programs for broad audiences by incorporating feedback from users;
 - (p) evaluate and refine computational artifacts to make them more usable and accessible;
 - (q) design and develop computational artifacts working in team roles using collaborative tools;
 - (r) document design decisions using text, graphics, presentations, or demonstrations in the development of complex programs;
 - (s) plan and develop programs for broad audiences using a software life cycle process;
 - (t) explain security issues that might lead to compromised computer programs;
 - (u) develop programs for multiple computing platforms;
 - (v) use version control systems, integrated development environments, and collaborative tools and practices in a group software project;
 - (w) develop and use a series of test cases to verify that a program performs according to its design specifications;
 - (x) modify an existing program to add additional functionality and discuss intended and unintended implications;
 - (y) evaluate key qualities of a program through a process such as a code review; and
 - (z) compare multiple programming languages and discuss how their features make them suitable for solving different types of problems.
- (2) Computer science computing systems standards for ninth through twelfth grades are:
- (a) explain how abstractions hide the underlying implementation details of computing systems embedded in everyday objects;
 - (b) compare levels of abstraction and interactions between application software, system software, and hardware layers;
 - (c) categorize the roles of operating system software;
 - (d) develop guidelines that convey systematic troubleshooting strategies that others can use to identify and fix errors; and
 - (e) illustrate ways computing systems implement logic, input, and output through hardware components.
- (3) Computer science data and analysis standards for ninth through twelfth grades are:
- (a) create interactive data visualizations using software tools to help others better understand authentic phenomena;
 - (b) use data analysis tools and techniques to identify patterns in data representing complex systems;
 - (c) select data collection tools and techniques to generate data sets that support a claim or communicate information;

- (d) translate between different bit representations of authentic phenomena, including characters, numbers, and images;
 - (e) evaluate the tradeoffs in how data elements are organized and where data is stored;
 - (f) create computational models that represent the relationships among different elements of data collected from a phenomenon or process; and
 - (g) evaluate the ability of models and simulations to test and support the refinement of hypotheses.
- (4) Computer science impacts of computing standards for ninth through twelfth grades are:
- (a) evaluate the ways computing technologies, globally and locally impact personal, ethical, social, economic, and cultural practices;
 - (b) evaluate the ways computing technologies impact American Indian communities in Montana;
 - (c) test and refine computational artifacts to reduce bias and equity deficits;
 - (d) demonstrate ways a given algorithm applies to problems across disciplines;
 - (e) evaluate computational artifacts to maximize their beneficial effects and minimize harmful effects on society;
 - (f) evaluate the impact of equity, access, and influence on the distribution of computing resources in a global society, including the impact on American Indians living in urban, rural, and reservation communities;
 - (g) predict how computational innovations that have revolutionized aspects of our culture might evolve;
 - (h) use tools and methods to connect and work with others on a project including people in different cultures and career fields;
 - (i) explain the beneficial and harmful effects that intellectual property laws can have on innovation;
 - (j) explain the privacy concerns related to the collection and generation of data through automated processes that may not be evident to users;
 - (k) evaluate the social and economic implications of privacy in the context of safety, law, or ethics; and
 - (l) debate laws and regulations that impact the development and use of software.
- (5) Computer science networks and the internet standards for ninth through twelfth grades are:
- (a) recommend security measures to address various scenarios based on factors including efficiency, feasibility, and ethical impacts;
 - (b) explain tradeoffs when selecting and implementing cybersecurity recommendations;
 - (c) compare ways software developers protect devices and information from unauthorized access;
 - (d) evaluate the scalability and reliability of networks by describing the relationship between routers, addressing, switches, servers, and topology;
 - (e) give examples to illustrate how sensitive data can be affected by malware and other attacks;

- (f) compare various security measures, considering tradeoffs between the usability and security of a computing system; and
- (g) discuss the issues that impact functionality.

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

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

NEW RULE X COMPUTER SCIENCE PROGRAM DELIVERY STANDARDS

- (1) In general, a basic program in computer science education shall:
 - (a) meet the following conditions:
 - (i) provide a well-articulated integrated curriculum that challenges students to learn increasingly more sophisticated computer science concepts across all grade levels and content areas wherever appropriate; and
 - (ii) foster a collaborative environment that embraces creativity, communication, and problem solving;
 - (b) include the following practices:
 - (i) ensure students become informed citizens who can critically engage in public discussion on computer science related topics;
 - (ii) ensure students develop as learners, users, and creators of computer science knowledge and artifacts;
 - (iii) ensure students understand the role and impact of computing in the world around them, leveraging computer technology to create solutions; and
 - (iv) increase career and college readiness.

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

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

4. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to adopt rules relating to computer science standards. The board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 Legislative Session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes its standards represent the minimum standards. These standards are the basis upon which a quality system of education is built and maintained. The board strives to conform to a regular review cycle for every chapter of accreditation. The standards review process shall use context information, criteria, processes, and procedures identified by the Office of Public Instruction with input from representatives of accredited schools and in accordance with the requirements of 20-7-101, MCA.

Using a negotiated rulemaking process involving stakeholder groups, Superintendent of Public Instruction Elsie Arntzen has developed recommendations for the adoption of the Montana computer science standards. In order to benefit students, it is important to implement standards that are based on current knowledge and understanding of best practices in computer science education.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

5. Economic impact statement summary: The Office of Public Instruction (OPI) surveyed school districts in winter and spring of 2020 about the impacts of the proposed standards on district resources for staffing, instructional materials, curriculum development, and professional development. Sixty-nine percent of respondents indicated that their district would not be able to implement the proposed standards using existing resources. A majority of the respondents in this group indicated that they need additional instructional materials, personnel, and professional development. Eighty-three percent noted that they will have a shortage of teachers endorsed in computer science.

The OPI has identified \$1,305 to support the implementation of the proposed computer science standards. This funding will provide online professional development opportunities. The OPI will also develop a model curriculum guide to assist school districts with curriculum development.

As these are a new set of standards, there will be additional costs for professional development. An additional \$1,783,375 has been identified as a one-time cost to expand access to computer science by offering a basic K-12 pathway in every school in the state.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., September 9, 2020.

7. Peter Donovan, Board of Public Education, has been designated to preside over and conduct this hearing.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/arm/register>.

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

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

/s/Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Board Chair
Board of Public Education

Certified to the Secretary of State July 28, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I through IX, the amendment of	)	PROPOSED ADOPTION,
ARM 10.55.1801, and the repeal of	)	AMENDMENT, AND REPEAL
ARM Title 10, chapter 54,)	
subchapters 65 and 66 pertaining to)	
library media content standards)	

TO: All Concerned Persons

1. On September 2, 2020, at 10:30 a.m., the Board of Public Education will hold a public hearing via ZOOM online meeting platform to consider the proposed adoption, amendment, and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following ways:

(a) Join Zoom meeting, <https://mt-gov.zoom.us/j/93162327751?pwd=WFRSQzhLK044S2J1OVJLUThQUVFsUT09>
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OR

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The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 26, 2020, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA CONTENT STANDARDS FOR LIBRARY MEDIA
AND INFORMATION LITERACY FOR K-12 (1) When a district incorporates or

integrates library media and information literacy content into district curriculum or offers an elective course in library media and information literacy, the following standards apply:

- (a) build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems;
- (b) demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians;
- (c) work effectively with others to broaden perspectives and work toward common goals;
- (d) make meaning by collecting, organizing, and sharing resources of personal relevance;
- (e) exercise freedom to read and demonstrate the ability to pursue personal interests; and
- (f) demonstrate safe, legal, and ethical creating and sharing of knowledge products.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE II CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR KINDERGARTEN (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

- (a) form simple, factual level questions and begin to explore ways to answer them; and
 - (b) ask "I wonder" questions about topic, question, or problem.
- (2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.
- (a) share knowledge and ideas with others through discussion and listening; and
 - (b) formulate questions related to content presented by others.
- (3) Work effectively with others to broaden perspectives and work toward common goals by listening respectfully and, when appropriate, offering information and opinions in group discussions.
- (4) Make meaning by collecting, organizing, and sharing resources of personal relevance by expressing feelings and ideas about a story in different formats.
- (5) Exercise freedom to read and demonstrate the ability to pursue personal interests.
- (a) routinely select picture, fiction, and information books;
 - (b) explore new genres; and
 - (c) select books at the appropriate reading level, to be read aloud, or challenging books for browsing and enjoyment.
- (6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products by maintaining safe behavior when using the internet.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE III CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FIRST GRADE (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

(a) Form simple, factual level questions and begin to explore ways to answer them; and

(b) ask "I wonder" questions about topic, question, or problem.

(2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.

(a) Share knowledge and ideas with others through discussion and listening; and

(b) formulate questions related to content presented by others.

(3) Work effectively with others to broaden perspectives and work toward common goals by listening respectfully and, when appropriate, offering information and opinions in group discussions.

(4) Make meaning by collecting, organizing, and sharing resources of personal relevance by expressing feelings and ideas about a story in different formats.

(5) Exercise freedom to read and demonstrate the ability to pursue personal interests.

(a) Request, choose, and share a variety of materials from various genres related to personal interests; and

(b) select books at the appropriate reading level, to be read aloud, or challenging books for browsing and enjoyment.

(6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.

(a) Acknowledge the work of others; and

(b) maintain safe behavior when using the internet.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE IV CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR SECOND GRADE (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems. Generate questions about a topic and select a focal question to explore.

(2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.

(a) Share knowledge and ideas with others through discussion and listening; and

- (b) formulate questions related to content presented by others.
- (3) Work effectively with others to broaden perspectives and work toward common goals. Listen respectfully and, when appropriate, offer information and opinions in group discussions.
- (4) Make meaning by collecting, organizing, and sharing resources of personal relevance. Make connections between literature and personal experiences.
- (5) Exercise freedom to read and demonstrate the ability to pursue personal interests:
 - (a) books at the appropriate reading level, to be read aloud, or challenging books for browsing and enjoyment; and
 - (b) begin to recognize that different genres require different reading, listening, or viewing strategies.
- (6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.
 - (a) Acknowledge the work of others; and
 - (b) maintain safe behavior when using the internet.

NEW RULE V CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR THIRD GRADE

- (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems. Ask "why" questions in order to formulate a question about a topic.
- (2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.
 - (a) Articulate and identify one's own place in the global community and respect others' cultural identities; and
 - (b) explore sources written by authors with diverse backgrounds.
- (3) Work effectively with others to broaden perspectives and work toward common goals.
 - (a) Find information in print, digital, and other resources on a topic of personal interest;
 - (b) work in teams to produce original works or solve problems; and
 - (c) use technology tools for independent and collaborative publishing activities.
- (4) Make meaning by collecting, organizing, and sharing resources of personal relevance.
 - (a) Make a list of possible sources of information that will help answer questions or an information need; and
 - (b) use text features to decide which resources are best to use and why.
- (5) Exercise freedom to read and demonstrate the ability to pursue personal interests.
 - (a) Read, listen to, and view a range of resources for a variety of purposes;
 - (b) recognize features of various genres and use different reading strategies for understanding;

- (c) connect personal feelings to characters and events portrayed in a literary work;
- (d) set reading goals; and
- (e) demonstrate knowledge of authors and genres.
- (6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.
 - (a) Acknowledge and credit the work of others; and
 - (b) use information, technology and media tools responsibly and safely.

NEW RULE VI CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FOURTH GRADE (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

- (a) Ask "why" questions in order to formulate a question about a topic; and
- (b) use an inquiry process to solve a problem.
- (2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.
 - (a) Articulate and identify one's own place in the global community and respect others' cultural identities; and
 - (b) explore sources written by authors with diverse backgrounds.
- (3) Work effectively with others to broaden perspectives and work toward common goals.
 - (a) Find information in print, digital, and other resources on a topic of personal interest;
 - (b) work in teams to produce original works or solve problems; and
 - (c) use technology tools for independent and collaborative publishing activities.
- (4) Make meaning by collecting, organizing, and sharing resources of personal relevance.
 - (a) Organize possible sources of information that will help answer questions or an information need; and
 - (b) use text features to decide which resources are best to use and why.
- (5) Exercise freedom to read and demonstrate the ability to pursue personal interests.
 - (a) Read, listen to, and view a range of resources for a variety of purposes;
 - (b) recognize features of various genres and use different reading strategies for understanding;
 - (c) connect personal feelings to characters and events portrayed in a literary work;
 - (d) set reading goals; and
 - (e) demonstrate knowledge of authors and genres.
- (6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.
 - (a) Acknowledge and credit the work of others; and
 - (b) use information, technology and media tools responsibly and safely.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE VII CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FIFTH GRADE

(1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

- (a) Ask "why" questions in order to formulate a question about a topic; and
- (b) use an inquiry process to solve a problem.

(2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians

(a) Articulate and identify one's own place in the global community and respect others' cultural identities; and

- (b) identify sources written by authors with diverse backgrounds.

(3) Work effectively with others to broaden perspectives and work toward common goals.

(a) Find information in print, digital, and other resources on a topic of personal interest;

- (b) work in teams to produce original works or solve problems; and

(c) use technology tools for independent and collaborative publishing activities.

(4) Make meaning by collecting, organizing, and sharing resources of personal relevance.

(a) Organize possible sources of information that will help answer questions or an information need; and

- (b) use text features to decide which resources are best to use and why.

(5) Exercise freedom to read and demonstrate the ability to pursue personal interests.

- (a) Read, listen to, and view a range of resources for a variety of purposes;

(b) explain features of various genres and use different reading strategies for understanding;

(c) connect personal feelings to characters and events portrayed in a literary work;

- (d) set reading goals; and

(e) demonstrate knowledge of authors and genres.

(6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.

- (a) Acknowledge and credit the work of others;

(b) use information, technology and media tools responsibly and safely; and

- (c) keep personal information private while using digital tools.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE VIII CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR SIXTH THROUGH EIGHTH GRADE

(1) Build

new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

- (a) Write questions independently based on key ideas or areas of focus;
- (b) refine questions based on the type of information needed; and
- (c) reflect at the end of an inquiry process.

(2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.

(a) Evaluate resources for relevance, currency authority, and bias including those by and about tribes in Montana; and

- (b) seek more than one point of view by using diverse sources.

(3) Work effectively with others to broaden perspectives and work toward common goals.

(a) Offer information and opinions and encourage others to share ideas at appropriate times in group discussions; and

- (b) accurately describe or summarize the ideas of others.

(4) Make meaning by collecting, organizing, and sharing resources of personal relevance.

(a) Experiment with various types of technology tools for artistic and personal expression; and

(b) share reading, listening, and viewing experiences in a variety of ways and formats.

(5) Exercise freedom to read and demonstrate the ability to pursue personal interests.

(a) Independently locate and select information for personal, hobby, or vocational interests;

(b) read, listen to, and view a wide range of genres and formats for recreation and information; and

- (c) respond to images and feelings evoked by a literary work.

(6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.

(a) Practice internet safety and appropriate online behavior;

(b) use criteria to determine safe and unsafe internet sites;

(c) participate safely, ethically, and legally in online activities;

(d) connect ideas and information with their owners or source;

(e) credit sources by following copyright, licensing, and fair use guidelines.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE IX. CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR NINTH THROUGH TWELFTH GRADE (1) Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

(a) Formulate and refine essential questions through reading, constructing hypotheses, research questions, and thesis statements;

- (b) develop questions that require making connections between ideas and events and systematically test a hypothesis or validate a thesis statement; and
- (c) reflect at the end of an inquiry process.
- (2) Demonstrate an understanding of and commitment to inclusiveness and respect for diversity in the learning community, including the distinct and unique cultural heritage of American Indians.
 - (a) Evaluate resources for relevance, currency authority, and bias including those by and about tribes in Montana;
 - (b) seek more than one point of view by using diverse sources; and
 - (c) identify the impact of personal background and bias on research projects and inquiry processes.
- (3) Work effectively with others to broaden perspectives and work toward common goals.
 - (a) Actively seek the opinions of others and contribute positively to an environment in which all participants ideas are shared and valued;
 - (b) seek consensus from a group, when appropriate, to achieve a stronger product; and
 - (c) work with others to solve problems and make decisions on issues, topics, and themes being investigated.
- (4) Make meaning by collecting, organizing, and sharing resources of personal relevance.
 - (a) Assess the impacts of specific works on the reader or viewer;
 - (b) express ideas through creative products in multiple formats using a variety of technology tools;
 - (c) select an appropriate format to effectively communicate and support a purpose, argument, point of view, or interpretation;
 - (d) create original products using a variety of technology tools to express personal learning; and
 - (e) independently pursue answers to self-generated questions.
- (5) Exercise freedom to read and demonstrate the ability to pursue personal interests.
 - (a) Select a variety of types of materials based on personal interests and prior knowledge;
 - (b) read, listen to, and view information in a variety of formats and genres to explore new ideas, form opinions, solve problems, and to connect to real-world issues;
 - (c) routinely read, view, and listen for personal enjoyment, to learn, to solve problems, and to explore different ideas;
 - (d) read widely to develop a global perspective and understand different cultural contexts; and
 - (e) identify the rights of self and others to access information freely and pursue the right to read, view, and listen.
- (6) Demonstrate safe, legal, and ethical creating and sharing of knowledge products.
 - (a) Practice internet safety and appropriate online behavior;
 - (b) use criteria to determine safe and unsafe internet sites;
 - (c) participate safely, ethically, and legally in online activities;

- (d) connect ideas and information with their owners or source;
- (e) credit sources by following copyright, licensing, and fair use guidelines for text, visuals, and audio in generating products and presentations.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

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

10.55.1801 LIBRARY MEDIA PROGRAM DELIVERY STANDARDS (1) In general, a basic program in library media shall:

- (a) meet the following conditions:
 - (i) establish ~~flexible~~ scheduling to ensure that libraries respond to information needs, foster intellectual curiosity, and support learning;
 - (ii) ensure collaboration with classroom teachers of all disciplines to implement content area standards and to assist students in engaging in the inquiry/research process;
 - (iii) model and support the ethical use of information, adherence to copyright laws, and respect for intellectual property; and
 - (iv) advise the board of trustees on policy and rule pertaining to:
 - (A) ~~developing and maintaining a~~ physical and digital library collection that is current, balanced, and reflects authentic historical and cultural contributions of Montana's American Indians and other minority and ethnic groups;
 - (B) ~~engaging engage~~ in comprehensive long range planning to administer and manage, in a secure area, the human, financial, digital, and physical resources of the library to locate, access, and use ~~on-site~~ resources that are organized and cataloged; and
 - (C) ~~implementing~~ a viable collection development policy which includes the following components:
 - (I) materials selection and de-selection;
 - (II) challenged materials procedure;
 - (III) intellectual/academic freedom statement;
 - (IV) confidentiality assurance;
 - (V) copyright guidelines; and
 - (VI) gifts and donations.
 - (b) include the following practices:
 - (i) collaborate with classroom teachers of all disciplines to highlight and reinforce the commonalities and links between and among the curricular areas;
 - (ii) cooperate and join with other libraries, information agencies, and community resources in the sharing of materials;
 - (iii) encourage partnerships with information centers that use providers of digital electronic content and information systems; and
 - (iv) participate in school-wide technology and telecommunications digital service and content planning and promote its integration into all instructional programs.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

5. The department proposes to repeal the following rules:

10.54.6510 INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 1, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6511 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 1 FOR THE END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6512 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 1 FOR THE END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6513 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 1 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6520 INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 2, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6521 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 2 FOR THE END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6522 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 2 FOR THE END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6523 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 2 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6530 INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 3, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6531 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 3 FOR THE END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6532 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 3 FOR THE END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6533 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 3 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6540 INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6541 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 4 FOR THE END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6542 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 4 FOR THE END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6543 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 4 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6550 INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 5, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6551 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 5 FOR THE END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6552 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 5 FOR THE END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6553 BENCHMARK FOR INFORMATION LITERACY/LIBRARY MEDIA CONTENT STANDARD 5 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6601 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6602 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6603 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6604 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6605 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6606 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6607 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6608 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6609 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6610 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6611 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6612 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 1 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6613 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6614 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6615 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6616 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6617 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6618 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6619 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6620 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6621 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6622 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6623 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6624 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 2 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6625 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6626 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6627 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6628 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6629 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6630 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6631 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6632 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6633 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6634 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6635 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6636 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 3 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6637 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6638 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6639 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6640 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6641 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6642 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6643 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6644 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6645 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6646 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6647 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6648 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 4 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6649 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6650 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6651 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6652 GRADE 4 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6653 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6654 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6655 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6656 GRADE 8 PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6657 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE ADVANCED LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6658 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6659 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NEARING PROFICIENT LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6660 UPON GRADUATION PERFORMANCE DESCRIPTORS FOR CONTENT STANDARD 5 AT THE NOVICE LEVEL, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

6. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to adopt, amend, and repeal rules relating to library media and information literacy content standards pursuant to

ARM 10.54.2503 Standards Review Schedule and 10.53.104 Standards Review Schedule. The board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 Legislative Session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes its standards represent the minimum standards. These standards are the basis upon which a quality system of education is built and maintained. The board strives to conform to a regular review cycle for every chapter of accreditation. The standards review process shall use context information, criteria, processes, and procedures identified by the Office of Public Instruction with input from representatives of accredited schools and in accordance with the requirements of 20-7-101, MCA.

Using a negotiated rulemaking process involving stakeholder groups, Superintendent of Public Instruction Elsie Arntzen has developed recommendations for the revision of the Montana library media and information literacy standards. The current standards were adopted in 2008. In order to benefit students, it is important to implement standards that are based on current knowledge and understanding of best practices in library media and information literacy education.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

7. Economic impact statement summary: The Office of Public Instruction (OPI) surveyed school districts in winter and spring of 2020 about the impacts of the proposed standards on district resources for staffing, instructional materials, curriculum development, and professional development. Ninety-one percent of respondents indicated that their district could implement the proposed library media standards using existing resources.

The OPI has identified \$1,305 to support the implementation of the proposed library media standards. This funding will provide online professional development opportunities. The OPI will also develop a model curriculum guide to assist school districts with curriculum development.

Based on the analysis of the survey results and the advice of the negotiated rulemaking committee, the OPI has concluded that the school district expenditures required under the proposed standards are insubstantial expenditures that can be readily absorbed into the budgets of existing district programs.

8. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., September 9, 2020.

9. Peter Donovan, Board of Public Education, has been designated to preside over and conduct this hearing.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 8 above or may be made by completing a request form at any rules hearing held by the department.

11. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/arm/register>.

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

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

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Board Chair
Board of Public Education

Certified to the Secretary of State July 28, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF PUBLIC HEARING ON
RULES I through IX, the amendment	)	PROPOSED ADOPTION,
of ARM 10.55.1601, and the repeal of	)	AMENDMENT, AND
ARM 10.54.6010 through 10.54.6013,	)	REPEAL
10.54.6020 through 10.54.6023,)	
10.54.6030 through 10.54.6033,)	
10.54.6040 through 10.54.6043,)	
10.54.6050 through 10.54.6053,)	
10.54.6060 through 10.54.6063, and)	
10.54.6087 through 10.54.6098,)	
pertaining to K-12 social studies)	
content standards)	

TO: All Concerned Persons

1. On September 2, 2020, at 11:00 a.m., the Board of Public Education will hold a public hearing via ZOOM online meeting platform to consider the proposed adoption and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following ways:

(a) Join Zoom meeting, <https://mt-gov.zoom.us/j/93162327751?pwd=WFRSQzhLK044S2J1OVJLUThQUVFsUT09>
Meeting ID: 931 6232 7751
Password: 838190

OR

(b) Dial by Telephone, +1 646 558 8656 or +1 406 444 9999
Meeting ID: 931 6232 7751
Password: 838190

The hearing will begin with a brief introduction by board staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 26, 2020, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601,

Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA CONTENT STANDARDS FOR SOCIAL STUDIES

- (1) The content areas covered by the social studies standards include:
 - (a) civics and government;
 - (b) economics;
 - (c) geography; and
 - (d) history.
- (2) When a district incorporates or integrates social studies content into district curriculum or offers a course in social studies, the following skills at each grade level may apply:
 - (a) develop questions;
 - (b) plan inquiries;
 - (c) compare and evaluate sources for relevance, perspective, and accuracy;
 - (d) use sources to gather evidence to develop and refine claims;
 - (e) communicate conclusions; and
 - (f) take informed action.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE II THE SOCIAL STUDIES CONTENT STANDARDS FOR KINDERGARTEN (1) The civics and government content standards for kindergarten are that each student will:

- (a) recognize the people who create and carry out rules for the school and classroom;
 - (b) define that being a citizen of the classroom and school community means following established rules and expectations; and
 - (c) demonstrate citizenship through their interactions in the classroom and school community.
- (2) The economics content standards for kindergarten are that each student will:
- (a) explain and identify examples of goods and services; and
 - (b) describe goods and products that are produced in local regions.
- (3) The geography content standard for kindergarten is that each student will use maps, and other representations, to describe place characteristics.
- (4) The history content standard for kindergarten is that each student will distinguish between past, present, and future time.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE III THE SOCIAL STUDIES CONTENT STANDARDS FOR FIRST GRADE (1) The civics and government content standards for first grade are that each student will:

- (a) demonstrate being a citizen of a classroom and school community through interactions and by following established rules and expectations; and
- (b) recognize the people, and their roles, who create and carry out rules for the school and classroom.

(2) The economics content standards for first grade are that each student will:

- (a) explain the difference between needs and wants; and
- (b) describe goods and products that are produced in local regions.

(3) The geography content standards for first grade are that each student will:

- (a) identify and describe human and physical local landmarks; and
- (b) construct maps and other representations of familiar places.

(4) The history content standards for first grade are that each student will:

- (a) distinguish between past, present, and future time; and
- (b) understand how events might be described differently depending on historical contexts and perspectives, including those of tribes in Montana.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE IV THE SOCIAL STUDIES CONTENT STANDARDS FOR SECOND GRADE (1) The civics and government content standards for second grade are that each student will:

- (a) explain the roles of people who help govern different communities including tribal communities; and
- (b) demonstrate ways to show good citizenship in the classroom, school, and community.

(2) The economics content standards for second grade are that each student will:

- (a) describe the goods and services that people in the local, state, and national community produce;
- (b) describe examples of the goods and services that governments provide; and
- (c) identify resources people use to access the goods and services they want and need.

(3) The geography content standards for second grade are that each student will:

- (a) use the basic components of a map to identify physical and political features, including American Indian reservations; and
 - (b) describe how geography and human activities impact each other.
- (4) The history content standards for second grade are that each student will:
- (a) identify how people lived differently in the past than they do today;
 - (b) understand that there are twelve distinct and unique tribes within Montana whose people contribute to modern life; and

(c) identify different kinds of historical sources, including oral histories of American Indians.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE V THE SOCIAL STUDIES CONTENT STANDARDS FOR THIRD GRADE (1) The civics and government content standards for third grade are that each student will:

- (a) describe and identify the basic functions of local government, including tribal governments;
- (b) recognize that civic participation involves remaining accurately informed about public issues, taking action, and voting in elections; and
- (c) identify key symbols of nations.

(2) The economics content standards for third grade are that each student will:

- (a) compare the benefits and costs of individual choices;
- (b) identify examples of human and natural resources that are used to produce goods and services; and
- (c) explain economic interdependence within historical and contemporary contexts.

(3) The geography content standards for third grade are that each student will:

- (a) examine maps and other representations to identify historical and contemporary political and cultural patterns in the Americas;
 - (b) identify environmental and technological events and conditions and how humans and the environment impact each other; and
 - (c) identify landforms and other physical characteristics of the Americas.
- (4) The history content standards for third grade are that each student will:
- (a) identify tribes in Montana by their original and current names; and
 - (b) explain how perspective impacts the telling of historical events.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE VI THE SOCIAL STUDIES CONTENT STANDARDS FOR FOURTH GRADE (1) The civics and government content standards for fourth grade are that each student will:

- (a) demonstrate civic participation within the classroom or school;
- (b) practice deliberative processes when making decisions as a group;
- (c) describe how rules, laws, and policies are implemented by local, state, national, and tribal governments;
- (d) define sovereignty for tribes in Montana; and
- (e) identify key foundational documents in Montana's government.

(2) The economics content standards for fourth grade are that each student will:

- (a) identify the various pressures and incentives that influence the decisions people make in short term and long term situations;
 - (b) identify basic elements of Montana's state economic system including agriculture, business, natural resources, and labor;
 - (c) identify various resources and labor that are used to provide goods and services in Montana; and
 - (d) explain how trade leads to increasing economic interdependence among groups in Montana.
- (3) The geography content standards for fourth grade are that each student will:
- (a) examine maps and other representations to explain the movement of people;
 - (b) identify and label the tribes in Montana and their indigenous territories, and current locations;
 - (c) investigate the physical, political, and cultural characteristics of places, regions, and people in Montana; and
 - (d) analyze environmental and technological events and conditions and how humans and the environment impact each other with relation to settlements and migration in Montana.
- (4) The history content standards for fourth grade are that each student will:
- (a) understand tribes in Montana have their own unique histories;
 - (b) identify events and policies that have impacted and been influenced by tribes in Montana;
 - (c) explain how Montana has changed over time given its cultural diversity and how this history impacts the present; and
 - (d) describe how historical accounts are impacted by individual perspectives.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE VII THE SOCIAL STUDIES CONTENT STANDARDS FOR FIFTH GRADE (1) The civics and government content standards for fifth grade are that each student will:

- (a) examine the diverse origins, ideals, and purposes of rules, laws, and key United States constitutional provisions and other foundational documents;
 - (b) use deliberative processes when engaging in civic participation within the classroom or school;
 - (c) distinguish between the responsibilities of local, state, tribal, and national governments;
 - (d) explain how democracy relies upon active and responsible participation of citizens; and
 - (e) describe the basic duties of the three branches of government.
- (2) The economics content standards for fifth grade are that each student will:
- (a) explain how people have to make choices between wants and needs and evaluate the outcomes or consequences of those choices;

(b) identify positive and negative incentives that influence the decisions people make;

(c) identify resources and labor that are used to produce goods and services;

(d) explain the role of money in the exchange of goods and services;

(e) describe the role of manufacturing and agriculture in the economy of the United States; and

(f) describe how interest rates impact economic decision making.

(3) The geography content standards for fifth grade are that each student will:

(a) identify and label US regions, territories, states and their capitals/major cities;

(b) create, organize, and present geographic information to show settlement patterns in the United States, including impacts on tribal lands; and

(c) analyze environmental and technological events and conditions and how humans and the environment impact each other with relation to settlements and migration.

(4) The history content standards for fifth grade are that each student will:

(a) interpret data presented in timelines;

(b) understand the inter-relationship of chronological historical events;

(c) identify roles of individuals and groups and their impact on United States and tribal historical events;

(d) understand the unique historical perspectives of American Indians; and

(e) analyze historical documents and their impact on tribes in Montana and their sovereignty.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE VIII THE SOCIAL STUDIES CONTENT STANDARDS FOR SIXTH THROUGH EIGHTH GRADE (1) The civics and government content standards for sixth through eighth grade are that each student will:

(a) explain a variety of forms of government from the past or present;

(b) explain the structure of and key principles in foundational documents, including the Montana Constitution;

(c) explain how global and American Indian civilizations and governments have contributed to foundational documents of the United States;

(d) distinguish the structure, organization, powers, and limits of government at the local, state, national, and tribal levels;

(e) identify events and leaders that ensure that key United States principles of equality and civil rights are applied to various groups, including American Indians;

(f) demonstrate that the United States government includes concepts of both a democracy and a republic; and

(g) employ strategies for civic involvement that address a state or local, or national issues.

(2) The economics content standards for sixth through eighth grade are that each student will:

- (a) explain how economic decisions impact individuals, businesses, and society, including Indigenous societies;
 - (b) analyze examples of how groups and individuals have considered profit and personal values in making economic choices in the past and/or present;
 - (c) explain the roles of producers and consumers in market systems;
 - (d) describe the role of competition in the determination of prices and wages in a market economy;
 - (e) explain ways in which money facilitates exchange and impacts transactional costs; and
 - (f) explain how changes in supply, demand, and labor standards cause changes in prices and quantities of goods, services, and other capital.
- (3) The geography content standards for sixth through eighth grade are that each student will:
- (a) construct and analyze maps using scale, direction, symbols, legends, and projections to gather information about regions across the world;
 - (b) identify the location of places and regions in the world and understand their physical, political, and cultural characteristics;
 - (c) analyze maps and charts from a specific time period to understand an issue or event;
 - (d) explain how the environment and geographic features have affected people and how people have affected the environment throughout Montana, the United States, and the world;
 - (e) explain the role and impact of spatial patterns of settlement and movement in shaping societies and cultures, including Indigenous cultures;
 - (f) identify how the historical and contemporary movement of people, goods, and ideas from one area can impact change, conflict, and cooperation in other areas; and
 - (g) identify the cultural roots of major world regions.
- (4) The history content standards for sixth through eighth grade are that each student will:
- (a) explore complex civilizations, and identify elements of change and continuity across historical eras in Montana, the Americas, and world history;
 - (b) analyze how the historical events relate to one another and are shaped by historical context, including societies in the Americas;
 - (c) analyze how, since European contact, historical events and policies have mutually impacted American Indian and European societies;
 - (d) identify how new archaeological and scientific information shapes historical understanding;
 - (e) explain how Montana has changed over time and how this history impacts the present;
 - (f) understand that there are multiple perspectives and interpretations of historical events;
 - (g) analyze how people's perspectives shaped the historical narratives they created;
 - (h) identify limitations and biases in primary and secondary sources, specifically regarding misinformation and stereotypes; and

(i) students understand that the questions people ask shape the conclusions they reach.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

NEW RULE IX THE SOCIAL STUDIES CONTENT STANDARDS FOR NINTH THROUGH TWELFTH GRADE (1) The civics and government content standards for ninth through twelfth grade are that each student will:

(a) analyze and evaluate the ideas and principles contained in the foundational documents of the United States, and explain how they establish a system of government that has powers, responsibilities, and limits;

(b) analyze the impact of constitutions, laws, treaties and international agreements on the maintenance of domestic and international relationships;

(c) evaluate the impact of international agreements on contemporary world issues;

(d) apply civic virtues and democratic principles when working with others;

(e) evaluate how citizens and institutions address social and political problems at the local, state, tribal, national, and/or international levels;

(f) evaluate the American governmental system compared to international governmental systems;

(g) explain the foundations and complexity of sovereignty for federally recognized tribes in Montana;

(h) evaluate appropriate deliberative processes in multiple settings;

(i) evaluate government procedures for making decisions at the local, state, national, tribal, and international levels;

(j) analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights;

(k) analyze the impact and roles of personal interests and perspectives, market, media and group influences on the application of civic virtues, democratic principles, constitutional rights, and human rights; and

(l) evaluate citizens' and institutions' effectiveness in ensuring civil rights at the local, state, tribal, national, and international levels;

(2) The economics content standards for ninth through twelfth grade are that each student will:

(a) analyze how pressures and incentives impact economic choices and their costs and benefits for different groups, including American Indians;

(b) explain how economic cycles affect personal financial decisions;

(c) analyze the ways in which pressures and incentives influence what is produced and distributed in a market system;

(d) evaluate the extent to which competition among producers, among consumers, and among laborers exists in specific markets;

(e) describe the consequences of competition in specific markets;

(f) evaluate benefits, costs, and possible outcomes of government policies to influence market outcomes;

(g) use current data to explain the influence of changes in spending, production, and the money supply on various economic conditions;

(h) use economic indicators to analyze the current and future state of the economy; and

(i) evaluate the selection of monetary and fiscal policies in a variety of economic conditions.

(3) The geography content standards for ninth through twelfth grade are that each student will:

(a) use geospatial reasoning to create maps to display and explain the spatial patterns of cultural and environmental characteristics;

(b) use geographic data to analyze variations in the spatial patterns of cultural and environmental characteristics at multiple scales;

(c) use maps, satellite images, photographs, and other representations to explain relationships between the locations of places and regions and their political, cultural, and economic dynamics;

(d) analyze relationships and interactions within and between human and physical systems to explain reciprocal influences that occur among them, including American Indians;

(e) evaluate the impact of human settlement activities on the environmental, political, and cultural characteristics of specific places and regions;

(f) analyze the role of geography on interactions and conflicts between various cultures in Montana, the United States, and the world;

(g) evaluate the influence of long-term climate variability on human migration and settlement patterns, resource use, and land uses at local-to-global scales; and

(h) evaluate the consequences of human-driven and natural catastrophes on global trade, politics, and human migration.

(4) The history content standards for ninth through twelfth grade are that each student will:

(a) analyze how unique circumstances of time, place, and historical contexts shape individuals' lives;

(b) analyze change and continuity in historical eras in US and world history;

(c) identify ways in which people and groups exercise agency in difficult historical, contemporary, and tribal contexts;

(d) analyze multiple, and complex causal factors that have shaped major events in US and world history, including American Indian history;

(e) explain events in relation to both their intended and unintended consequences, including governmental policies impacting American Indians;

(f) distinguish between long-term causes and triggering events in developing a historical argument;

(g) analyze how historical, cultural, social, political, ideological, and economic contexts shape people's perspectives;

(h) analyze the ways in which the perspectives of those writing history shaped the history they produced;

(i) evaluate how historiography is influenced by perspective and available historical sources;

(j) analyze perspectives of American Indians in US history;

(k) evaluate the limitations, biases, and credibility of various sources, especially regarding misinformation and stereotypes;

(l) analyze multiple historical sources to pursue further inquiry and investigate additional sources;

(m) integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about past and present people, events, and ideas; and

(n) construct arguments which reflect understanding and analysis of multiple historical sources, perspectives, and contexts.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

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

10.55.1601 SOCIAL STUDIES PROGRAM DELIVERY STANDARDS

(1) In general, a basic program in social studies shall:

(a) meet the following conditions:

(i) use strategies and methods that incorporate multiple perspectives as a basic component of social studies instruction;

(ii) support the democratic process and teach the skills necessary to promote a learning environment to foster individual civic competence; and

(iii) integrate knowledge, skills, beliefs, values, and attitudes within and across the four content areas listed in [NEW RULE I] ~~disciplines~~ to promote active citizenship.

(b) include the following practices:

(i) incorporate inquiry skills and strategies using a variety of both primary and secondary resources;

(ii) promote socialization and social criticism and socialization through civil discourse and critical thinking as a commitment to ~~social~~ civic responsibility;

(iii) analyze ethical dimensions and social policy implications of issues to provide an arena for reflective development of concern for individual needs and the common good;

(iv) promote decision-making skills and critical thinking skills and civic responsibilities through active participation (~~e.g., service learning projects~~) across the four content areas listed in [NEW RULE I]; and

(v) nurture an understanding of the contemporary and historical traditions and values of American Indian cultures and other cultural groups of significance to Montana and to society.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

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

5. The board proposes to repeal the following rules:

10.54.6010 SOCIAL STUDIES CONTENT STANDARD 1, AUTH: 20-2-114;

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6011 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
1 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6012 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
1 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6013 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
1 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6020 SOCIAL STUDIES CONTENT STANDARD 2, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6021 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
2 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6022 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
2 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6023 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
2 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6030 SOCIAL STUDIES CONTENT STANDARD 3, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6031 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
3 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6032 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
3 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6033 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
3 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6040 SOCIAL STUDIES CONTENT STANDARD 4, AUTH: 20-2-114;
IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6041 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD
4 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101,
MCA

10.54.6042 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 4 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6043 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 4 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6050 SOCIAL STUDIES CONTENT STANDARD 5, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6051 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 5 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6052 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 5 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6053 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 5 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6060 SOCIAL STUDIES CONTENT STANDARD 6, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6061 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 6 FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6062 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 6 FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6063 BENCHMARK FOR SOCIAL STUDIES CONTENT STANDARD 6 UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6087 ADVANCED SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6088 PROFICIENT SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6089 NEARING PROFICIENCY SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6090 NOVICE SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 4, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6091 ADVANCED SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6092 PROFICIENT SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6093 NEARING PROFICIENCY SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6094 NOVICE SOCIAL STUDIES PERFORMANCE STANDARDS FOR END OF GRADE 8, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6095 ADVANCED SOCIAL STUDIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6096 PROFICIENT SOCIAL STUDIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6097 NEARING PROFICIENCY SOCIAL STUDIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.6098 NOVICE SOCIAL STUDIES PERFORMANCE STANDARDS UPON GRADUATION, AUTH: 20-2-114; IMP: 20-2-121, 20-3-106, 20-7-101, MCA

6. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to adopt, amend, and repeal rules relating to social studies standards pursuant to ARM 10.54.2503 Standards Review Schedule and 10.53.104 Standards Review Schedule. The board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 Legislative Session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes its standards represent the minimum standards. These standards are the basis upon which a quality system of education is built and maintained. The board strives to conform to a regular review cycle for every chapter of accreditation. The standards review process shall use context information, criteria, processes, and procedures identified by the Office of Public Instruction with input from representatives of accredited schools and in accordance with the requirements of 20-7-101, MCA.

Using a negotiated rulemaking process involving stakeholder groups, Superintendent of Public Instruction Elsie Arntzen has developed recommendations for the revision of the Montana social studies standards. The current standards were adopted in 2000. In order to benefit students, it is important to implement standards that are based on current knowledge and understanding of best practices in social studies education.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

7. Economic impact statement summary: The Office of Public Instruction (OPI) surveyed school districts in winter and spring of 2020 about the impacts of the proposed standards on district resources for staffing, instructional materials, curriculum development, and professional development. Sixty percent of respondents indicated that their district could implement the proposed social study standards using existing resources. A majority of the respondents in this group indicated that they need additional instructional materials.

The OPI has identified \$1,305 to support the implementation of the proposed social studies standards. This funding will provide online professional development opportunities. The OPI will also develop a model curriculum guide to assist school districts with curriculum development.

Based on the analysis of the survey results and the advice of the negotiated rulemaking committee, the OPI has concluded that the school district expenditures required under the proposed standards are insubstantial expenditures that can be readily absorbed into the budgets of existing district programs.

8. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., September 9, 2020.

9. Peter Donovan, Board of Public Education has been designated to preside over and conduct this hearing.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 8 above or may be made by completing a request form at any rules hearing held by the department.

11. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/arm/register>.

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

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

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Board Chair
Board of Public Education

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the commissioner's) NOTICE OF PUBLIC HEARING
active supervision of the Board of)
Professional Engineers and)
Professional Land Surveyors)
regarding a proposed rule adding)
experience with the Public Land)
Survey System)

TO: All Concerned Persons

1. On September 2, 2020, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to take public comment regarding whether a proposal for amendment of ARM 24.183.303(11) is reasonable and necessary to protect the public health, safety, and welfare pursuant to 37-1-121(1)(d), MCA.

2. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting, on Wednesday September 2, 2020, 10:00 a.m. Mountain Time, at <https://mt.gov.zoom.us/j/93217557751?pwd=SEVpUHNueitXS1VkSUhFcG1LNys3UT09>

Meeting ID: 932 1755 7751

Password: 657050

OR

(b) Dial by telephone, +1 406 444 9999 or +1 646 558 8656,

Meeting ID: 93217557751

Password: 657050

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on August 19, 2020, to advise us of the nature of the accommodation that you need. Please contact Laura Ducolon, P.O. Box 1728,

Helena, Montana 59624-1728; telephone (406) 444-4493; Montana Relay 711; or e-mail laura.ducolon@mt.gov.

4. The only rule section amendment upon which public comment is sought provides as follows, with underlining representing proposed addition, and interlining representing proposed removal:

24.183.303 DEFINITIONS (1) through (10) remain the same.

(11) "Progressive land survey experience" means experience obtained under the supervision of a licensed professional land surveyor, on land surveying projects, which, over time, are of increasing quality and require greater responsibility, and which must include experience with the Public Land Survey System (PLSS) and Bureau of Land Management Manual of Survey Instructions, and may include one or more of the following:

~~(a) experience on land surveying projects which, over time, are of increasing quality and require greater responsibility of the applicant;~~

(b) and (c) remain the same but are renumbered (a) and (b).

(12) through (15) remain the same.

AUTH: 37-67-202, MCA

IMP: 37-67-101, 37-67-103, 37-67-314, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-328, MCA

5. After public comment has been received, the commissioner will issue a decision recommending whether the Board of Professional Engineers and Professional Land Surveyors may proceed with a proposal to amend the rule.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Laura Ducolon, Department of Labor and Industry, P.O. Box 1728, Helena, MT 59624-1728, or by e-mail to: laura.ducolon@mt.gov, and must be received no later than September 4, 2020, at 5:00 p.m.

/s/ Brenda Nordlund

Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State on July 28, 2020.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.301.1003 assessment and	)	PROPOSED AMENDMENT
collection of civil penalties,)	
24.301.1007 collection of annual fees,)	
24.301.1009 disputes regarding)	
penalties and fines – mediation, and)	
24.301.1011 training and educational)	
grants, all pertaining to the)	
Underground Facility Protection)	
Program)	

TO: All Concerned Persons

1. On September 1, 2020, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform by dialing 406-444-4647 (local) or 1-833-681-5958 (toll free) and entering meeting ID 5398127 when directed to do so.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on August 25, 2020, to advise us of the nature of the accommodation that you need. Please contact Traci Collett, Underground Facility Protection Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or buildingcodes@mt.gov.

3. GENERAL REASONABLE NECESSITY STATEMENT: Following a staff review of the rules and consultation with the Underground Facility Protection Advisory Council (council), the department is proposing amendments throughout the Underground Facility Protection Program (program) rules. Most of these changes are technical in nature such as substituting modern language for archaic phrasing, updating grammar and language choices, eliminating repetitive language, and substituting active voice for passive voice. Additionally, amendments are proposed to improve rules for accuracy, consistency, simplicity, better organization, and ease of use for the reader. These technical amendments will not change substantive provisions or procedures. Where additional specific bases for a proposed action exist, the department will identify those reasons immediately following that rule.

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

24.301.1003 ASSESSMENT AND COLLECTION OF CIVIL PENALTIES

(1) ~~In order to~~ The department shall contact each call center serving Montana to determine when the last 100 locate requests were made, or the number of locate requests made in the past 12 months, ~~the department shall contact each call center serving Montana to obtain that information.~~ Each call center shall provide the requested information within seven days of the department's request.

(2) ~~In order to~~ To timely issue civil penalties as required by 69-4-524 and 69-4-525, MCA, if ~~both call centers do~~ a call center does not respond within ten days of a request, the department may issue a civil penalty based solely on the number of locate requests identified by the call center that takes locate requests for the area in which the ~~event or~~ incident occurred.

(a) For good cause shown, a party to whom a civil penalty has been issued pursuant to (2) may seek a recalculation of the penalty based on information received from ~~both~~ all call centers.

(b) remains the same.

(3) A party aggrieved by the imposition of a civil penalty may ~~contest~~ dispute the penalty as provided for in ARM 24.301.1009.

(4) ~~A~~ The department may refer for debt collection any civil penalty that has not been ~~contested~~ disputed and ~~which~~ remains unpaid for more than 75 days after issuance ~~it was issued may be referred by the department for collection of the debt.~~

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-524, 69-4-525, 69-4-529, 69-4-530, MCA

24.301.1007 COLLECTION OF ANNUAL FEES (1) ~~In order to~~ To collect the annual fees from underground facility owners, the department may, by contract or other agreement, have the call centers perform the annual billing ~~performed by the call centers.~~

(2) ~~An underground facility owner may receive a bill from any~~ Any call center from which the ~~an~~ underground facility owner has received locate requests may bill the underground facility owner.

(3) ~~The annual fees must be paid by the underground facility owner~~ Underground facility owners shall pay the annual fees within 30 days of the date of a the bill ~~for those fees.~~

(4) ~~Annual~~ The department may refer fees which remain remaining unpaid for more than 90 days ~~after billing may be referred by the department~~ for collection of ~~the debt.~~

(a) The department, in its sole discretion, may allow an underground facility owner ~~that is billed an annual fee of less than \$50 to defer the payment of the annual fee until the following year.~~ An During the deferral period, the department will not refer an underground facility owner ~~whose~~ having a deferred annual fee payment is deferred ~~will not be referred to collection during the period of deferral.~~

(b) The department ~~may~~ will not allow a deferral of defer payment of annual fees more than once every two years for an underground facility owner.

(5) ~~For the 2018 and 2019 billing cycle, the~~ The amount of the annual fee to be paid by an underground facility owner is \$0.10 per outgoing locate request made by each call center.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-530, MCA

REASON: The department is amending (5) to remove unnecessary language regarding past billing cycles. The \$0.10 fee per outgoing locate request is not changing.

24.301.1009 DISPUTES REGARDING PENALTIES AND FINES –

MEDIATION (1) A party that timely disputes a civil penalty ~~or fine~~ may, after first satisfying the mediation requirements of this rule, ~~have~~ request a contested case with the department. The contested case must be held in accordance with the Montana Administrative Procedure Act and ~~will be~~ conducted by the department's Office of Administrative Hearings.

(2) The advisory council shall act as the mediator of disputed civil penalties ~~or fines~~. ~~The mediator~~ and shall attempt to bring the parties to mutually acceptable resolution of the dispute.

(3) remains the same.

(4) The department shall promptly notify the advisory council of disputes arising under 69-4-524, or 69-4-525, ~~or 69-4-529~~, MCA. The mediation must be conducted within 45 days of ~~the council being notified~~ notification.

(5) Mediation may be conducted by a majority of the advisory council, or it ~~may be delegated by the council~~ chair may delegate the duty to a subset of the council ~~to act as the mediator~~.

(6) remains the same.

(7) ~~The mediator~~ department shall issue a written report ~~and of the council's~~ recommendation to the parties within 15 days of the mediation.

(8) If the parties agree to a resolution of their dispute during mediation or within 20 days after the report ~~and recommendation~~ is sent to the parties, the department shall notify the advisory council that the matter has been resolved.

(9) If the party ~~that disputes~~ disputing the civil penalty ~~or fine~~ does not agree to resolve the matter, ~~it the party~~ must notify request a contested case with the department within 20 days of the issuance of the mediation report ~~and recommendation being issued that the department must schedule a contested case~~.

(10) An underground facility owner that received a fine may contest the fine by requesting a contested case hearing with the department within 20 days of the fine being levied.

~~(40)~~ (11) Failure of a party to timely ~~notify~~ request a contested case with the department ~~to schedule a contested case~~ acts as waiver of the right to a contested case.

(11) remains the same but is renumbered (12).

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-526, 69-4-529, MCA

REASON: The department is amending (5) to clarify the ongoing process that the chairperson of the council selects the council members to participate in mediations.

It is reasonably necessary to amend (7) and (8) to clarify that the department provides a single report to the parties following a mediation, and that report contains the council's recommendation. This is the current process and there will be no change.

The department determined it is reasonably necessary to amend this rule to separate the processes for disputing a civil penalty and contesting a fine within the program's jurisdiction. Staff noted that the mediation statute 69-4-526, MCA, only applies to disputing civil penalties and not contesting fines. Fines are addressed in 69-4-529, MCA, which provides that an underground facility owner who receives a fine can contest it and request a hearing. The department is further adding (10) to provide the process to request a contested case hearing when contesting a fine.

24.301.1011 TRAINING AND EDUCATIONAL GRANTS (1) and (2) remain the same.

~~(3) A call center may submit only one grant application per year. The department will accept and review grant applications starting January 1, 2019. Each call center in the state may submit one grant application per calendar year due on December 31. The department, in consultation with the advisory council, will review the applications and award one grant by March 31 for the previous calendar year application period.~~

~~(4) Grants are awarded annually on a state fiscal year basis. The amount available for distribution is dependent upon the balance in the grant account that exists on January 1 of the year in which the application is made. The amount of the grant will be the total amount of civil penalties and fines collected in the previous fiscal year.~~

(5) remains the same.

(6) If no grant applications are received in a given year, the grant funds will roll over into the following year's grant amount.

~~(6) (7)~~ The department shall consult with the advisory council in determining how to distribute available grant funding, ~~in light of the applications received~~. In making the grant distribution, the department will consider:

(a) through (e) remain the same.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-528, MCA

REASON: Following review by staff and to address concerns from the department's fiscal bureau, the department determined it is reasonably necessary to amend this rule to clarify the grant processes. These amendments will address confusion by clearly setting forth the timelines for application and awarding the annual grants. The department is amending this rule to specify that grants are awarded annually by calendar year, but funded on a fiscal year basis. This change is reasonably necessary to comply with generally accepted state accounting practices and achieve efficiencies in utilizing standardized fiscal procedures.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Underground Facility Protection Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517, by facsimile to (406) 841-2050, or e-mail to buildingcodes@mt.gov, and must be received no later than 5:00 p.m., September 4, 2020.

6. An electronic copy of this notice of public hearing is available at <http://bsd.dli.mt.gov/Building-Codes-Permits/underground-facility-protection> (department's and program's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Underground Facility Protection Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; faxed to the office at (406) 841-2050; e-mailed to buildingcodes@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

9. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.301.1003, 24.301.1007, 24.301.1009, and 24.301.1011 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determination is available upon request to the Underground Facility Protection Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; facsimile (406) 841-2050; or to buildingcodes@mt.gov.

10. Traci Collett has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PROPOSED
RULE I pertaining to recalls) ADOPTION
)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to adopt the above-stated new rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on August 28, 2020, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I RECALLS (1) A recall is an establishment's voluntary action to remove product from commerce to protect the public from consuming adulterated or misbranded products.

(2) Each establishment inspected by the department must have a recall plan that will be implemented whenever the establishment suspects that it has produced and put into commerce adulterated or misbranded product.

(3) Recalls are initiated by the manufacturer or distributor of the meat or poultry. These establishments must notify the department within 24 hours of the establishment's decision to conduct a recall.

(4) The department will coordinate with the establishment initiating the recall to ensure the product has been properly identified and removed from commerce.

(5) If the department has reason to believe adulterated or misbranded product has entered commerce and no recall has been initiated, or if an establishment requests assistance determining whether a recall is necessary, the department will:

(a) conduct a preliminary investigation, which may include some or all of the following steps:

- (i) contacting the manufacturer of the food for more information;
- (ii) interviewing consumers who allegedly became ill or injured from eating the suspect food;
- (iii) collecting and analyzing food samples;
- (iv) collecting and verifying information about the suspected food;

- (v) discussing the situation with departmental field inspection and compliance personnel;
- (vi) contacting State and local health departments; and
- (vii) documenting a chronology of events; and
- (b) convene a recall committee using the following process:
 - (i) the recall committee will review available information and make a consensus recommendation about the need for a recall; and
 - (ii) the recall committee will consist of five to seven members representing the following types of individuals:
 - (A) meat science specialist, who may be retained from an appropriate entity outside of the department;
 - (B) microbiologist, who may be retained from an appropriate entity outside of the department;
 - (C) Board of Livestock member or the department's executive officer;
 - (D) The department's Animal Health and Food Safety Division administrator or chief meat inspector; and
 - (E) Meat and Poultry Inspection Bureau enforcement, investigations, and analysis officer or equivalent; and
 - (iii) if the recall committee recommends a product recall, the committee will prepare a report to be sent to the establishment confirming the evaluation of the hazard, the scope of the recall, the area of distribution, and the department's understanding of the establishment's recall strategy.
- (6) After the committee recommends a recall, the establishment has 48 hours to declare its intent to accept or deny the recommendation in writing to the department's chief meat inspector.
- (7) If an establishment refuses to recall a product following the recommendation of the committee, the department may notify the public of the refusal to conduct a recall and may detain or retain affected products.
- (8) The department will notify the public of any recall or detention of state inspected meat and poultry food products and conduct effectiveness checks.
- (9) If a recall is not recommended because no affected products remain in commerce but a potential health risk to consumers exists from products that may still be in the consumers' possession, or from products which are unaccounted for, the department may notify the public of that risk through a public health alert.
- (10) All public notifications from the department concerning recalled products, products that an establishment chooses not to recall, and products that are not subject to recall but that may pose a potential health risk will include the name of the producing establishment, the official establishment number, the name of the product, and any other available identifying information such as lot numbers, production dates, or use-by dates.

AUTH: 81-2-102, 81-9-220, MCA

IMP: 81-9-220, 81-9-226, 81-9-234, MCA

REASON: The Department of Livestock is proposing this new rule to formalize the recall process that was drafted and adopted by the department following a series of public meetings with the meat and poultry industry. The industry encouraged the

department to implement a more formal and transparent recall process, and this rule is the outcome of that recommendation. This rule does not create a new recall process; it puts into administrative rule an existing process that has been published and followed by the department for the last two years.

4. Concerned persons may submit their data, views, or arguments either orally or in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., September 4, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments to the above address no later than 5:00 p.m., September 4, 2020.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the businesses directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 4 persons based on there being currently 37 businesses that will be impacted by this rule.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Director
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.217 special requirements	)	AMENDMENT
for poultry and 32.3.221 special)	
requirements for alternative livestock	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on August 28, 2020, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

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

32.3.217 SPECIAL REQUIREMENTS FOR POULTRY (1) Poultry, including hatching eggs, may enter the state of Montana provided they are transported or moved in conformity with ARM 32.3.201 through 32.3.211 and are accompanied by ~~a permit or an~~ official health certificate or other approved documentation ~~as herein specified.~~

~~(2) Baby chicks and turkey poult~~s 14 days of age, or younger, and hatching eggs:

~~(a) Any person, firm or corporation shipping baby chicks and/or turkey poult~~s 14 days of age, or younger, or hatching eggs into the state of Montana shall first obtain a permit from the state veterinarian of Montana.

~~(b) A permit will authorize shipments during the season for which the permit is issued, unless revoked for cause.~~

~~(c) A permit will not be granted to ship baby chicks or turkey poult~~s 14 days of age or younger, which have been vaccinated or exposed to a live virus vaccine.

~~(d) A permit will be issued only if the baby chicks, turkey poult~~s, or hatching eggs (except waterfowl eggs) originate in flocks, and are distributed from hatcheries or premises, participating in the national poultry improvement plan or national turkey improvement plan or operating under the supervision of the poultry disease control authority of the state of origin and are officially classified as pullorum typhoid clean or of equal status, and are free of infectious, contagious or communicable disease or exposure thereto.

~~(e) Each container of baby chicks or turkey poulters 14 days of age, or younger or hatching eggs, shipped into the state of Montana shall bear the official label or certificate showing the name and address of the shipper, the authority under which the Pullorum Typhoid tests were done, the Pullorum Typhoid clean classification of the product, and the Montana shipping permit number. The official label or certificate must be approved by the official state agency or, the livestock sanitary official of the state of origin.~~

~~(3) Started chicks, turkey poulters, and poultry, except for immediate slaughter, over 14 days of age, must be accompanied by an official health certificate of the state of origin attesting that they are:~~

~~(a) free of infectious, contagious, or communicable disease or exposure thereto; and~~

~~(b) officially Pullorum Typhoid tested with negative results within 30 days or originate directly from an official pullorum typhoid clean flock, hatchery, and premise or a flock, hatchery, and premise of equal status as determined by the livestock sanitary official of the state of origin; and~~

~~(c) not vaccinated or exposed to a live virus vaccine within 30 days of the date of shipment into Montana.~~

~~(4) Shipping crates in which poultry and hatching eggs are shipped into the state of Montana must be new or thoroughly cleaned and disinfected before using for shipment.~~

(2) Poultry and hatching eggs originating from hatcheries or premises participating in the national poultry improvement plan may be accompanied by a VS Form 9-3 in lieu of an official health certificate.

(3) Poultry and hatching eggs not originating from hatcheries or premises participating in the national poultry improvement plan:

(a) must be accompanied by an import permit, an official health certificate of the state of origin attesting that they are free of infectious, contagious, or communicable disease or exposure thereto; and

(b) all poultry older than four months of age must be officially Pullorum tested with negative results within 30 days.

(4) Poultry must not be vaccinated or exposed to a live virus vaccine within 30 days of the date of shipment into Montana.

(5) Shipping crates in which poultry and hatching eggs are shipped into the state of Montana must be new or thoroughly cleaned and disinfected before using for shipment.

AUTH: 81-2-102, ~~81-20-101~~, 81-2-707, MCA

IMP: 81-2-102, ~~81-20-101~~, 81-2-703, 81-2-707, MCA

REASON: The department proposes to amend this rule to provide consistency with the National Poultry Improvement Plan (NPIP) guidance. NPIP is a nationally recognized poultry program, run by USDA, that focuses on health and biosecurity. Many states, including Montana, allow NPIP participation to satisfy their import requirements. The proposed changes will bring consistency to the age of testing and will assure that poultry not enrolled in the NPIP program still satisfy disease testing requirements.

Additionally, much of the paperwork associated with the NPIP program has transitioned to an electronic format which negates the need for an import permit for participants. The proposed changes to this rule will streamline the import process for the department and poultry producers, while maintaining health standards that are consistent with the USDA and other states.

32.3.221 SPECIAL REQUIREMENTS FOR ALTERNATIVE LIVESTOCK

(1) All sexually intact alternative livestock six months of age and older imported into Montana from states with a Designated Surveillance Area for brucellosis must be either test-negative for brucellosis within 30 days prior to importation ~~or originate from a brucellosis-certified free herd.~~

(a) through (6) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA

IMP: 81-2-102, 81-2-103, 81-2-703, 81-2-707, MCA

REASON: The department is proposing to amend ARM 32.3.221 eliminating the interstate Brucellosis testing requirements for interstate movement of alternative livestock, outside of the Greater Yellowstone Area (GYA). At the 2017 United States Animal Health Association (USAHA) annual meeting, a resolution was passed supporting the elimination of this requirement. There have been no confirmed cases of brucellosis in alternative livestock outside of the GYA in the previous twenty years. The risk of disease in this population is low and therefore an interstate movement test is not required to protect the livestock population of Montana.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., September 4, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., September 4, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 10 persons based on 15 producers that are currently eligible to import alternative livestock and 84 NPIP participants and 5 non-NPIP participants.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.27.902, 37.85.105, and) PROPOSED AMENDMENT
37.88.101 pertaining to Medicaid)
rates and services)

TO: All Concerned Persons

1. On August 27, 2020, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at <https://mt-gov.zoom.us/j/99635490904>, Meeting ID: 996 3549 0904; or

(b) Dial by telephone +1 646 558 8656, meeting ID: 996 3549 0904. Find your local number: <https://mt-gov.zoom.us/u/azoCGpreE>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on August 21, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.27.902 SUBSTANCE USE DISORDER SERVICES: AUTHORIZATION REQUIREMENTS (1) remains the same.

(2) In addition to the requirements contained in rule, the department has developed and published the Addictive and Mental Disorders Division Medicaid Services Provider Manual for Substance Use Disorder and Adult Mental Health, dated ~~July 1, 2020~~ October 1, 2020, which it adopts and incorporates by reference. The purpose of the manual is to implement requirements for utilization management and services. A copy of the manual may be obtained from the department by a request in writing to the Department of Public Health and Human Services, Addictive and Mental Disorders Division, 100 N. Park, Ste. 300, P.O. Box 202905, Helena, MT 59620-2905 or at <http://dphhs.mt.gov/amdd.aspx>.

(3) remains the same.

AUTH: 53-6-113, 53-24-204, 53-24-208, 53-24-209, MCA
IMP: 53-6-101, 53-24-204, 53-24-208, 53-24-209, MCA

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID PROVIDER FEE SCHEDULES (1) and (2) remain the same.

(3) The department adopts and incorporates by reference, the fee schedule for the following programs within the Health Resources Division, on the date stated.

(a) The inpatient hospital services fee schedule and inpatient hospital base fee schedule rates including:

(i) the APR-DRG fee schedule for inpatient hospitals as provided in ARM 37.86.2907, effective ~~October 1, 2019~~ October 1, 2020; and

(ii) the Montana Medicaid APR-DRG relative weight values, average national length of stay (ALOS), outlier thresholds, and APR grouper version ~~36~~ 37 are contained in the APR-DRG Table of Weights and Thresholds effective ~~October 1, 2019~~ October 1, 2020. The department adopts and incorporates by reference the APR-DRG Table of Weights and Thresholds effective ~~October 1, 2019~~ October 1, 2020.

(b) The outpatient hospital services fee schedules including:

(i) through (iii) remain the same.

(iv) the bundled composite rate of ~~\$250.88~~ \$255.47 for services provided in an outpatient maintenance dialysis clinic effective on or after ~~April 1, 2019~~ July 1, 2020.

(c) through (4) remain the same.

(5) The department adopts and incorporates by reference, the fee schedule for the following programs within the Addictive and Mental Disorders Division on the date stated:

(a) The mental health center services for adults fee schedule, as provided in ARM 37.88.907, is effective ~~July 1, 2020~~ October 1, 2020.

(b) through (6) remain the same.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-125, 53-6-402, MCA

37.88.101 MEDICAID MENTAL HEALTH SERVICES FOR ADULTS, AUTHORIZATION REQUIREMENTS (1) remains the same.

(2) In addition to the requirements contained in rule, the department has developed and published the Addictive and Mental Disorders Division Medicaid Services Provider Manual for Substance Use Disorder and Adult Mental Health (Manual), dated ~~July 1, 2020~~ October 1, 2020, which it adopts and incorporates by reference. The purpose of the Manual is to implement requirements for utilization management and services. A copy of the Manual may be obtained from the department by a request in writing to the Department of Public Health and Human Services, Addictive and Mental Disorders Division, 100 N. Park, Ste. 300, P.O. Box 202905, Helena, MT 59620-2905 or at <http://dphhs.mt.gov/amdd.aspx>.

(3) through (5) remain the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) administers the Montana Medicaid and non-Medicaid program to provide health care to Montana's qualified low income, elderly, and disabled residents. Medicaid is a public assistance program paid for with state and federal funds appropriated to pay health care providers for the covered medical services they deliver to Medicaid members.

The purpose of the proposed rule amendments is to:

1. adopt Version 37 of the APR-DRG grouper and incorporate the updated relative weights, and average national length of stays for inpatient hospitals;
2. increase the bundled composite rate for dialysis clinics;
3. add a new Medicaid service, transcranial magnetic stimulation (TMS); and
4. make changes in the Addictive and Mental Disorders Division policy manual to update terminology and clarify drug testing criteria.

Inpatient Hospital

The department proposes to adopt a new version of the APR-DRG grouper effective October 1, 2020. Version 37 of the grouper contains changes to DRG relative weights and average length of stays. Implementation of the proposed changes will maintain inpatient hospital reimbursement within the appropriations outlined in House Bill 2.

The proposed October 1, 2020 APR-DRG calculator is posted at the following weblink: <https://medicaidprovider.mt.gov/proposedfs>.

Dialysis Clinic

Effective July 1, 2020, the bundled composite rate for dialysis clinics will be \$255.47. This change incorporates the legislatively appropriated provider rate increase for dialysis clinics. An analysis was required to confirm the proposed rate increase would not result in paying above the upper payment limit for dialysis clinics.

TMS service

The department proposes to add transcranial magnetic stimulation services, which can provide noninvasive treatment options for Medicaid members with a diagnosis of major depressive disorder, when other treatments have not been effective. The addition of this service will enhance the services provided to adults with severe and disabling mental illness who experience treatment-resistant major depression.

Policy Changes to AMDD Manual

The department proposes to amend the language in Policy 460, Program for Assertive Community Treatment (PACT). This is necessary to ensure the appropriate and consistent use of terminology to avoid confusion pertaining to the requirements for each of the PACT tiers.

The department proposes to add language to Policy 505 to specify that Medicaid only pays for drug testing when determined medically necessary and that court orders do not signify medical necessity. This is necessary to ensure Montana Medicaid is only reimbursing for medically necessary drug testing when a member is under a court order for scheduled drug testing.

The department proposes to add language to Policy 120, Individualized Treatment Plans (ITP), to reflect that the ITPs must be signed by the member. This is necessary to align substance use disorder ITP requirements with those that currently exist for adult mental health.

Fiscal Impact

Provider type	SFY 2021 Budget Impact (State Funds)	SFY 2021 Budget Impact (Federal Funds)	SFY 2021 Budget Impact (Total Funds)	Active Provider Count
Inpatient				
Hospitals	0	0	0	499
Dialysis Clinics	17,306	44,504	61,810	24
Physician/Psychiatrists (TMS service)	69,060	130,940	200,000	2

Montana Medicaid provides health benefits to approximately 237,314 persons.

TMS service

It is estimated that approximately 20% of individuals with a primary diagnosis of major depression are treatment resistant. There are approximately 145 Medicaid members who had a primary diagnosis of major depression in calendar year 2019; therefore, the department estimates that approximately 30 members would meet the medical necessity criteria for transcranial magnetic stimulation (TMS), given currently available data on members.

In accordance with ARM 37.86.105(8), the reimbursement for TMS was determined by multiplying the average charge for the service by the payment-to-charge ratio. This rate methodology is used for services that are new and/or underutilized. The department anticipates that there will be a limited number of providers who will provide this treatment.

The cost estimate of approximately \$200,000 for the new TMS service assumes that all of the estimated 30 members eligible for the service will receive the service.

The department intends for these rule amendments to be effective October 1, 2020.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., September 4, 2020.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

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

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.86.2950 pertaining to) PROPOSED AMENDMENT
graduate medical education)
methodology changes)

TO: All Concerned Persons

1. On August 27, 2020, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/91571782752>, meeting ID: 915 7178 2752; or

(b) Dial by telephone +1 646 558 8656, meeting ID: 915 7178 2752. Find your local number: <https://mt-gov.zoom.us/u/acDifXHxVI>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on August 21, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.86.2950 GRADUATE MEDICAL EDUCATION PAYMENT PROGRAM

(1) and (2) remain the same.

(3) The department will make an annual payment to each eligible hospital on or before August 31 of each year.

(a) The payment will be calculated based upon the eligible hospital's inpatient Medicaid utilization per year, as calculated in (4).

(b) remains the same.

~~(4) The GME payment regarding primary care and psychiatry residency programs must be computed, in order, as follows:~~

~~(a) divide the total Graduate Medical Education Full Time Equivalent (GMEFTE) count for each eligible facility based upon the most recently as-filed cost report, Medicaid paid claims data, and approved self-attestation form by the Total~~

~~Graduate Medical Education Full Time Equivalent (TGMEFTE) for all eligible facilities to determine the Hospital Percentage of Graduate Medical Education (HPGME);~~

$$\frac{\text{GMEFTE}}{\text{TGMEFTE}} = \text{HPGME}$$

~~(b) divide the Hospital Specific Medicaid Inpatient Days (HSMID) by the total Hospital Specific Inpatient Days (HSID) for eligible hospitals to compute the Facility Specific Medicaid Hospital Day Rate (FSMHDR);~~

$$\frac{\text{HSMID}}{\text{HSID}} = \text{FSMHDR}$$

~~(c) add together the Facility Specific Medicaid Hospital Day Rate (FSMHDR) for all eligible hospitals to determine a Total Medicaid Hospital Day Rate (TMHDR);~~

$$\text{FSMHDR} + \text{FSMHDR} + \text{FSMHDR} + \text{FSMHDR} = \text{TMHDR}$$

~~(d) divide each hospital's Facility Specific Medicaid Hospital Day Rate (FSMHDR) by the Total Medicaid Hospital Day Rate (TMHDR) to determine the Facility Specific Medicaid Utilization Rate (FSMUR);~~

$$\frac{\text{FSMHDR}}{\text{TMHDR}} = \text{FSMUR}$$

~~(e) divide the Hospital Specific Medicaid Inpatient Days (HSMID) by the Total Medicaid Inpatient Days (TMID) of all eligible hospitals to compute the Facility Share of Medicaid Utilization (FSMU);~~

$$\frac{\text{HSMID}}{\text{TMID}} = \text{FSMU}$$

~~(f) add the percentage of the Facility Specific Medicaid Utilization Rate (FSMUR) plus the Facility Share of Medicaid Utilization (FSMU) plus the Hospital Percentage of Graduate Medical Education (HPGME) divided by three to acquire the Average Medicaid Utilization (AMU) specific to each eligible hospital; and~~

$$\frac{\text{FSMUR} + \text{FSMU} + \text{HPGME}}{3} = \text{AMU}$$

~~(g) allocate funds to each eligible hospital based on the facility specific percentage of Average Medicaid Utilization (AMU) as described in (4)(f).~~

(4) To calculate an eligible hospital's GME payment, the department will:

(a) divide the total amount of GME funding, including federal match, by the total number of primary care and psychiatry resident full-time equivalents (FTE) participating in the program to establish the per-resident amount (PRA);

(b) divide the number of FTE residents at each eligible hospital by the total number of primary care and psychiatry resident FTEs at all eligible hospitals participating in the program to establish each hospital's resident FTE percentage;

(c) divide the eligible hospital's Medicaid inpatient days by its total inpatient days to determine each eligible hospital's Medicaid utilization percentage;

(d) multiply each eligible hospital's Medicaid utilization percentage by its resident FTE percentage and then add the results from all of the eligible hospitals to establish the weighted average Medicaid utilization percentage for all hospitals;

(e) divide an eligible hospital's Medicaid utilization percentage from (c) by the weighted Medicaid utilization percentage for all eligible hospitals to establish each eligible hospital's Medicaid utilization index;

(f) multiply the eligible hospital's Medicaid utilization index by the PRA in (a) to establish each eligible hospital's adjusted PRA; and

(g) multiply the eligible hospital's adjusted PRA by the number of resident FTEs at the hospital to determine the GME payment amount.

(5) remains the same.

AUTH: 2-4-201, 53-2-201, 53-6-113, MCA

IMP: 2-4-201, 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) administers the Montana Medicaid and non-Medicaid program to provide health care to Montana's qualified low income, elderly, and disabled residents. Medicaid is a public assistance program paid for with state and federal funds appropriated to pay health care providers for the covered medical services they deliver to Medicaid members.

The purpose of the proposed rule amendments is to revise the Graduate Medical Education (GME) supplemental payment allocation to eligible hospitals.

The current model for distributing Medicaid funding for GME was initially developed when there was one program shared among two hospitals. Both hospitals had similar GME resident rotation counts, similar program costs, similar inpatient days, and a similar Medicaid payer mix. The original method of distribution uses a blend of all these factors to arrive at the payment distribution. Now, Montana has added three more participating hospitals. Because of the growth, there is new variability among the hospitals now participating in the GME program. That variability has resulted in an extreme variation in the amount per resident that each hospital receives. To alleviate some of the variation, the department proposes to revise the distribution allocation of the GME supplemental payment. This will align the distribution of GME Medicaid funding to the costs incurred and the number of residents trained at each eligible hospital.

Fiscal Impact

This proposed amendment is an allocation methodology change and does not impact the state general fund. This proposed amendment will impact the five teaching hospitals in Montana.

The department intends to apply these rule amendments retroactively to August 1, 2020.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., September 4, 2020.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rule I and the amendment of ARM) PROPOSED ADOPTION AND
37.40.1426 pertaining to home and) AMENDMENT
community-based services)

TO: All Concerned Persons

1. On August 27, 2020, at 1:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed adoption and amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/97720389601>; meeting ID: 977 2038 9601; or

(b) Dial by Telephone +1 646 558 8656; meeting ID: 977 2038 9601. Find your local number: <https://mt-gov.zoom.us/u/adJ9gja57>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on August 21, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I INCORPORATION BY REFERENCE OF POLICY MANUAL

(1) For purposes of this subchapter, the department adopts and incorporates by reference the Big Sky Waiver Program Policy Manual dated October 1, 2020. The purpose of the manual is to implement requirements for utilization management and services under the Home and Community-Based Services program.

(2) A copy of the Big Sky Waiver Program Policy Manual may be obtained from the Department of Public Health and Human Services, Community Services Bureau, jsark@mt.gov; 406-444-4544, P.O. Box 4210, Helena, MT 59604, or by accessing: <https://dphhs.mt.gov/SLTC/BigSkyWaiverPolMan>.

AUTH: 53-2-201, 53-6-101, 53-6-113, 53-6-402, MCA

IMP: 53-2-201, 53-6-101, 53-6-131, 53-6-141, 53-6-402, MCA

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

37.40.1426 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: NOTICE AND FAIR HEARING

(1) The department provides written notice to an applicant for a ~~consumer~~ member of services when a determination is made by the department concerning:

(a) and (b) remain the same.

(c) feasibility, including cost-effectiveness of services to the ~~consumer~~ member; and

(d) termination of ~~consumer's~~ member's eligibility for the program.

(2) The department provides a ~~consumer~~ member of services with notice ~~ten working~~ 30 calendar days before termination of services due to a determination of ineligibility with the exception of the following circumstances:

(a) death of a member;

(b) written request of a member that he or she no longer wishes the services;

(c) the member is admitted to a nursing facility, hospital, or transitional care unit; or

(d) the member is temporarily absent from receiving services for 30 or more consecutive calendar days.

(3) and (4) remain the same.

AUTH: 53-2-201, 53-6-113, 53-6-402, MCA

IMP: 53-2-201, 53-6-101, 53-6-402, MCA

5. STATEMENT OF REASONABLE NECESSITY

NEW RULE I

The Department of Public Health and Human Services (department) is proposing New Rule I to adopt and incorporate by reference the Big Sky Waiver Program Policy Manual (policy manual). The policy manual is an existing document that supplements the requirements of the Big Sky Waiver program currently set forth in federal and state statute, federal and state administrative regulations, and the state's approved section 1915(c) Home and Community Based Services Waiver. The current version of the policy manual is located at: <https://dphhs.mt.gov/SLTC/BigSkyWaiverPolMan>.

As part of this rulemaking, the department is also proposing to revise the policy manual by removing references to outdated sections and updating language within the manual to align with current law. The revised version of the policy manual the department is proposing to adopt and incorporate by reference is located at: <https://dphhs.mt.gov/SLTC>.

The department is proposing this rule in response to stakeholder feedback concerning the need to ensure that the requirements of the Big Sky Waiver program are uniformly addressed in administrative rule and accessible in a centralized

location to members of the public. The proposed rule is designed to increase stakeholder engagement, offer members of the public the opportunity to provide comment on the policy manual, and ensure any substantive program requirements within the policy manual are made part of administrative rule.

ARM 37.40.1426

This rule governs the notice requirements and fair hearing process that applies when the department determines a member is ineligible for Big Sky Waiver services. The rule currently requires that the department provide a member with 10 working days of advance written notice prior to terminating services. The department is proposing to revise the rule to increase this notice period to 30 calendar days. This revision is being proposed in response to stakeholder feedback and to allow members a greater period of time to contest a decision to terminate services prior to termination taking effect. The department is also proposing to revise the rule to specify the limited circumstances under which providing 30 days' advance written notice of termination would not be appropriate or feasible. These limited circumstances are set forth in (2)(a) through (2)(d) of the rule and are the type of circumstances under which federal regulations allow for notice to be sent until the date of termination. See 42 CFR § 431.213.

Additionally, the department is proposing to revise the rule for clarity by using the term "member" in lieu of "consumer."

The department is proposing these rules to be effective October 1, 2020.

Fiscal Impact

There is no anticipated fiscal impact with respect to this rulemaking.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., September 4, 2020.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or

delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

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

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

11. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 42.20.701, 42.20.705,	)	PROPOSED AMENDMENT AND
42.20.725, 42.20.740, 42.20.745, and	)	REPEAL
the repeal of ARM 42.20.171,)	
42.20.505, 42.20.710, 42.20.715,)	
42.20.720, 42.20.730, 42.20.735, and)	
42.20.750 pertaining to forest land)	
classification requirements and)	
valuation)	

TO: All Concerned Persons

1. On August 31, 2020, at 10:00 a.m., the Department of Revenue will hold a public hearing via remote conferencing to consider the proposed amendment and repeal of the above-stated rules. Interested persons may access the public hearing in the following ways:

- (a) Join Zoom Meeting: <https://mt-gov.zoom.us/j/97768295012>, Meeting ID: 97768295012;
- (b) Dial by Telephone: +1.406.444.9999 or +1.646.558.8656, Meeting ID: 97768295012;
- (c) Join by SIP: 97768295012@zoomcrc.com;
- (d) Join by H.323 (Polycom): 162.255.37.11##97768295012; or
- (e) Join by Skype for Business: <https://mt-gov.zoom.us/skype/97768295012>.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on August 14, 2020. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. ARM Title 42, chapter 20, subchapter 7 contains the department's administrative rules regarding its methodologies and practices for the classification and valuation of forest land, as authorized by the Montana Legislature under the Forest Lands Tax Act (15-44-101, MCA, et. seq).

Based on the department's periodic review of the rules subchapter and other related rules, and in preparation for the upcoming six-year reappraisal cycle/valuation cycle which begins January 1, 2021, the department observes that certain rules contain redundancies to statute, contain outdated definitions, text usage, or writing styles; and in some cases, do not reflect current department practices.

The department proposes to revise and relocate the most relevant content of six rules: ARM 42.20.710, 42.20.715, 42.20.720, 42.20.730, 42.20.735, and 42.20.750 into two rules: ARM 42.20.705 and 42.20.725. The department believes two primary rules that address forest land classification requirements and valuation provide improved rule organization and brevity of content. The department proposes to repeal ARM 42.20.710, 42.20.715, 42.20.720, 42.20.730, 42.20.735, and 42.20.750 based on the transfer of rule content.

The department also proposes to amend definitions in ARM 42.20.701 and amend ARM 42.20.740 and ARM 42.20.745 to remove unnecessary redundancies to statute; outdated definitions and terminology; and to update current department practices. Based on the department's proposed amendments, it will be necessary to renumber rule sections.

The department further proposes to repeal ARM 42.20.171 to eliminate unnecessary redundancies to statute and redundancies found in the department's primary internal resource, the Agricultural Land Classification and Valuation Manual and Forest Land Classification and Valuation Manual (Manual). The Manual, which is adopted and incorporated by reference in ARM 42.18.121, is updated each valuation cycle.

Lastly, the department also proposes to repeal ARM 42.20.505 to eliminate unnecessary redundancies found in 15-7-102, MCA.

While this general statement of reasonable necessity covers the basis for the following proposed rulemaking, it is supplemented below, where necessary, to explain rule-specific changes.

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

42.20.701 DEFINITIONS The following definitions apply to this subchapter:

~~(1) "Associated forest land management use" means the primary use of a structure is to support the health, maintenance, growth, or harvest of the forest on the subject property.~~

~~(2) "Capable of producing timber that can be harvested in commercial quantity" means:~~

~~(a) forest land that can produce 100 board feet or more of lumber per acre per year in live softwood trees as measured using the Scribner Log Rule, at the culmination of the mean annual increment for fully stocked, natural stands; and~~

~~(b) is at least 10 percent stocked with softwood timber of any size on an area at least 120 feet in width; or~~

~~(c) has been converted from another use and exhibits a minimum stocking rate of 300 seedlings and/or saplings per acre (12-foot average spacing); or~~

~~(d) does not meet the stocking requirement specified in (b) or (c), but has had the trees removed by man through timber harvest or by fires and other natural disasters, and has been, or will be, naturally or artificially regenerated within ten years.~~

~~(3)~~ (1) "Board foot" means a ~~block~~ measurement of wood equivalent to one inch thick by 12 inches long by 12 inches wide.

~~(4)~~ (2) "Contiguous parcels of land" means separately described parcels of land under one ownership that physically touch one another or would have touched one another were the acreages not separated by:

(a) through (c) remain the same.

(d) federal or state land that is leased from the federal or state government by ~~the taxpayer~~ an owner whose land is physically touching the federal or state land.

~~(5)~~ (3) "Cubic foot" means a ~~block~~ measurement of wood equivalent to 12 inches thick by 12 inches long by 12 inches wide. ~~There are approximately three to five board feet of finished lumber in one cubic foot of wood. The midpoint of this board foot to cubic foot conversion range is approximately four. The precise ratio varies with tree diameter, form, taper, and defect. In the forest land productivity model developed by the University of Montana – College of Forestry and Conservation, authorized under 15-44-103, MCA, the conversion factor is one cubic foot will equal four board feet.~~

~~(6)~~ "Culmination of mean annual increment" means the point of maximum mean annual volumetric yield production in a tree or stand of trees. This point is also referred to as the biological rotation age.

~~(7)~~ (4) "Diameter at breast height (dbh DBH)" means the average stem trunk diameter, measured outside of the bark, at a point 4.5 feet above the ground on the uphill side of the tree.

~~(8)~~ "Forest site productivity class" means the range of timber production potential of a site expressed in terms of board foot volume growth per acre per year at the culmination of mean annual increment in fully stocked natural stands.

~~(9)~~ "Fully stocked" means the highest degree in which a stand could fully utilize the site's capacity to grow trees.

~~(10)~~ (5) "Hardwood species" means a ~~taxonomic group of species commonly referred to as~~ broadleaf trees. Examples of hardwood species that are native to Montana are alder, Rocky Mountain maple, birch, aspen, and cottonwood. ~~Native hardwood species are generally considered to be noneconomical to process into lumber products in Montana and are not classified as commercial timber species for the purpose of this rule.~~

~~(11)~~ (6) "Land use" means the ~~type of service or~~ utilization of the land which directly relates to its classification, in accordance with 15-7-103, MCA.

~~(12)~~ (7) "Mean annual increment (MAI)" is a measurement of the average ~~yearly~~ annual increase in growth produced in a tree or a natural stand of trees. This increment MAI can be calculated by dividing total tree or natural stand growth by the total age. ~~Mean annual growth changes during different growth phases of a tree or stand of trees. MAI typically increases during the tree or stand's juvenile developmental stage, attains a maximum growth increment at a point in the stand's middle development, then decreases as the tree or stand becomes more mature.~~

~~(13)~~ (8) "Natural stands" means fully stocked, even-aged groups of softwood stands of trees which are naturally regenerated. Further, "fully stocked" means the highest degree in which a natural stand of trees could fully utilize the site's capacity to grow trees.

(9) "Noncommercial forest land" means forest land stocked with trees that are not economical to harvest due to quality and quantity of the wood.

~~(14) "Noncontiguous parcels of land" means parcels of land under one ownership that are physically separated from one another by land in a different ownership other than:~~

~~(a) deeded roads and highways;~~

~~(b) rivers and streams;~~

~~(c) railroad lines; or~~

~~(d) federal or state land that is leased from the federal or state government by the taxpayer whose land is physically touching the federal or state land.~~

~~(15) (10) "Nonforest land" means land that is at least 120 feet in width and at least five acres in size, which does not meet the requirements of ARM 42.20.705. Nonforest land can include rivers and streams, roads, highways, power lines easements, railroads, and noncommercial tree species. Nonforest land is classified as agricultural land, nonqualified agricultural land, residential land, commercial land, or industrial land.~~

~~(11) "Nonproductive forest land" means forest land that produces less than 100 board feet per acre annually.~~

~~(16) remains the same but is renumbered (12).~~

~~(17) "Owner" means that the applicant and owner of record are the same individual, corporation, or partnership.~~

~~(18) remains the same but is renumbered (13).~~

~~(19) (14) "Producing timber" means growing trees, including trees removed through harvest, clear-cut, or by natural disaster, such as fire.~~

~~(20) (15) "Residence" means all conventionally constructed homes, as well as all mobile homes and manufactured housing, that may serve as living quarters for one or more individuals or a family, regardless of actual occupancy. The occupancy of the residence shall be irrelevant.~~

~~(21) through (23) remain the same but are renumbered (16) through (18).~~

~~(24) (19) "Stocked or stocking" means a measurement of the crown coverage or degree to which an area is effectively covered with living trees.~~

~~(25) (20) "Timber" means softwood species that can be economically processed into lumber. Whitebark pine, limber pine, and Rocky Mountain juniper are generally considered to be noneconomical to process into lumber products in Montana and are not classified as commercial softwood species for the purpose of this rule these rules.~~

~~(26) (21) "Under one ownership" means one party owns when two or more parcels of land when the title is in the are titled under party's an owner's identical name or names or when an owner has obtained department recognition of parcels under one ownership through the affidavit process described in ARM 42.20.705; the party has received title in the parcels by a transferring instrument such as a deed, contract for deed, or judgment; and the party has the present right to possess and use the parcels.~~

~~(27) "Uninterrupted forest land" means forest land that meets the requirements of ARM 42.20.705 and is unbroken by nonforest land.~~

~~(28) "Volume" is expressed in net board feet as measured by the Scribner Log Rule.~~

AUTH: 15-44-105, MCA

IMP: 15-1-101, 15-44-101, 15-44-102, 15-44-103, 15-44-106, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the department proposes transferring current (1) to ARM 42.20.725(8) because the definition only applies to one topic in 15-44-106, MCA, and currently applies to one rule; and current (2) to ARM 42.20.705 because it contains forest land requirements in addition to the definition and ARM 42.20.705 is a more appropriate location.

The department proposes striking the word "taxpayer" in proposed (2)(d) and replacing with "owner" to better identify that the leasing party of government land must be the same owner of the adjacent property for the parcels to be considered contiguous for forest land valuation purposes.

The department proposes clarifying amendments to proposed (3) and (4) to remove extraneous information not pertinent to the definition. Proposed (3) includes a cross-reference for the statutory authority of the described productivity model. In proposed (4), the department seeks to improve the definition. The phrase "on the uphill side of the tree" is a necessary addition to clarify how DBH is determined.

The department proposes to amend the definition of "hardwood species" in proposed (5) by simplifying verbiage for improved clarity. The department also proposes to amend the definition in proposed (6), which is necessary to tie the definition to statute and to clarify that the department is not attempting to define plain language.

In proposed (7), the department proposes improvements to language use and striking the last two sentences as the information is not essential to the definition of MAI and the text is provided in the Manual.

The department proposes striking the definition in current (8) because the department discontinued using timber classes or grades of productivity in forest land valuation in 2008, and also proposes transferring the definition in current (9) to proposed (8) because 'fully stocked' is integral to the term and loses necessary attribution if maintained as a separate definition.

The department proposes adding a definition as proposed (9) for noncommercial forest land as the term is referenced in proposed (4) of ARM 42.20.705.

The department proposes striking the definition of noncontiguous parcels of land in current (14), as the definition is the direct opposite of contiguous parcels of land defined in proposed (3) and offers no measurable benefit from its continued use.

The department proposes adding nonforest land type examples from ARM 42.20.705(4) to the definition in proposed (10) for consistency of content.

In proposed (11), the department seeks to add a definition for nonproductive forest land as the term is proposed in ARM 42.20.705(4) and convert the statutory cubic feet productivity measurement to the more commonly referred board foot equivalent.

The department proposes to strike the definition of "owner" in current (17) due to redundancy of the term, which is found elsewhere in Title 15, MCA, and in the rule chapter.

In proposed (14), the department proposes to amend specific natural disaster

event references so the rule includes all natural disasters that may impact forest land.

The department proposes including the words "or stocking" to the definition in proposed (19) because stocked and stocking are used interchangeably throughout the subchapter. "Crown coverage" is also proposed for inclusion to improve explanation of how stocking may be measured.

The department proposes amending the definition in proposed (21) to improve rule text and to reflect the proposed affidavit process for department acknowledgment of ownership of parcels in ARM 42.20.705(5).

Finally, the department proposes the removal of current (27) and (28). Section (27) is a term that was adopted but not used within the subchapter and is no longer necessary. Section (28) is unnecessary as the text is found in the definition of the Scribner Log Rule which will not be amended but renumbered from (21) to (16).

42.20.705 FOREST LAND ASSESSMENT CLASSIFICATION ~~(1) The department will assess land as forest lands according to the following basic determinations:~~

~~(a) Forest lands are:~~

~~(i) (1) The department classifies contiguous forested land of 15 acres or more, that is at least 120 feet in width in the same under one ownership and which is capable of producing timber that can be harvested in commercial quantity with; and~~

~~(ii) land that is producing timber or land in which the trees have been removed by man through harvest, including clear-cuts, or by natural disaster, including, but not limited to fire.~~

~~(a) an annual productive capacity of 100 board feet or more of lumber per acre in live softwood trees, measured using the Scribner Log Rule, at the culmination of the MAI for fully stocked natural stands;~~

~~(b) softwood timber stocked at 10 percent or greater on an area of at least 120 feet in width; or~~

~~(c) a minimum stocking rate of 300 saplings per acre with 12-foot average spacing.~~

~~(2) Land that does not meet the stocking requirements in (1)(b) or (1)(c) because of timber harvest, clear-cuts, or by natural disaster, but will have trees regenerated within ten years, is classified as forest land.~~

~~(2) (3) Land that was classified as forest land that is in a prior year and is now reduced to less than 15 acres for a public use as the result of a land acquisition through eminent domain, as set forth in 70-30-102, MCA, maintains its forest land classification unless the forest land:~~

~~(a) has been further divided; or~~

~~(b) is devoted to a residential, commercial, or industrial use as provided in 15-6-143, MCA.~~

~~(3) Taxpayers must notify the department in writing of their eligibility for forest land classification for the current tax year on or before the first Monday in June, or within 30 days after the date on the assessment notice.~~

(4) Forest land classification is not available for Nonforest land, is land used for agricultural, nonqualifying agricultural, industrial, commercial, or residential purposes nonproductive forest land, noncommercial forest land, or land:

(a) incapable of yielding wood products due to adverse site conditions;

(b) withdrawn from timber use by statute, ordinance, covenant, court order, or administrative order;

(c) producing commercially marketable cultivated Christmas trees; or

(d) producing fruit trees or ornamental trees, including trees used as shade trees and windbreaks.

(5) A person who owns two or more contiguous parcels of land deeded in non-identical names may file an affidavit with the department attesting to the parcels as being under one ownership.

AUTH: 15-44-105, MCA

IMP: 15-6-143, 15-44-101, 15-44-102, 15-44-103, 15-44-104, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes amending ARM 42.20.705 to provide improved organization of information and requirements throughout the rule. The department proposes revising the catchphrase to reflect the proposed rule amendments.

The department proposes transferring content from ARM 42.20.701(2)(a) through (2)(c) to proposed (1) and (2) of this rule. The amendments are necessary because forest land classification requirements are better suited in this rule than in definitions.

Text in current (1)(a)(ii) and ARM 42.20.701(2)(d) is proposed for consolidation into proposed (3) to lessen redundancy and improve text organization. In proposed (3), the department proposes to further describe classification requirements for forest land affected by eminent domain and contain a cross-reference to 15-6-143, MCA. Also, proposed (3) is restructured as one sentence.

The department proposes striking current (3) to remove redundant text regarding requests for informal classification and appraisal review (Form AB-26) that is provided in 15-7-102, MCA.

In proposed (4), the department seeks to remove references to types of non-forest land as it is proposed for transfer to ARM 42.20.701(11) for improved organization. The department proposes consolidating the most relevant provisions from ARM 42.20.710 and ARM 42.20.735(2) and inserting them into proposed (4) and (5), respectively, with the goal of placing similar content into one rule.

The department is also updating the implementing citations to correspond with the consolidation of text from ARM 42.20.735 proposed for repeal.

42.20.725 FOREST LAND VALUATION FORMULA (1) Noncommercial forest land and nonforest land shall not be eligible for valuation as forest land. Standing and down timber on forest land shall not be separately valued and assessed. The department determines productivity value of forest land by dividing the state into four regional forest valuation zones (zone) designed to recognize

unique marketing areas, timber types, growth rates, access, and other pertinent factors affecting value. The counties contained within each zone are:

(a) Zone 1 - Northwest: Flathead, Lake, Lincoln, and Sanders counties;

(b) Zone 2 - Southwest: Deer Lodge, Granite, Mineral, Missoula, Powell, Ravalli, and Silver Bow counties;

(c) Zone 3 - Central: Beaverhead, Broadwater, Cascade, Chouteau, Fergus, Gallatin, Glacier, Golden Valley, Hill, Jefferson, Judith Basin, Lewis and Clark, Liberty, Madison, Meagher, Park, Pondera, Sweet Grass, Teton, Toole, and Wheatland counties; and

(d) Zone 4 - Eastern: Big Horn, Blaine, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wibaux, and Yellowstone counties.

(2) The valuation of forest land shall be as is provided in 15-44-101 through 15-44-105, MCA. Each zone's productivity value is calculated using the statutory formula provided in 15-44-103, MCA. However, the department applies the formula per industry standard as $I/R=V$. The department calculates each forest valuation zone's net income per acre (I) by:

(a) multiplying the potential forest productivity, expressed in board feet per acre, by the average per acre stumpage value for the specific forest zone; and

(b) adding the zone-specific per acre agricultural net income provided in (3); and

(c) subtracting zone-specific per unit cost of the forest product provided in (4).

~~(3) The valuation of forest land shall be based on the average of income and expenses for the most recent ten-year period ending in the calendar year immediately preceding the year published by the department in ARM 42.18.124 and the capitalization rate identified in (5)(c)(i).~~

~~(4) Income and expense data is expressed in real dollars using Gross Domestic Price (GDP) indices. Real dollars are brought forward to the closest quarterly calendar date published by the department in ARM 42.18.124.~~

~~(5) The department shall determine the forest potential productivity value for each forest valuation zone using the formula $V=I/R$, where:~~

~~(a) V is the per-acre forest potential productivity value of the forest land;~~

~~(b) I is the per-acre net income of forest lands in each valuation zone and is determined by the department using the formula, $I = (M \times SV) + NAI - C$, where:~~

~~(i) I is the per-acre net income;~~

~~(ii) M is the per-acre mean annual net wood production expressed in board feet per acre;~~

~~(iii) SV is the per-acre stumpage value;~~

~~(iv) NAI is the per-acre agricultural related income; and~~

~~(v) C is the per-unit cost of the forest product and agricultural product produced, if any; and~~

~~(c) R is the capitalization rate.~~

~~(i) For the appraisal cycle beginning after December 31, 2014, and concluding on December 31, 2020, the capitalization rate used is 8 percent.~~

~~(6) Net income (I) shall include stumpage value derived from the harvest of timber on state timber sales.~~

~~(7) The mean annual net wood production (M) shall be determined in board feet using the Scribner Log Rule.~~

~~(a) MAI is the weighted mean volumetric average of each forest productivity site in each forest valuation zone.~~

~~(8) Agricultural related income is the average net income for grazing livestock on forest lands in each forest valuation zone. Agricultural related income shall be determined by using the formula $AI = GF \times AUM \times GC$ where:~~

~~(a) AI is the per-acre agricultural related income;~~

~~(b) GF is the average per-acre grazing fee on private land;~~

~~(c) AUM is the average per-acre animal unit months on forest land; and~~

~~(d) GC is the percentage reflecting grazing costs used by the department to value agricultural grazing land.~~

~~(9) The effective tax rate shall be calculated by dividing the total estimated tax due on private forest lands by the total forest value of those lands.~~

(3) The department calculates the agricultural-related net income of a zone by:

(a) multiplying the average per acre grazing fee on private land by the zone-specific average grazing productivity of forest land expressed in animal unit months (AUM) per acre; and

(b) deducting the landowner's grazing expenses of 25 percent from the gross income per acre value.

(4) The department assigns a potential productivity which is a weighted mean of volume produced, expressed in board feet per acre, to each forest acre based on the culmination of MAI measured by the Scribner Log Rule.

(5) The department calculates the per unit cost of forest product produced over the base period provided in 15-44-103, MCA, and determined by:

(a) averaging the actual expenditures for reforestation, fire assessment, slash disposal, timber stand improvement, timber harvest, and forest practices of the Department of Natural Resources and Conservation (DNRC) in each zone over the base period;

(b) adding the average fire assessment fees charged by the DNRC over the base period; and

(c) adding the average severance tax paid by landowners for harvested timber over the base period.

(6) The department uses the capitalization rate of eight percent as set in 15-44-103, MCA, to convert the net income to a forest land productive value.

(7) The department classifies one-acre of land beneath any residence located on forest land as a forest home-site. The value of the one-acre site will be determined using the sales comparison approach to value.

(8) Land under structures which are associated with forest land management are classified and valued as forest land.

(a) For the purpose of this rule, "associated with forest land management" means the primary use of a structure that supports the health, maintenance, growth, or harvest of the forest land on the property.

(b) If a residence and structures associated with forest land management share the same area, the department will value the one-acre site using the sales comparison approach to value.

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-6-134, 15-7-103, 15-8-111, 15-44-101, 15-44-102, 15-44-103, 15-44-104, 15-44-106, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes amending ARM 42.20.725 by transferring all of the relevant forest land valuation concepts from ARM 42.20.715, 42.20.720, 42.20.730, and 42.20.750 into this rule for efficiency and improved reference location. The department proposes to amend the rule's catchphrase to reflect the proposed rule content.

The department proposes transferring the first sentence in (1) to proposed ARM 42.20.705(4) because the text pertains to land types not eligible for forest land classification and does not belong in the proposed forest land valuation rule. The department also proposes striking the second sentence in (1) because the text is obsolete since the department discontinued taxing timber in 1994.

The department proposes transferring forest land zones information from ARM 42.20.720 to proposed (1) as the department's intent is to place all forest land valuation information in a single rule for efficiency and ease of reference. Proposed (1)(a) through (d) contain zone changes for the 2021-2026 valuation cycle from the prior cycle based on market data and forest growth characteristics determined by the University of Montana.

In proposed (2), the department proposes transferring the statutory cross reference which pertains to the forest land productivity valuation of each forest valuation zone from ARM 42.20.745(1). The department also proposes restating the valuation formula in a format that reflects how the department and the valuation industry practically read and apply the formula.

The department proposes revising the text in current (5) through (8) and relocating it to proposed (2), (3), (4), (5), and (6) for improved organization and description of the forest land value calculation process. In proposed (2)(a) through (2)(c), the department proposes revising the formula terms from current (5)(a) and (5)(b) to describe forest valuation zone's net income per acre calculations more concisely. In proposed (3), the department proposes revising and relocating text from current (8) for improved clarity. In proposed (4), the department is transferring text from ARM 42.20.715, and consolidating it with the current (7) for improved organization. In proposed (5), the department is transferring text from ARM 42.20.730 for efficiency. The department also proposes revising current (5)(c) and (5)(c)(i) and moving the relevant content to proposed (6) for improved location of the capitalization rate. The department further proposes striking the appraisal cycle reference in current (5)(c)(i) because it is provided in 15-44-103, MCA.

The department proposes striking current (3) to eliminate redundancies with text provided in 15-44-103(5) and (6), MCA. The cross-reference to ARM 42.18.124 is obsolete as the rule was repealed in January 2019.

The department also proposes striking current (4) because the reference is

unnecessary as the typical market condition (time) adjustment valuation step does not need to be identified in rule.

The department further proposes to transfer text from ARM 42.20.750(1) and (2) to proposed (7) and (8), respectively, with the intention to place all forest land valuation information together in a single rule.

Based on the department's proposed amendments for this rule, it will be necessary for the department to renumber the rule sections.

In accordance with 2-4-305, MCA, the department is also updating the implementing citations with 15-6-134, 15-7-103, and 15-8-111, MCA, to correspond with the relocation of text from ARM 42.20.750. Section 15-44-106, MCA, is also being included as an implementing citation which has been inadvertently omitted from ARM 42.20.750.

42.20.740 NATURAL DISASTER REDUCTION - GENERAL PRINCIPLES

(1) ~~Forest lands upon which, after December 31, 1993, trees are destroyed by fire, disease, insect infestation, or other natural disaster shall be with trees destroyed by natural disaster are~~ eligible for a 50 percent reduction in assessed value for 20 tax years beginning the first full tax year following the natural disaster. The affected forest land must have been classified as forest land under 15-6-143, MCA, and had ten percent or greater stocking prior to the natural disaster, and less than ten percent stocking of live trees after the natural disaster.

(2) ~~The property owner of record as of January 1 of the first full tax year for which the reduction in value is sought, or that owner's agent, must submit the natural disaster reduction request to the local department office in the county where the property is located on a Request for Informal Classification and Appraisal Review, Form AB-26, within 30 days from the date on the classification and appraisal notice in the first year of the six year valuation cycle or by June 1 of any subsequent year of the valuation cycle for eligibility to begin in that subsequent year.~~

(a) A Form AB-26 submitted in the year the natural disaster occurred or during the first full year following the natural disaster, and the reduction is approved, the property owner will receive the 50 percent reduction in assessed value for 20 years.

(b) A Form AB-26 submitted in any subsequent year after the first full year following the natural disaster, and the reduction is approved, the property owner will receive the 50 percent reduction for the year the Form AB-26 was submitted and the remaining years of the 20-year reduction period.

(3) The following information must be included on the Form AB-26:

(a) ~~applicant's property owner's~~ name, current mailing address, and phone number;

(b) through (g) remain the same.

(4) ~~Forest land shall be eligible for a 50 percent reduction in assessed value provided:~~

~~(a) the forest land affected is 15 contiguous acres or larger in size and under one ownership;~~

~~(b) the forest land affected contained at least 10 percent stocking of live trees prior to the natural disaster; and~~

~~(c) the forest land affected contains 10 percent stocking or less of live trees after the occurrence of the natural disaster.~~

~~(5) A reduction to the assessed value in the first year is applicable to all years in the reduction period, as provided for in (1). A reduction in assessed value for an appeal filed in years after the first year applies to the year in which the appeal is timely filed and the remaining years in the reduction period.~~

~~(6) The department shall review the Form AB-26 and may conduct a field evaluation. The department will approve or deny the request and notify the property owner of its determination in writing.~~

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-7-102, 15-44-101, 15-44-102, 15-44-103, 15-44-104, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes amending ARM 42.20.740 by striking the date reference in (1) because sufficient time has elapsed so that the initial triggering date of natural disaster loss is now immaterial. The department also proposes striking specific natural disasters references and replacing it with "trees destroyed by natural disaster" to provide for any type of natural disaster. The department proposes relocating and revising text from (4) to (1) regarding the forest land eligibility requirements; and also proposes correcting the stocking percent rate text in current (4)(c) to correspond with the statutory requirement provided in 15-44-104, MCA. The changes are necessary to improve organization and clarity of the rule requirements.

In (2), the department proposes revising Form AB-26 text to eliminate unnecessary redundancies to what is already provided in 15-7-102(3)(f), MCA. The department also proposes relocating and revising text from (5) to (2) for improved organization of content.

Finally, the department proposes striking (6) as the section is unnecessary for this rule. The Form AB-26 submission process is not specific to applications for forest natural disaster reductions and is provided in 15-7-102, MCA.

Based on the department's proposed amendments, it will be necessary for the department to renumber the rule sections.

42.20.745 FOREST LAND VALUE CHANGE PROCESS ~~(1) Forest land productivity values are calculated by using the formula defined in 15-44-103, MCA.~~

~~(a) For forest land with an increase in value as a result of the 2015 reappraisal, the department will apply the phase-in percentage as defined in 15-7-111, MCA, to the full reappraisal productivity values for forest land for the reappraisal cycle beginning January 1, 2015.~~

~~(b) For forest lands with a decrease in value as a result of the 2015 reappraisal, the lower value will be fully implemented immediately and will not be phased in.~~

(1) Forest land productivity value is subject to change as a result of reappraisal, a land use change, or through acreage changes incidental to updates from the Geographic Information System or fluctuations in agricultural land use due

to typical farming practices. The department must phase in value increases as provided in 15-7-111, MCA.

(2) Before the department can apply any annual phase-in value, the department first determines the difference between the value before reappraisal (VBR) and the full reappraisal value.

(3) If the forest land's productivity value changes as a result of:

(a) reappraisal, the department will use the full reappraisal value from the previous reappraisal cycle as the VBR;

(b) a land use change, the VBR is calculated as if the new forest land acres had existed before reappraisal; or

(c) acreage changes due to department updates from the Geographic Information System, or due to incidental fluctuations in agricultural land use due to typical farming practices, the department will use the forest land value from the last year of the previous valuation cycle as the VBR.

(2) (4) The phase-in formula value calculations for each year of the reappraisal cycle is are as follows:

(a) ~~Change in value = full reappraisal value – value before reappraisal (VBR);~~

(b) (a) ~~Year 1 Pphase-in value (year 1) = value before reappraisal VBR + (change in value x .1666);~~

(c) (b) ~~Year 2 Pphase-in value (year 2) = value before reappraisal VBR + (change in value x .3332);~~

(d) (c) ~~Year 3 Pphase-in value (year 3) = value before reappraisal VBR + (change in value x .4998);~~

(e) (d) ~~Year 4 Pphase-in value (year 4) = value before reappraisal VBR + (change in value x .6664);~~

(f) (e) ~~Year 5 Pphase-in value (year 5) = value before reappraisal VBR + (change in value x .8330); and~~

(g) (f) ~~Year 6 Pphase-in value (year 6) = value before reappraisal VBR + (change in value x 1.000).~~

(3) ~~The following examples demonstrate how the phase-in formula calculates the per-acre assessed value for forest land:~~

(a) ~~For tax year 2015:~~

(i) ~~the 2014 full reappraisal value for forest land is \$518.63 per acre;~~

(ii) ~~the full reappraisal value for the same forest land in 2020 is \$553.51 per-acre; and~~

(iii) ~~the change in value is \$34.88 (\$553.51 – \$518.63).~~

(b) ~~The 2015 phase-in value per acre = \$518.63 plus (34.88 x .1666) = \$518.63 plus \$5.81 or \$524.44 per-acre.~~

(4) ~~For value changes that are a result of newly classified forest lands or forest lands that have a decrease in acres due to a land use change, the VBR is calculated. A calculated VBR is the value of the new forest land acres as if the forest land acres had existed before reappraisal. The department phases in the difference between the calculated VBR and the value of the new forest land acres in the current cycle, at the rate of 16.66 percent for each year of the revaluation cycle.~~

(5) ~~For forest lands that have a decrease or increase in acres due to land use changes that are the result of department updates from the Geographic Information System, or due to incidental fluctuations in agricultural land use due to typical~~

farming practices, the department will use the 2014 value of the current land use as the VBR.

(5) For forest land that decreases in value due to reappraisal, the lower value will be fully implemented immediately and will not be phased in.

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-7-111 ~~15-44-103~~, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department first proposes to amend ARM 42.20.745's catchphrase and insert "value change process" as the proposed rule amendments would include processes for increases and decreases in forest land value.

In (1), the department proposes transferring the first sentence and cross-reference to 15-44-103, MCA to proposed ARM 42.20.725(2) since the text pertains to forestland valuation formula. The department also proposes new (1) to incorporate an improved description of the circumstances when forest land productivity value changes. The department proposes striking the specific date and year reference in current (1)(a), so the rule does not need to be amended for subsequent valuation cycles. The text in current (1)(b) is relocated to proposed (5) for better flow of the rule content.

The department proposes transferring language from current (2)(a) to new (2) for better organization of the phase-in process text as the calculation described in new (2) has to occur before the phase-in value can be determined. In proposed (3), the department proposes to describe the initial determination of phase-in value and how the department takes the land change circumstances in proposed (1) into account for its determination of VBR. The department believes these sections clarify the necessity for the phase-in of value changes; and are more concise and better organized than in the existing rule sections.

In proposed (4), the department proposes restating phase-in calculation example text for each year of the reappraisal cycle to make it easier for the public to understand.

Lastly, the department proposes striking (4) and (5) because the substance of the text has been clarified and reorganized under proposed (1), (2), (3), and (5).

5. The department proposes to repeal the following rules:

42.20.171 LAND CLASSIFICATION DETERMINATION DATE FOR CLASS THREE, FOUR, AND TEN PROPERTY

AUTH: 15-1-201, MCA

IMP: 15-6-133, 15-7-103, 15-7-201, 15-7-202, 15-7-203, 15-7-206, 15-7-207, 15-7-208, 15-7-209, 15-7-210, 15-7-212, MCA

42.20.505 CLASSIFICATION AND APPRAISAL NOTICES AND VALUATION REVIEWS FOR FOREST LAND PROPERTY

AUTH: 15-1-201, 15-7-111, MCA

IMP: 15-7-102, 15-7-111, MCA, and Sec. 11, Ch. 463, L. 1997

42.20.710 EXCEPTIONS TO FOREST LAND ASSESSMENT

AUTH: 15-44-105, MCA

IMP: 15-44-101, 15-44-102, 15-44-103, MCA

42.20.715 FOREST SITE PRODUCTIVITY

AUTH: 15-44-105, MCA

IMP: 15-44-101, 15-44-102, MCA

42.20.720 FOREST LAND VALUATION ZONES

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-44-101, 15-44-102, 15-44-103, 15-44-104, MCA

42.20.730 FOREST COSTS

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-44-101, 15-44-102, 15-44-103, 15-44-104, MCA

42.20.735 FOREST LAND ELIGIBILITY - OWNERSHIP

AUTH: 15-1-201, 15-44-105, MCA

IMP: 15-44-101, 15-44-102, 15-44-103, 15-44-104, MCA

42.20.750 VALUATION OF ONE ACRE BENEATH IMPROVEMENTS ON FOREST LAND

AUTH: 15-44-105, MCA

IMP: 15-6-134, 15-7-103, 15-7-201, 15-7-202, 15-8-111, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes repealing ARM 42.20.750 because certain portions of the rule's content have been transferred to ARM 42.20.725 for improved organization and other section contents are contained in the Manual and would be redundant if maintained in the rule. Section (3) language was not transferred to another rule as the language is obsolete. In prior years, the department collected water and septic system data to add value to one-acre sites; however, the department no longer collects this data or adds water and septic system values to one-acre sites as provided in 15-7-103(7), MCA.

6. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696;

or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., September 8, 2020.

7. Todd Olson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 6 above or faxed to the office at (406) 444-3696 or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. An electronic copy of this notice is available on the department's web site at www.mtrevenue.gov, or through the Secretary of State's web site at sosmt.gov/ARM/register.

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

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

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 42.11.104, 42.11.105,	)	PROPOSED AMENDMENT
42.11.106, 42.11.405, 42.11.406,)	
42.11.409, 42.11.421, and 42.11.424)	
pertaining to state liquor warehouse)	
inventory practices, amendments to)	
bailment limits, and revisions to)	
product classification)	

TO: All Concerned Persons

1. On August 31, 2020, at 11:30 a.m., the Department of Revenue will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Interested persons may access the public hearing in the following ways:

- (a) Join Zoom Meeting: <https://mt-gov.zoom.us/j/94690092459>, Meeting ID: 946 9009 2459;
- (b) Dial by Telephone: +1.406.444.9999 or +1.646.558.8656, Meeting ID: 946 9009 2459;
- (c) Join by SIP: 94690092459@zoomcrc.com;
- (d) Join by H.323 (Polycom): 162.255.37.11##94690092459; or
- (e) Join by Skype for Business: <https://mt-gov.zoom.us/skype/94690092459>.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on August 14, 2020. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. The department operates a state liquor warehouse (warehouse), authorized under 16-1-302, and 16-1-303, MCA. The department has established, in rule, bailment limits for product inventory levels, product classification processes, and price posting and publication of all inventoried liquor products for wholesale distribution to agency liquor stores.

Changes to department inventory practices, amendments to bailment limits, and revisions to department product classification and product price posting have become necessary because liquor sales continue to grow at an average of three percent per year and new products are constantly being introduced into the marketplace, significantly impacting the department's ability to efficiently and safely manage liquor products within the 100,000 square-foot warehouse. The department requires cost-effective solutions that can be implemented - within existing authority -

to maximize all available warehouse space, with little to no impact on product availability, and will permit the department to continue to deliver optimal customer service even with lower on-hand inventory levels.

The department proposes to amend ARM 42.11.104, 42.11.105, 42.11.405, 42.11.406, 42.11.409, 42.11.421, and 42.11.424 which is necessary to achieve the following:

(a) reduce the maximum level of inventory a product may have at the warehouse to improve warehouse inventory management. Based on the analysis of warehouse inventory management data, reducing the maximum level of inventory in the warehouse from a twelve-week case demand to an eight-week case demand is a low-cost inventory control measure that can provide the department with immediate additional warehouse space upon adoption of the amendments.

(b) amend the frequency in which the department conducts product listing reviews from semiannual to quarterly. The department has observed that under the current product review system there is often a long passage of time before newly introduced product at the liquor warehouse can meet the classification as "regular product." The department believes increasing the frequency of department product reviews will expedite product classification and will improve efficiency in product inventory management. The effective dates of the reviews are necessary to coincide with the department's quarterly price book.

(c) update department business practices to lessen department burden of managing vendors' obsolete, discontinued, and overstock inventory in the warehouse, and to maximize the allocation of warehouse floor space to more regularly ordered product. The proposed amendments are necessary to update and consolidate all overstock inventory processes into one rule.

(d) make minor "housekeeping" amendments to rule text, which are necessary for language consistency among the rules or to improve clarity or layout of a rule.

Lastly, the department proposes amendments to ARM 42.11.106 which is the implementation of Senate Bill 193 (2015) (SB 193). SB 193 amended 16-2-101, MCA (agency liquor store commission rates) and 16-1-404, MCA (vendor liquor markup rates). The proposed rule amendments are necessary for the rules to be consistent with SB 193 changes to statutory agency liquor store commission rates and vendor markup rates.

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

42.11.104 CALCULATION OF POSTED PRICE (1) through (3) remain the same.

~~(4) The department may reduce the wholesale price of products which the department has designated as discontinued for closeout or are determined to be overstocked in order to eliminate them from inventory.~~

AUTH: 16-1-303, MCA

IMP: 16-1-302, 16-1-404, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the department proposes to amend ARM 42.11.104 to remove (4) because it is not current department practice to reduce the wholesale price of a product in order to eliminate the product from inventory and the continued inclusion of (4) is contradictory.

42.11.105 DEFINITIONS The following definitions apply to subchapters 1, 2, and 4:

- (1) through (8) remain the same.
- (9) "Regular product" means product that:
 - (a) is among the highest-selling 1,300 products in the state based on case sales in the 12-month period prior to the department's ~~biannual~~ quarterly review where sales are not erratic or based upon closeout or overstock;
 - (b) through (14) remain the same.

AUTH: 16-1-303, MCA

IMP: 16-1-302, MCA

42.11.106 REDUCTION IN STATE MARKUP FOR DISTILLERIES AT OR BELOW 25,000 PROOF GALLONS (1) remains the same.

(2) The 20 percent reduced markup rate is determined using a 100 percent reduction in markup after agency liquor store commissions ~~and discount costs~~ and the costs to operate the state liquor warehouse have been accounted for. These costs account for approximately half of the standard markup normally collected on product sold by the department. The department will annually review the associated agency liquor store commissions ~~and discount rate costs~~ and the costs to operate the state liquor warehouse to ensure these costs do not exceed the reduced markup. The department will publish any adjustments to the reduced markup based on the results of the annual review.

(3) A distillery requesting a reduction in the state markup must certify with a sworn statement, on a form supplied by the department, that the number of proof gallons they have manufactured, distilled, rectified, bottled, or processed nationwide annually is at or below the 25,000 proof gallon threshold.

~~(4)~~ A distillery requesting a reduced markup rate must submit this form and meet the specified requirements at the time of initially registering with the department and by February 15 of each of the following calendar years in order to receive the reduced markup rate.

~~(5) The following effective dates will apply for those distilleries that meet the reduced markup rate criteria:~~

~~(a) the department will apply the reduced markup rate to existing liquor products effective November 1, 2011;~~

~~(b) for each liquor product introduced thereafter, the distillery's current applicable markup rate will apply with an immediate effective date;~~

~~(c) each subsequent year, the distillery's applicable markup rate will be effective May 1 with the department's May, June, and July quarterly price book or the next available price book if the form is submitted after the February 15 annual deadline; and~~

~~(d)~~ (4) ~~f~~Failure to submit the form described in (3) annually to the department each year by February 15 will result in a 40.5 percent markup rate for liquor products, 20 percent for sacramental wine products, and 51 percent for fortified wine products. The effective date of any changes in a distillery's markup rate will coincide with the publication date of the next quarterly price book.

(5) Each new liquor product a vendor introduces will be assigned the distillery's current applicable markup rate.

(6) and (7) remain the same.

AUTH: 16-1-303, MCA

IMP: 16-2-211, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the department proposes to amend ARM 42.11.106 by removing references in (2) to discount rates. Section (2) is also proposed for amendment to describe a percentage approximation for the reduced markup rate of 20 percent, relative to the standard markup rate, to support the SB 193 amendments.

The department proposes to combine rule text from current (4) into (3). This consolidation is necessary to improve text organization because the form reference in current (4) lacks context and is a continuation of the requirements in (3).

Proposed (4) amends the markup rate for liquor products referenced in current (5)(d) from 40 percent to 40.5 percent pursuant to SB 193. Proposed (4) also proposes an amendment to describe how the department's receipt of a distillery's filing will determine the effective date of the distillery's reduced markup rate using the publication date of the department's price book. This amendment is necessary to accommodate the proposed quarterly product review and is a revision of what is present in current (5)(c).

The department proposes to remove content from current (5) because the subsection was initially drafted with an implementation date of November 1, 2011, and the date reference is now obsolete. Other portions of current (5) are proposed for inclusion as proposed (5) for increased clarity and organization of the rule text.

42.11.405 PRODUCT AVAILABILITY (1) Liquor products will be made available for sale in the following classifications:

(a) Regular products will be designated in the department's quarterly price book and have sufficient supply maintained in the state liquor warehouse in accordance with ARM 42.11.421. An agent shall give an all-beverage licensee a reduction of & eight percent off the posted price for purchasing regular products in unbroken case lots.

(b) Special order products that have sold at least one case in the prior 12 months will be published in the department's quarterly price book. An agent shall may not give an all-beverage licensee an & eight percent discount for purchasing special order products in unbroken case lots.

(i) Inventories will be maintained in the state liquor warehouse in accordance with ARM 42.11.421 on the highest-selling 350 special order products based on

case sales in the 12-month period prior to the department's ~~biannual~~ quarterly review.

(ii) remains the same.

(c) Seasonal products are not published in the department's quarterly price book. The department will notify agency liquor stores when seasonal products become available. An agent ~~shall~~ may not give an all-beverage licensee an ~~8~~ eight percent discount for purchasing seasonal products in unbroken case lots.

(d) Discontinued products are not published in the department's quarterly price book. Discontinued products are available until all inventories have been depleted. An agent is not required to give an all-beverage licensee an ~~8~~ eight percent discount for purchasing discontinued products in unbroken case lots; ~~however, the agent may sell the product below its last posted price. An agent may sell discontinued products to licensees at or below the last price on file with the department and may sell discontinued products at any price to the general public.~~

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, 16-1-302, 16-2-201, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the department proposes to amend ARM 42.11.405 for language use for described percentages, which is consistent with statute and the administrative rules writing style manual adopted by reference in ARM 1.2.519.

The department also proposes to amend (1)(a) to insert the descriptive word "case" when referring to "lots," which is necessary for internal consistency in references to unbroken case lots and is consistent with 16-2-201, MCA.

Subsection (1)(d) proposes to revise and relocate existing content that is currently in ARM 42.11.409 because the department believes the rule content is better suited, topically, in this rule.

42.11.406 PRODUCT LISTING (1) Each January, ~~April, and July, and October,~~ the department shall classify all products based on the criteria set forth in ARM 42.11.405. ~~The Changes in product classifications from the January review are effective May 1. The classifications from the July review are effective November 1.~~ are effective as follows:

(a) January reviews are effective May 1;

(b) April reviews are effective August 1;

(c) July reviews are effective November 1; and

(d) October reviews are effective February 1.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, 16-1-302, MCA

42.11.409 REVISED LISTING, CLOSEOUT, AND OVERSTOCK (1) A product that no longer meets the current criteria in ARM ~~42.11.406~~ 42.11.405 will be listed in a classification commensurate with its sales volume and effective with the quarterly price book.

~~(2) A product that a vendor discontinues and is not marketed by another vendor will be closed out and removed from the quarterly price book in accordance with ARM 42.11.104.~~

~~(3) Inventory in excess of a historical 42 eight-week case demand for a product will be treated as overstock in accordance with ARM 42.11.104.~~

~~(4) The effective date of a closeout sale or overstock sale is as soon as written notice can be disseminated to state agency liquor stores.~~

~~(5) Products that have been discontinued may be sold to licensees at or below the department's last known posted price.~~

~~(6) Products that have been discontinued may be sold to the general public at any price.~~

(3) The department shall provide a vendor with written notice of any inventory identified as overstock. The vendor shall remove the overstock from the state liquor warehouse within 30 days of the department's notice. If the vendor fails to remove the overstock by the prescribed date in the notice, the department may, in its discretion, dispose of the overstock or return it to the vendor at the vendor's expense.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, 16-1-104, 16-1-302, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the department proposes to amend ARM 42.11.409 to implement revised maximum product inventory level practices at the warehouse; and for consistency with the department's proposed bailment amendments to ARM 42.11.421.

Like the proposed amendments to ARM 42.11.104, the department proposes to amend the title of ARM 42.11.409 because it is not the department's current practice to close out liquor products and the title is contradictory. All liquor products are classified in accordance with (1), which corresponds to the sales history and availability of the product. Section (1) is proposed for amendment to provide an updated cross-reference to ARM 42.11.405.

Section (2) is proposed for substantial amendment because it also includes references to closed-out products and the reference to ARM 42.11.104 is incorrect as that rule speaks to the calculation of a product's posted price, not how excess inventory is managed, which is in proposed (3). The department proposes to further amend (2) through the inclusion of text from (3) for consistency with the proposed amendments to ARM 42.11.421.

The department proposes to remove existing (4) as notice to agency liquor stores regarding a close-out price because its continued inclusion would be contrary to department practices.

The department proposes to remove (5) and (6) from this rule and relocate revisions of the sections into ARM 42.11.405 for improved organization of rule content.

New (3) is proposed by the department to provide vendors with an overstock products removal process and compliance requirements in the event of a vendor's non-compliance with the removal of overstock. Removing overstock is necessary to

ensure the department can effectively and efficiently manage the warehouse. The proposal includes a requirement to provide a vendor written notice of the identification of the vendor's overstock, a 30-day period for the vendor to make arrangements for the overstock to be removed from the warehouse, and recourse for the department should the vendor fail to remove the overstock within the prescribed time. The notification is necessary to explain to a vendor the department's overstock determination, it establishes the reasonable timeline of 30 days for the removal of the overstock, and it restates the existing department remedy - moved from ARM 42.11.424 - because this rule is a more appropriate place to contain overstock inventory requirements should a vendor fail to comply with the overstock pickup requirement.

42.11.421 BAILMENT LIMITS (1) and (2) remain the same.

(3) The maximum level is a historical ~~twelve~~ eight-week case demand. The historical ~~twelve~~ eight-week case demand is calculated by taking the product's sales from the previous 12 months and dividing by 52 to obtain a weekly demand. This figure is then multiplied by ~~42~~ eight to obtain a ~~twelve~~ an eight-week demand. The maximum level may be exceeded if a vendor demonstrates to the department's satisfaction that a larger amount is needed to meet a sales forecast or to obtain an economical shipment.

(4) through (6) remain the same.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, 16-1-302, MCA

42.11.424 BAILMENT ADJUSTMENTS (1) ~~The~~ A vendor's bailment inventory will be adjusted for withdrawals, purchases, deliveries, defective merchandise, destructions, and errors.

(2) remains the same.

~~(3) The department shall charge vendors the direct and indirect costs for carrying out vendor withdrawal instructions.~~

~~(4) The department shall destroy, at the vendor's expense, product held in the state liquor warehouse in excess of the maximum level established by ARM 42.11.421 after 30 days' notice to the vendor.~~

(5) and (6) remain the same but are renumbered (3) and (4).

(5) The department may charge a vendor for reasonable costs associated with handling the vendor's products at the state liquor warehouse beyond the normal receipt, storage, and shipping of products. Handling includes, but is not limited to, affixing labels on cases, repackaging cases, restacking cases, destroying product, and assembling product for return. Charges will be offset against the department's payment for products.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, 16-1-302, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity and consistent with the department's justification for its

proposed amendments to ARM 42.11.409, the department proposes amending ARM 42.11.424 which is necessary to support the amendments the department proposes in ARM 42.11.409 regarding overstock.

The department proposes amending current (1) to reference vendor product destruction in support of the other overstock rule amendments in this rulemaking. The department also proposes consolidating and revising content from current (3) with expanded descriptions of "handling" in proposed (5) and transferring the content in current (4) to ARM 42.11.409.

Proposed (5) seeks to authorize the department to impose a fee for additional handling of products beyond the normal receipt, storage, and shipping of products. The authorization and vendor notice is necessary because the department occasionally spends excessive amounts of time processing specific vendor overstock which detracts from warehouse staff processing regular inventory replenishment and fulfilling agency store orders. Proposed (5) includes a non-exhaustive list of inventory tasks that includes affixing labels, repacking and restacking cases, destroying product, and assembling product for return. Depending on the size of a vendor's product request or the nature of the inventory obligation, reasonable fees may be necessary for the department to recoup expenses.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., September 8, 2020.

6. Todd Olson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 5 above or faxed to the office at (406) 444-3696 or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. An electronic copy of this notice is available on the department's web site at www.mtrevenue.gov, or through the Secretary of State's web site at sosmt.gov/ARM/register.

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

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.59.104 pertaining to the)
semiannual assessment for banks)

TO: All Concerned Persons

1. On June 26, 2020, the Department of Administration published MAR Notice No. 2-59-600 pertaining to the proposed amendment of the above-stated rule at page 1039 of the 2020 Montana Administrative Register, Issue Number 12.

2. No comments were received.

3. The department has amended ARM 2.59.104 exactly as proposed.

By: /s/ John Lewis
John Lewis, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rule I pertaining to MDT Employee)
Grievance Procedures)

NOTICE OF ADOPTION

TO: All Concerned Persons

1. On May 15, 2020, the Department of Transportation published MAR Notice No. 18-181 pertaining to the proposed adoption of the above-stated rule at page 840 of the 2020 Montana Administrative Register, Issue Number 9. On June 26, 2020, the department published a notice of extension of comment period on the proposed adoption of the above-stated rule at page 1045 of the 2020 Montana Administrative Register, Issue Number 12.

2. The department has adopted New Rule I (18.2.113) as proposed.

3. No comments or testimony were received.

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

/s/ Michael T. Tooley
Michael T. Tooley
Director
Transportation

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF BEHAVIORAL HEALTH
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.101.413, 24.219.301,	)	ADOPTION, AND REPEAL
24.219.401, 24.219.415, 24.219.421,)	
24.219.422, 24.219.423, 24.219.501,)	
24.219.502, 24.219.504, 24.219.505,)	
24.219.512, 24.219.604, 24.219.605,)	
24.219.704, 24.219.705, 24.219.907,)	
24.219.923, 24.219.2301,)	
24.219.5008, 24.219.5013; the)	
adoption of New Rules I through IV;)	
and the repeal of 24.219.405,)	
24.219.409, 24.219.507, 24.219.509,)	
24.219.607, 24.219.609, 24.219.708,)	
24.219.709, 24.219.807, 24.219.905,)	
24.219.921, 24.219.925, 24.219.927,)	
24.219.929, 24.219.931, 24.219.2001,)	
24.219.2201, 24.219.2305,)	
24.219.2309, 24.219.5002,)	
24.219.5012, 24.219.5015,)	
24.219.5016, 24.219.5017,)	
24.219.5018, and 24.219.5019)	
pertaining to application and licensing)	
rules for licensed clinical social)	
workers (LCSW), licensed)	
baccalaureate social workers (LBSW),)	
licensed master's social workers)	
(LMSW), licensed clinical professional)	
counselors (LCPC), licensed marriage)	
and family therapists (LMFT), licensed)	
addiction counselors (LAC), and)	
certified behavioral health peer support)	
specialists (CBHPSS))	

TO: All Concerned Persons

1. On February 14, 2020, the Board of Behavioral Health (board) published MAR Notice No. 24-219-35 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 278 of the 2020 Montana Administrative Register, Issue No. 3.

2. On March 10, 2020, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Many comments were received by the March 13, 2020 deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

General Comments

COMMENT 1: A commenter appreciated the board updating the rules.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: One commenter thanked the board for being notified of the proposed rulemaking.

RESPONSE 2: The board appreciates all comments received during the rulemaking process.

COMMENT 3: One commenter asked if the rule changes mean licensees will need to take additional classes or if the board is incorporating the National Association of Social Workers (NASW) code of ethics as a standard reference manual.

RESPONSE 3: The board notes that NASW is a professional organization designed to further the profession and advocate for its members. It does not regulate, license, and/or discipline licensees for public protection. There may be overlap between the NASW code of ethics and the board's proposed rules. However, the board is not adopting the NASW code of ethics by reference into its rules. If there are any differences between the NASW code of ethics and the board's statutes and rules, licensees must comply with Montana's laws since it is their Montana license that allows them to practice in Montana, not membership and compliance with NASW.

General Comments on Supervision – ARM 24.219.421, 24.219.504, 24.219.604, 24.219.704

COMMENT 4: Multiple commenters believed there should be increased uniformity for LCSW, LCPC, and LMFT candidate supervision requirements since they are licensed to provide similar billable services. The commenter also asserted that any of the qualified supervisors (LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist) should be allowed to supervise all the hours without special supervisor hour limits for specific license type.

RESPONSE 4: Only LCSW candidates have a specific number of hours (50 hours individual and supervised face-to-face) within the total 3000 required hours of supervised work experience that can only be supervised by an LCSW as opposed to the other approved supervisor types. LCPC and LMFT candidates may be supervised by any of the approved supervisor types for all the 3000 hours. The board concluded that due to the specific skill set required to practice clinical social work, only an LCSW is qualified to supervise those hours and that this requirement

is consistent with national standards. The skill sets to supervise these types of hours are taught and clinically supervised at master's in social work level programs and are not necessarily contained as part of the education for future LCPC and LMFT licensees.

The board is unclear if these comments are related to the specific requirements for each individual license type or whether the commenters are asking the board to standardize the specific hour and practice requirements across all three license types and cannot respond specifically. Generally, the board notes that each license type under the board's jurisdiction is distinct and requires its own rules to set minimum competencies for the public's protection.

Finally, because the board did not propose changes to any of the supervision requirements for LCSW, LCPC, and LMFT, such changes cannot be accomplished in a final notice.

COMMENT 5: Numerous commenters stated there should be increased uniformity for LCSW, LCPC, and LMFT supervision and requested the same minimum number of supervision hours required for licensure as an LCSW, LCPC, and LMFT. The commenters suggested the board amend the supervision rules to require these candidates to complete 125 hours of qualifying supervision.

RESPONSE 5: The board is unclear exactly what the commenters asked the board to standardize. LCSW, LCPC, and LMFT all must obtain 3000 hours of supervised work experience to meet minimum experience requirements for licensure. Because the board is not clear on the commenters' intent regarding 125 supervision hours, the board is unable to respond specifically. Additionally, changing the LCSW, LCPC, and LMFT supervision requirements was not included in the proposal notice and may not be accomplished in a final notice. The board may be open to stakeholder discussions regarding future rule changes.

COMMENT 6: Many commenters requested more uniformity for LCSW, LCPC, and LMFT supervision and suggested requiring candidates cease providing services upon reaching 80 hours of care without a minimum of two hours of supervision.

RESPONSE 6: The board notes that anyone practicing under a candidate license must continue to follow all laws and rules pertaining to candidates, including those regarding supervision. The board does not have a maximum number of hours a person can be supervised, only the limitation on annual renewal/registrations in NEW RULE I. While the suggested amendments exceed the scope of this rulemaking, the board may be open to reviewing national standards for these three professions and participating in stakeholder discussions regarding future rulemaking. Also see RESPONSE 4.

ARM 24.219.301

COMMENT 7: A commenter suggested the board use the same definition of "exploit" in ARM 24.219.301(12) and ARM 24.219.2301(2)(j). The commenter also

suggested the board amend both rules to clarify that "former" applies to clients, supervisees, supervisors, students, and research participants, and not just clients.

RESPONSE 7: The board agrees there should not be multiple definitions for "exploit" and notes the board's intent was for a single definition. Since "exploit" is defined in ARM 24.219.301(12) it is redundant to define it again in ARM 24.219.2301(2)(j). The board is amending the rules to utilize a single definition and a simple reference to that definition.

The board is not amending the definition to include former students, former employees, former supervisors, or former research participants as such a change was not in the proposal notice and cannot be accomplished in a final notice. The board may be open to stakeholder discussions regarding future rule changes.

ARM 24.219.401

COMMENT 8: One commenter supported the reduction in renewal fees.

RESPONSE 8: The board appreciates all comments received in the rulemaking process.

ARM 24.219.501

COMMENT 9: A commenter asked if Montana LCSW candidates (SWLC) will sign notes as an LMSW under these rules if they had been licensed as the equivalent of a Montana LMSW in another state.

RESPONSE 9: An SWLC licensed under this board would not sign notes as an "LMSW" under these rules. LCSW candidates, also known as "social worker licensure candidates" or "SWLC" must continue to correctly represent the license they have been issued by the board as required by 37-23-313(3), MCA, and ARM 24.219.2301(2). Under Montana's statutes and these proposed rules, LMSW and LMSW candidate licenses are distinct licenses and not connected to the LCSW or LCSW candidate licenses. Experience hours gained during an LCSW candidacy count toward qualifications for a full LCSW license but would not count toward a full LMSW license. To qualify for a full LMSW license in Montana a person must earn hours in Montana under an LMSW candidate license or under the equivalent under another state's or jurisdiction's laws.

COMMENT 10: One commenter asked if following the proposed changes there will be additional documentation required to apply for full licensure once an LCSW candidate (SWLC) completes all 3000 hours of supervised work experience and passes the ASWB clinical exam.

RESPONSE 10: Yes, an additional application will be required. The board is standardizing the application process for all license types through the proposed rule changes. Upon completion of all supervised work experience hours and passage of the required exam (if applicable), LCSW, LCPC, LMFT, and LAC candidates wishing

to become licensed as full licensees must submit an application and fee for the appropriate full license. To apply for a full license all applicants must submit proof of having completed the required hours of supervised work experience along with all other required materials. If the experience was completed in Montana, the applicant can submit the appropriate evaluation of supervised work experience form(s) signed by both the applicant and the supervisor who supervised the hours. Following review of the complete applications, if the applicants meet minimum licensing requirements they will be issued full LCSW, LCPC, LMFT, and/or LAC licenses.

Candidates may continue practicing as a supervised candidate under an active candidate license during the application and review period. However, while practicing under a candidate license, an individual must continue to follow all laws pertaining to candidates, including but not limited to supervision and recordkeeping.

COMMENT 11: One commenter noted that the board is not proposing changes to ARM 24.219.501(2)(e) which was effective 12/28/19 and requires LCSW applicants to provide reference letters per 37-22-301, MCA. The commenter believes the board erred in its previous rulemaking and did not intend to remove the requirement that one of the reference letters be from a supervisor. The commenter further asserted that since the board only requires verification of completed supervised experience hours from a candidate's supervisor, it does not adequately protect the public because supervisors cannot make a recommendation as to whether a candidate should be granted full licensure or not. Other licensing boards such as the Board of Psychologists continue to rely on recommendations from supervisors as to whether an individual qualifies for full licensure. The commenter stated the public is best protected by allowing supervisors' recommendations or lack thereof to factor into the board's determination of whether an applicant qualifies for LCSW licensure.

RESPONSE 11: The board did not propose any changes to the LCSW licensing requirements in this rulemaking. The board notes that when a supervisor signs the Evaluation of Supervised Experience form, the supervisor attests that the candidate has met the minimum requirements for the supervised hours. If a candidate submits a form that is not signed by the supervisor on the form, those hours will not count toward the total supervision hours required for full licensure.

COMMENT 12: A commenter asked board to clarify the meaning of "within four years of the date of application" in (3)(c). The commenter was concerned that if it meant within four years of post-completion of supervised work experience then LMSW and LBSW could potentially practice for seven years without being fully licensed. The commenter stated the same concern regarding the existing rule language for LCSW licensure, where licensees could be practicing for up to nine years without a full license.

RESPONSE 12: The board notes the intent of this time requirement is within four years of the date of application for licensure as a full LCSW, LMSW, or LBSW in Montana. The rule does not refer to four years from the date the individual may have applied for a candidate license. As described in RESPONSE 9, separate

applications are required for candidate licenses and full licenses. Further, individuals practicing under candidate licenses after submitting applications for full licensure must continue to adhere to the candidate supervision requirements regardless of how many supervised work experience hours they have obtained. To qualify for a full license, a person must have passed one of the requisite exams in ARM 24.219.502 or qualify for a temporary practice permit under 37-1-305(2), MCA.

ARM 24.219.504

COMMENT 13: One commenter cited (1)(a) and asked if the board was now only requiring 100 hours of supervised work experience for LCSW licensure instead of 3000 hours.

RESPONSE 13: The board is not proposing any changes to the number or specific subsets of supervised work experience hours a person must gain to meet supervised work experience requirements for licensure as a full LCSW. The board may be open to stakeholder discussions regarding future rulemaking.

COMMENT 14: Several commenters asked if the board would allow some type of consideration so that individuals with bachelor's degrees in social work with national certifications and/or those already practicing social work for many years under supervision could count those hours previously worked toward the 2000 hours of supervised experience required for an LBSW license. The commenters stated they had no recommendations at this time but asked the board to think about how to "smooth" the path for licensure for those with bachelor's degrees who had been practicing in the field for years.

RESPONSE 14: The board is not proposing alternate ways for individuals not currently licensed in any other jurisdiction to count national certifications and/or obtained hours outside of a jurisdiction's licensing laws toward the required number of hours for a Montana LBSW license. The Legislature did not implement a specific grandfather clause to this effect in statute and gave the board rulemaking authority to set the licensing and supervision requirements. A change like this would be outside the scope of this rulemaking. The board may be open to stakeholder discussions regarding future rulemaking and/or legislative proposals.

Commenters should note that individuals who gained supervised work experience hours for an LBSW license under another jurisdiction's laws who are currently licensed in that jurisdiction or gained those hours within five years of the date of the Montana application can submit those hours for review as part of their applications.

COMMENT 15: A commenter observed the board seemed to be writing rules to ensure broad scope of practice for LBSW and LMSW licensees but was unclear as to the definition of "client populations" referenced in (2)(b)(ii).

RESPONSE 15: Examples of client populations are listed in (5) and include child, adolescent, adult, and chemically dependent/substance use disorder. The examples

were not obvious in the proposal notice due to the standard formatting of rule notices where only sections with proposed changes are shown. In the proposal, (5) was referenced as "(6) remains the same but is renumbered (5)."

Because the board did not include changes in the proposal to more specifically define client populations, the change is beyond what can be accomplished in a final rule notice. The board may be open to stakeholder discussions regarding future rulemaking although attempting to define all types of possible client populations could be difficult.

ARM 24.219.512

COMMENT 16: One commenter noted that in some states people hold both LCSW and LMSW licenses. The commenter asked if the new rules will require someone with a Montana LCSW license to take another test to qualify for an LMSW license.

RESPONSE 16: Under Montana's statutes and these rule changes, LMSW and LMSW candidates have distinct licenses not connected to the LCSW or LCSW candidate licenses. Someone licensed as an LCSW will be able to conduct "independent practice" as now defined under these rules while LBSW and LMSW will not. The board notes that different jurisdictions may have different scopes of practice so potentially licensees in another jurisdiction would need to hold multiple licenses in that jurisdiction to do what they can under an LCSW license in Montana.

ARM 24.219.2301

COMMENT 17: Multiple commenters supported amending the unprofessional conduct rule to apply the prohibition on sexual contact with a former client within two years following termination of professional services to all licensees, not just LACs.

RESPONSE 17: The board appreciates all comments received during the rulemaking process.

COMMENT 18: One commenter thanked the board for updating the ethics and unprofessional conduct rules and providing much needed modernization.

RESPONSE 18: The board appreciates all comments received during the rulemaking process.

COMMENT 19: Multiple commenters requested the board clarify the provisions of the unprofessional conduct rule regarding recommending a client seek or discontinue prescribed medication or failure to provide a supportive environment for a client receiving prescribed medication. The commenters noted that many licensees speak to clients regarding medication as some symptoms interfere with them taking medication as prescribed.

RESPONSE 19: To clarify, the board is not categorizing the language in (2)(o) as a boundary violation. Rather, the prohibition on committing boundary violations

pertains to (2)(a)(i) through (xi). Subsection (2)(o) reads: "A licensee shall not ... recommend a client seek or discontinue prescribed medication, or fail to provide a supportive environment for a client who is receiving prescribed medication...."

As to the comment regarding the fact that licensees speak to clients about medication, the board notes that referring a client for medication evaluation is within scope of practice for licensees and is not the same as telling the client to seek or discontinue medication.

COMMENT 20: A commenter stated that if an LCSW, LCPC, or LMFT refers clients being treated for attention deficit hyperactivity disorder (ADHD) to another provider for an ADHD medication evaluation, the licensee is technically recommending the clients seek medication and may be violating (2)(o). The commenter also wondered if (2)(o) conflicts with (3)(e) which requires all licensees to attempt to make appropriate referrals pursuant to a client's needs. The commenter believed the board might be trying to limit scope of practice by not allowing licensees to make referrals for medication evaluations but wanted clarification.

RESPONSE 20: The board notes that the proposed amendments do not add new restrictions to licensees' current scopes of practice. Also see RESPONSE 19 regarding referral for medication evaluation.

NEW RULE III

COMMENT 21: Several commenters wondered if someone holding two licenses with the board would need 20 or 40 hours of continuing education (CE) annually. The commenters stated that if 40 hours of CE are required it would be doubling the CE and would be a financial hardship that would require licensees to drop one license due to increased costs. The commenters asserted that a total of 20 hours is sufficient for both license types since the scopes of practice and skill sets are similar and the same type of training would apply for multiple licenses. One commenter asserted that the "new" CE requirements could create a financial hardship for businesses who pay for employee-licensees to obtain continuing education training and cost small businesses between \$6,000 and \$10,000 annually.

RESPONSE 21: The board is not proposing to change the total number of CE hours required for any license type. Licensees holding two or more licenses (e.g., an LCPC and LMFT license) must still obtain 20 hours of CE for each license as described in this new rule. However, those licensees could conceivably count CE obtained in one setting toward multiple licenses' CE requirements since there are overlapping scopes of practice and they are separate licenses from a regulatory standpoint.

COMMENT 22: One commenter stated that in addition to requiring two hours of suicide prevention CE, the board should require two hours of CE in ethics and two hours in supervision for all supervisors.

RESPONSE 22: The board notes that the suggested changes exceed the scope of this rulemaking as they were not included in the proposal notice. The board may be open to stakeholder discussions regarding future rule changes.

COMMENT 23: One commenter requested the board provide specifics on suicide prevention training and more details on how that training is going to happen.

RESPONSE 23: The board does not pre-approve CE sponsors or courses, nor does it develop or offer its own CE courses for licensees. It is up to each individual licensee to choose CE courses that meet the professional education objectives set forth in rule, including the two hours related to suicide prevention. The board purposely chose broad terminology since there are a wide variety of trainings and courses pertaining to suicide prevention already offered by professional associations, state and local health agencies, etc.

COMMENT 24: Multiple commenters believed CBHPSS should be required to get CE the first partial year they are licensed, not just beginning after the first renewal. Training courses are an important part of CBHPSS' ongoing recovery as they provide peer support to others. The commenters urged the board to continue to require CE for the first incomplete year of licensure for public protection.

RESPONSE 24: The board determined that the requirement for 40 hours of board-approved training to qualify for initial CBHPSS licensure meets the minimum amount of training necessary for an individual's first year of licensure and that CE is not necessary until after the first renewal. Additionally, the suggested changes were not included in the proposal and cannot be accomplished in a final notice. The board may be open to stakeholder discussions regarding future rule changes.

COMMENT 25: Several commenters stated that CBHPSS should not be allowed to carry over any CE credits from year to year because they have the lowest level of education/training of all board licensees, and the commenters believed that annual, ongoing CE is important.

RESPONSE 25: See RESPONSE 24. Also, CBHPSS are supervised throughout the entire course of their practice which adds a further level of ongoing education through the supervisors and contributes to the public's protection. Finally, the suggested changes were not included in the proposal and cannot be accomplished in a final notice.

New Rule IV

COMMENT 26: Multiple commenters asked the board to confirm that LMSW will not be eligible to provide counseling and psychotherapy to individuals, families, or groups.

RESPONSE 26: Per 37-22-308(3)(b) and 37-22-102(5)(b) through (5)(g), MCA, LMSW and LMSW candidates are not allowed to provide counseling or psychotherapy. The practice of psychotherapy is restricted to clinical practitioners.

4. The department has amended ARM 24.101.413 exactly as proposed.

5. The board has amended ARM 24.219.401, 24.219.415, 24.219.421, 24.219.422, 24.219.423, 24.219.501, 24.219.502, 24.219.504, 24.219.505, 24.219.512, 24.219.604, 24.219.605, 24.219.705, 24.219.907, 24.219.923, 24.219.5008, and 24.219.5013 exactly as proposed.

6. The board has adopted New Rules I (24.219.431), II (24.219.430), and IV (24.219.508) exactly as proposed.

7. The board has repealed ARM 24.219.405, 24.219.409, 24.219.507, 24.219.509, 24.219.607, 24.219.609, 24.219.708, 24.219.709, 24.219.807, 24.219.905, 24.219.921, 24.219.925, 24.219.927, 24.219.929, 24.219.931, 24.219.2001, 24.219.2201, 24.219.2305, 24.219.2309, 24.219.5002, 24.219.5012, 24.219.5015, 24.219.5016, 24.219.5017, 24.219.5018, and 24.219.5019 exactly as proposed.

8. The board has amended ARM 24.219.301 and 24.219.2301 with the following changes, stricken matter interlined, new matter underlined:

24.219.301 DEFINITIONS (1) through (11) remain as proposed.

(12) "Exploit" means to manipulate or attempt to manipulate or use a professional relationship with a client, former client, student, employee, supervisor, ~~or supervisee, or research participant~~ for:

(a) through (29) remain as proposed.

24.219.2301 UNPROFESSIONAL CONDUCT AND CODE OF ETHICS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, CBHPSS, AND LCSW, LMSW, LBSW, LCPC, LMFT, AND LAC CANDIDATES (1) through (2)(i) remain as proposed.

(j) exploit, as defined in ARM 24.219.301, in any manner ~~the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;~~

(k) through (4) remain as proposed.

9. Staff discovered a non-substantive drafting error in proposed New Rule III. While consolidating all continuing education requirements for all board license types in this new rule, the renewal date of December 31 was inadvertently used in (1). While most licensees renew on this date, licensed addiction counselors renew June 30, and these dates are clearly reflected in department rule at ARM 24.101.413. To correct this inadvertent error, the board is amending New Rule III with the following changes, stricken matter interlined, new matter underlined:

NEW RULE III (24.219.435) CONTINUING EDUCATION REQUIREMENTS
– LCSW, LMSW, LBSW, LCPC, LMFT, LAC, and CBHPSS (1) Licensees are required to obtain 20 hours of continuing education (CE) annually, prior to renewal on ~~December 31~~.

(2) through (11) remain as proposed.

10. Staff discovered a clerical error while preparing replacement pages. To correct a numbering error, ARM 24.219.704 is amended as follows:

24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

(1) and (2) remain as proposed.

(4) remains as proposed but is renumbered (3).

BOARD OF BEHAVIORAL HEALTH
CATHY JENNI, LCPC, LMFT
CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through IV pertaining to child)
welfare prevention and support)
services contract enrollment and)
participation)

TO: All Concerned Persons

1. On June 26, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-908 pertaining to the proposed adoption of the above-stated rules at page 1087 of the 2020 Montana Administrative Register, Issue Number 12.

2. The department has adopted the above-stated rules as proposed: New Rule I (37.50.1201), New Rule II (37.50.1202), New Rule III (37.50.1203), and New Rule IV (37.50.1204).

3. No comments or testimony were received.

4. The department intends to apply these rule adoptions retroactively to July 1, 2019. A retroactive application of the proposed rule adoptions does not result in a negative impact to any affected party.

/s/ Caroline Warne
Caroline Warne
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.34.3005 pertaining to)
developmental disabilities program)
services manual updates)

TO: All Concerned Persons

1. On June 26, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-920 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1094 of the 2020 Montana Administrative Register, Issue Number 12.

2. The department has amended the above-stated rule as proposed.

3. No comments or testimony were received.

4. The department intends to apply these rule amendments retroactively to July 1, 2020. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.86.1802 pertaining to)
durable medical equipment order and)
record requirement update)

TO: All Concerned Persons

1. On June 26, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-921 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1098 of the 2020 Montana Administrative Register, Issue Number 12.

2. The department has amended the above-stated rule as proposed.

3. No comments or testimony were received.

4. The department intends to apply these rule amendments retroactively to July 1, 2020. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.79.326 pertaining to Healthy)
Montana Kids dental benefits)

TO: All Concerned Persons

1. On June 26, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-922 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1102 of the 2020 Montana Administrative Register, Issue Number 12.

2. The department has amended the above-stated rule as proposed.

3. No comments or testimony were received.

4. The department intends to apply these rule amendments retroactively to July 1, 2020. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 28, 2020.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government 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 and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration 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.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- 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 P.O. 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 or Register) is an online 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 | 1. Consult ARM Topical Index.
Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2020. This table includes notices in which those rules adopted during the period January 31, 2020, through July 24, 2020, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2020, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2020 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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COREY STAPLETON
SECRETARY OF STATE

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