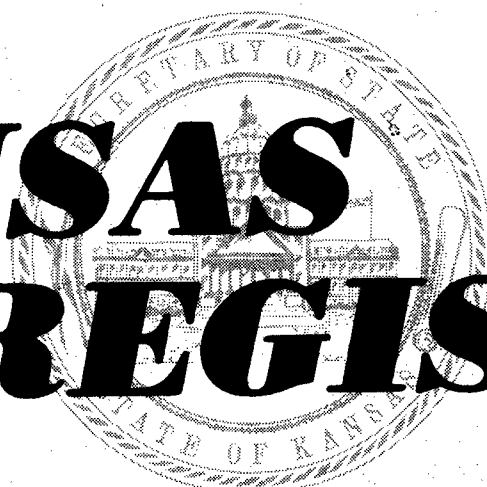


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 1, No. 42

October 21, 1982

Pages 1097-1144

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State of Kansas

LEGISLATURE INTERIM AGENDA

Following is a listing of meetings which are scheduled for the period of October 25 through November 5, 1982. All meetings are to be held in the Statehouse in Topeka unless otherwise indicated.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Oct. 25	519-S	10:00 A.M.	Special Committee on Agriculture and Livestock	Continued testimony on Grain Warehousing and Review of Bill Drafts.
Oct. 26	519-S	9:00 A.M.		
Oct. 26	531-S	8:30 A.M.	Task Force on Applied Remote Sensing	Agenda unavailable.
Oct. 26	123-S	10:00 A.M.	Special Committee on the University of Kansas Medical Center	Conferees and Committee Discussion.
Oct. 27	123-S	9:00 A.M.		
Nov. 4	527-S	1:00 P.M.	Legislative Budget Committee	Proposals 20, 21, and 22—Committee Review of Decisions; Staff Report on General Fund Receipts.
Nov. 4	531-N	10:00 A.M.	Special Committee on Public Health and Welfare	Committee Discussion and Review of Bill Drafts.
Nov. 5	531-N	9:00 A.M.		
Nov. 4	4th: University of Kansas, Lawrence, Kansas,	10:00 A.M.	Joint Committee on State Building Construction	Consideration of Capital Improvement Requests.
Nov. 5	5th: University of Kansas, Lawrence, Kansas,			
Nov. 5	527-S	9:30 A.M.	Legislative Coordinating Council	Legislative Matters.
Nov. 5	519-S	10:00 A.M.	Joint Committee on Special Claims Against the State	Hearings on Claims Filed to Date.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 000685

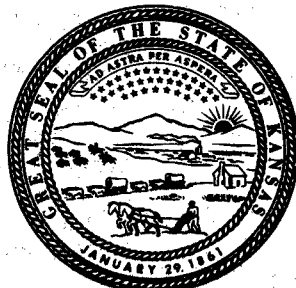
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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS VETERANS' COMMISSION**

PUBLIC NOTICE

Notice is hereby given that the following deceased member of the Kansas Soldiers' Home died intestate without known heirs or designated beneficiaries for funds on deposit with the Members & Patients Fund at the Kansas Soldiers' Home:

McENULTY, Peter Jon,
Expired July 3, 1982 \$15,860.31

Unless interested persons appear and file a legitimate claim therefore, within one (1) year after date of the last publication of this notice, said amount or amounts will be transferred to the General Fees Fund of the Kansas Soldiers' Home to help defray the unrecovered cost connected with the maintenance and operation of said Home.

RANDELL D. SCOTT
Acting Executive Director

Doc. No. 000673

State of Kansas

ATTORNEY GENERAL

OPINION NO. 82-220

Waters and Watercourses—Groundwater Management Districts—Budget Law Inapplicable. Van Smith, Counsel, Southwest Kansas Groundwater Management District No. 3, Garden City, October 7, 1982.

A groundwater management district organized pursuant to K.S.A. 82a-1020 *et seq.*, is empowered to raise funds only through user charges and assessments. As an annual assessment is imposed on all landowners on a per acre basis, without regard to assessed valuation, it is not a tax in the sense intended by the Kansas Budget Law, K.S.A. 79-2925 *et seq.*, nor is such a district a "municipality" for the purposes of that law. Accordingly, the Kansas Budget Law is inapplicable to such districts. However, as K.S.A. 82a-1030(b) requires the district to operate with a budget, expenditures must equal income, given the common-law definition of "budget" as requiring the two figures to balance. Cited herein: K.S.A. 10-1101, K.S.A. 1981 Supp. 12-105a, K.S.A. 68-2101, 79-2927, 79-2929, 79-2930, 79-5001, 82a-1021, 82a-1028, 82a-1030. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 000686

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, NOVEMBER 1, 1982

- #25357
University of Kansas Medical Center, Kansas City—**GLUTAMATE DEHYDROGENASE**
 - #51846
Kansas State University, Manhattan—**TERMINALS**
 - #51850
University of Kansas, Lawrence—**SEDAN**
 - #51856
Kansas State Penitentiary, Lansing—**TOBACCO**
 - #51857
Department of Transportation, Topeka—**GRADER BLADES AND SNOW PLOW BLADES**
 - #51877
Department of Human Resources, Topeka—**MAGNETIC STORAGE**
 - #51895
Kansas State Historical Society, Topeka—**GRAPHIC ARTS CAMERA**
 - #51900
Kansas State University, Manhattan—**PLOTTER**
- TUESDAY, NOVEMBER 2, 1982**
- #51858
Kansas State University, Manhattan—**LIQUID HELIUM DEWAR**
 - #51859
University of Kansas, Lawrence—**SOFTWARE**
 - #51864
Kansas Correctional Industries, Lansing—**ORANGE PIGMENT**
 - #51865
University of Kansas Medical Center, Kansas City—**LABELS**
 - #51869
University of Kansas Medical Center, Kansas City—**DEFIBRILLATOR**
 - #51878
Kansas Judicial Council, Topeka—**WORD PROCESSOR**
- WEDNESDAY, NOVEMBER 3, 1982**
- #25229
University of Kansas Medical Center, Kansas City and Statewide—**SURGICAL INSTRUMENTS, PARTS AND SUPPLIES (CLASS 05)**
 - #25358
Statewide—**SPICES AND MISCELLANEOUS GROCERIES**
 - #51860
Wichita State University, Wichita—**TERMINAL CONTROL UNIT**

(continued)

#51874

Kansas State Penitentiary, Lansing—FLOOR TILE AND ADHESIVE

#51882

University of Kansas, Lawrence—MICRO COMPUTER

#51883

Kansas Correctional Industries, Lansing—METAL CLEANING MATERIALS

#51884

Adjutant General's Department, Topeka—GAS FIRED HEATING EQUIPMENT

#A-4583

Kansas Correctional Institution for Women, Lansing—ENERGY CONSERVATION IMPROVEMENTS FOR Administration and B Buildings

#A-4592

School for Visually Handicapped, Kansas City—RAZE CHIMNEY AND REFLUE BOILER

THURSDAY, NOVEMBER 4, 1982

#25230

University of Kansas Medical Center, Kansas City and Statewide—GLOVES, PACKS AND TRAYS (CLASS 06)

#25359

Statewide—FROZEN FOODS

#51871

University of Kansas, Lawrence—MICROCOMPUTER SYSTEM

#51885

University of Kansas Medical Center, Kansas City—RESURFACE AND SEAL TOP DECK, Bldg. No. 57

#51886

University of Kansas, Lawrence—JANITORIAL SUPPLIES

#51887

University of Kansas, Lawrence—SPRINKLER SYSTEM INSTALLED, at Marvin Hall

#51888

University of Kansas, Lawrence—SPRINKLER SYSTEM INSTALLED, at Lindley Hall

#51893

Winfield State Hospital and Training Center, Winfield—FEEDING FORMULA

#51896

Department of Revenue, Topeka—TAX STAMPS, for Vehicle Dealers

#51901

Wichita State University, Wichita—DISK DRIVE

#51905

Department of Transportation, Norton—3,000 CUBIC YARDS M.R.A. AGGREGATE TYPE A, Dist. 6 FOB (Luray, Ks)

FRIDAY, NOVEMBER 5, 1982

#25361

Statewide—DECEMBER (1982) MEAT PRODUCTS

#25364

University of Kansas, Lawrence—DECEMBER (1982) MEAT PRODUCTS

#51870

Social and Rehabilitation Services, Topeka—MICROCOMPUTER EQUIPMENT

#51894

Kansas State University, Manhattan—FEED

#51899

University of Kansas Medical Center, Kansas City—KITCHEN EQUIPMENT

#51904

University of Kansas Medical Center, Kansas City—MICROCOMPUTER SYSTEM

#51910

Kansas State University, Manhattan—ANIMAL DRUGS

#51915

Social and Rehabilitation Services, Lawrence—TELEPHONE SYSTEM

MONDAY, NOVEMBER 8, 1982

#51913

Kansas State University, Manhattan—CONTINUOUS FORMS—"Grade Reports"

RICHARD H. HART
Acting Director

Doc. No. 000683

(Published in the KANSAS REGISTER, October 21, 1982.)

NOTICE OF BOND SALE

\$230,000

GENERAL OBLIGATION LIBRARY IMPROVEMENT AND CEMETERY BONDS

SERIES "A" 1982

OF THE

CITY OF OTTAWA, KANSAS

(Payable from Unlimited

Ad Valorem Taxes)

Sealed bids will be received by the City Commission of the City of Ottawa, Kansas (the "City"), at the office of the City Clerk, City Hall, Ottawa, Kansas 66067, until 3:00 o'clock p.m., Central Daylight Time, on MONDAY, OCTOBER 25, 1982

at which time and place said bids will be publicly opened for the purchase of \$230,000 principal amount of General Obligation Library Improvement and Cemetery Bonds, Series "A" 1982 (the "Bonds"), of the City hereinafter described. The City Commission of the City will review the bids and act on the acceptance of the best bid at a meeting of the City Commission to be held at said time and place.

Said issue will consist of negotiable coupon bonds in the denomination of \$5,000 each, dated November 1, 1982 and becoming due serially on November 1 in the years, without option of prior payment, as follows:

Year	Principal
1984	\$10,000
1985	15,000
1986	15,000
1987	20,000
1988	20,000
1989	25,000
1990	25,000
1991	30,000
1992	35,000
1993	35,000

(continued)

The Bonds will bear interest from the date thereof at the rates to be determined when said Bonds are sold, as hereinafter provided, and said interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 1984. Both principal of and interest on said Bonds will be payable in lawful money of the United States of America at the office of the State Treasurer of Kansas, in the City of Topeka, Kansas.

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: Not more than four different interest rates shall be specified and the same rate shall apply to all Bonds of the same maturity. The repetition of an interest rate shall not constitute one of said four rates. Each interest rate specified shall be a multiple of 1/8th or 1/20th of 1 percent. No interest rate shall exceed the 20 Bond Index of Tax Exempt Municipal Bonds published in the Weekly Bond Buyer in New York, New York, on the Monday next preceding the date of the sale of the Bonds, plus 2 percent. The difference between the highest rate specified and the lowest rate specified in any bid shall not exceed 2 percent. No bid providing for supplemental interest coupons will be considered.

The Bonds are being issued pursuant to K.S.A. 12-1736, *et seq.*, to pay the cost of repair and reconstruction of a public library and K.S.A. 1981 Supp. 14-1007a and 14-1007b, to pay the cost of acquiring land for an addition to a cemetery for public use.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

Each bid shall specify the total interest to the City during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, the net interest cost to the City on the basis of such bid, and the average annual net interest rate to the City on the basis of such bid. The award of the Bonds will be made on the basis of the lowest net interest cost to the City, which shall be determined by subtracting the amount of the premium, if any, from the total interest cost to the City and shall be specified as a dollar amount in the bid. The City shall be entitled to rely upon such dollar amount as stated in the bid as the basis for determining the lowest net interest cost bid. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the coupon rates specified in the bid shall be adjusted accordingly.

The City will pay for printing and registering the Bonds and will deliver the same, properly executed and registered, to the successful bidder within 45 days from the date of sale at such bank or trust company located in the United States of America, as may be specified by the successful bidder, without cost to the successful bidder. Payment for the Bonds shall be made in federal funds or other funds which shall be available to the City on the same day as delivery of the Bonds. The Bonds will be sold subject to the legal

opinion of Gaar & Bell, Bond Counsel, of Overland Park, Kansas, which will be furnished and paid for by the City. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing certificates, which will include a certificate stating that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

At the request of the successful bidder, CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses relating to the printing of CUSIP numbers on the Bonds, including the CUSIP Service Bureau charge in the assignment of said numbers, will be paid for by the City.

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$4,600, payable to the order of the Treasurer of the City of Ottawa, Kansas. Such check, or the proceeds thereof, will be held by the Treasurer pending payment for and delivery of the Bonds to the successful bidder. In the event a bidder whose bid is accepted shall fail to carry out the contract of purchase, the amount of said deposit will be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the Bid forms which may be obtained from the City Clerk. No additions or alterations shall be made to such forms, and any erasures may cause rejection of any bid. The right is reserved to waive irregularities and reject any and all bids.

All bids will be opened and read at a meeting of the City Commission to be held as aforesaid at which time the City Commission will act on the bids received.

Mailed bids should be addressed to the undersigned City Clerk, City Hall, Ottawa, Kansas 66067, and marked "Proposal for the Purchase of Library Improvement and Cemetery Bonds." Bids may also be delivered to the undersigned at the office of the City Clerk in the City Hall until 3:00 p.m., C.D.T., on Monday, October 25, 1982.

The total assessed valuation of the taxable tangible property within the City for the year 1982 is \$22,009,519. The total general obligation bonded indebtedness of the City as of the date of the Bonds being sold, including the Bonds being sold, is \$2,489,685.04. The City also has outstanding as of October 1, 1982, temporary notes in the amount of \$712,156.21 and No Fund Warrants in the amount of \$203,000.

ORLIN W. SMITH
City Clerk
City Hall
4th and Walnut
Ottawa, Kansas 66067

Doc. No. 000679

(Published in the KANSAS REGISTER, October 21, 1982.)

**NOTICE OF BOND SALE
GENERAL OBLIGATION BRIDGE BONDS
TOTAL AMOUNT OF \$998,456.65
DATED NOVEMBER 1, 1982
\$998,456.65
GENERAL OBLIGATION BRIDGE BONDS
SERIES G 1982 SEDGWICK COUNTY
STATE OF KANSAS
(10 Year Bonds)**

Written sealed bids only will be received by the Board of County Commissioners of Sedgwick County, state of Kansas, at the office of the Board of County Commissioners, Wichita, Kansas, at the Sedgwick County Courthouse, Wichita, Kansas 67203, on Wednesday, November 3, 1982, at 10:00 A.M., Central Standard Time at which time and place all proposals will be publicly opened, read aloud and considered for the purchase of all, but not less than all of \$998,456.65 General Obligation Bridge Bonds, Series G 1982, one through ten year bonds.

The maturity schedule is as follows: (This issue will be dated November 1, 1982).

**\$998,456.65
G.O. BRIDGE BONDS
SERIES G 1982**

Number	Amount	Maturity
1	\$ 3,456.65	October 1, 1984
2-20	95,000.00	October 1, 1984
21-40	100,000.00	October 1, 1985
41-60	100,000.00	October 1, 1986
61-80	100,000.00	October 1, 1987
81-100	100,000.00	October 1, 1988
101-120	100,000.00	October 1, 1989
121-140	100,000.00	October 1, 1990
141-160	100,000.00	October 1, 1991
161-180	100,000.00	October 1, 1992
181-200	100,000.00	October 1, 1993

First interest is due on this issue on April 1, 1984, and semiannually thereafter on October 1 and April 1 of each year until the principal sum is paid. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the city of Topeka, Kansas. These bonds are not callable.

These bonds are a general obligation of Sedgwick County, Kansas. Said bonds are being issued for the purpose of certain county bridge improvements, all as provided by law by Section 68-1106, K.S.A., and any amendments thereto.

Proposals will be received on bonds bearing such rate or rates of interest, not exceeding five different interest rates, as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth or one-tenth of one percent. No interest rate shall exceed the legal rate therefor as provided by the laws of the state of Kansas. The maximum stated rate, determined on the date the bonds are sold, shall not exceed the 20 bond index of tax exempt municipal bonds published by the Weekly Bond Buyer in New York, New York on the Monday next preceding the day on which the bonds are sold, plus 2%. Bids involving the use of extra or supplemental coupons will not be considered.

Bids shall be submitted on contract forms with the usual information thereon and should be addressed to: "Board of County Commissioners, Sedgwick County Courthouse, Wichita, Kansas 67203", plainly marked, "Bond Bid Series G". All bids must state the total interest of the bid, the premium, if any, the net interest and the average interest rate, all certified by the bidder to be correct, and the County will be entitled to rely upon such representations. Each bid must be accompanied by a certified or cashier's check in the amount of \$19,969.13, payable to Sedgwick County, state of Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned.

Said bonds, duly printed, executed and registered, will be furnished and paid for by said County, and the said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208, whose unqualified approving opinions will be furnished and paid for by the County. Delivery of said bonds will be made to the successful bidder on or about November 29, 1982, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the County. Delivery elsewhere will be made at the purchaser's expense. The bond opinion will be printed on the back of each bond. CUSIP numbers will be printed on said bonds. The County will apply for a Moody's Rating for these bonds. The last Moody's Rating was "AA."

Said bonds will be paid by a general ad valorem levy on all of the taxable, tangible property located within the boundaries of Sedgwick County, and as such constitute a general obligation of said County.

Said sealed bids shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the highest bidder. The County reserves the right to reject any and/or all bids and to waive any and all irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the issuer, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all bonds from their date until their respective maturities.

Debt picture as of November 1, 1982.

The assessed valuation of Sedgwick County, Kansas, for the year of 1982 is \$1,481,438,322.00 (30% of full value). Estimated full value \$4,938,127,740.00. Population of the County is approximately 370,000. Estimated market value \$11,916,761,123.00.

The total bonded indebtedness of Sedgwick County, Kansas, is \$20,608,132.33, including both 1982 issues Series F and G now being sold. Said County also has outstanding Temporary Notes of \$9,238,842.05.

(\$15,348,132.33 of the above bond is exempt by law and all above note debt is exempt.)

Underlapping debt is:

(As of July 1, 1982)

School Districts in the County \$3,333,693.86

(continued)

All cities in the County including the city of Wichita, \$119,432,757.16 Bonds. (This includes G.O. and Specials.) This is from County records only. Sedgwick County Fire District \$1,620,000.00. Improvement Districts of which the County is not liable \$3,333,693.86.

Special Improvement Districts in the County of which the County is not liable \$3,333,693.86
(On your sealed envelope containing your bid show it is Series G)

JACK SPRATT
Chairman, Board of County Commissioners
Sedgwick County, State of Kansas
DOROTHY K. WHITE
County Clerk

Doc. No. 000676

(Published in the KANSAS REGISTER, October 21, 1982.)

NOTICE OF BOND SALE
\$453,228.15
GENERAL OBLIGATION BONDS
OF THE
CITY OF EMPORIA
LYON COUNTY, KANSAS

The City of Emporia, Lyon County, Kansas, the "City", on the 29th day of October, 1982, at 4:00 p.m., Central Daylight Saving Time, at the office of the City Manager in the Civic Building, Emporia, Kansas, will receive and consider written sealed bids for the sale of \$453,228.15 of General Obligation Bonds for cash at not less than par and accrued interest. Such bonds will constitute general obligations of the City, payable from unlimited ad valorem taxes, and are being issued for the purpose of paying the cost of certain improvement projects in the City of Emporia, Kansas.

Such bonds will be dated December 1, 1982. The issue shall consist of 91 bonds. Bond Number One shall be in the denomination of \$3,228.15 with Bonds Numbered 2 through 91 being in the denomination of \$5,000.00 each. Interest on the bonds will be payable on June 1 and December 1 of each year with the first coupon payable December 1, 1983. Both principal and interest will be payable at the office of the State Treasurer, Topeka, Kansas. Said bonds will mature as follows:

SERIES "1982-B"			
\$453,228.15			
Year	Month	Bond No.	Amount
1983	December 1	1	\$ 3,228.15
1983	December 1	2-10	45,000.00
1984	December 1	11-19	45,000.00
1985	December 1	20-28	45,000.00
1986	December 1	29-37	45,000.00
1987	December 1	38-46	45,000.00
1988	December 1	47-55	45,000.00
1989	December 1	56-64	45,000.00
1990	December 1	65-73	45,000.00
1991	December 1	74-82	45,000.00
1992	December 1	83-91	45,000.00
TOTAL SERIES "1982-B"		91	\$453,228.15

(None of the bonds shall be subject to call and redemption prior to their respective stated dates of maturity.)

Said bonds will be printed at the expense of the City and said bonds will be sold subject to the legal opinion of Nichols and Wolfe, Chartered, Bond Attorneys, First National Bank Tower, Suite 1120, Topeka, Kansas 66603 whose unqualified approving opinion will be furnished to the successful bidder and the cost of this legal opinion shall be at the expense of the City. A certified Transcript of Proceedings will be furnished to the successful bidders.

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders provided that not more than five different rates shall be specified in any bid and the same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of one-eighth of one percent or one-twentieth of one percent. No interest rate shall exceed the maximum rate allowed by Kansas Law. Purchasers shall submit their bids in writing, sealed and marked "Bond Bid". All bids must state the average annual interest rate, the total interest cost, the premium, if any, and the net interest cost, all certified by the bidder to be correct, and the municipality will be entitled to rely on such representations. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total par value of the bonds. In case any purchaser whose bid is accepted shall fail to carry out his contract, said deposit shall be paid to the municipality as liquidated damages. The checks of unsuccessful bidders will be returned.

Such sealed bids shall be opened publicly and only at the time and place specified in this notice, and will be sold to the highest and best bidder or bidders; however, the municipality reserves the right to waive errors in the bid and any or all bids may be rejected.

The assessed valuation of the City of Emporia, Kansas, for the year 1982 was \$66,350,013.00. The total bonded indebtedness of the municipality, as of the date on which the bonds being sold are dated, including the bonds submitted for bid is \$13,505,228.15, of which \$3,199,000.00 are Revenue Bonds. A Temporary Note, in the amount of \$500,000.00, included in the indebtedness, will be paid from the proceeds of this bond sale.

Said bonds, duly printed, executed and registered, will be delivered to the successful bidder or bidders within sixty (60) days from the date of sale. Bonds will be delivered at any bank in Emporia or at the place specified by the buyer, provided the buyer agrees to reimburse the City for reasonable costs incurred in making out of town delivery.

Bid forms and detailed information may be obtained at the City Offices at Sixth Avenue and Mechanic Street, Emporia, Kansas.

DONE at Emporia, Lyon County, Kansas, this 6th day of October, 1982.

DONALD D. BLAYLOCK
Mayor

ATTEST: **STEPHEN L. ANDERSON**
City Clerk

Doc. No. 000680

(Published in the KANSAS REGISTER, October 21, 1982.)

NOTICE OF BOND SALE
\$559,516.00
GENERAL OBLIGATION SEWER BONDS
SERIES F 1982 SEDGWICK COUNTY
STATE OF KANSAS
(15 Year Bonds)

Written sealed bids only will be received by the Board of County Commissioners of Sedgwick County, state of Kansas, at the office of the Board of County Commissioners, Wichita, Kansas, at the Sedgwick County Courthouse, Wichita, Kansas 67203, on Wednesday, November 3rd, 1982, at 10:00 A.M., Central Standard Time, for the sale of \$559,516.00 par value of General Obligation Sewer Improvement Bonds, at which time and place said bids will be publicly opened. No oral or auction bids will be considered.

All of said Bonds will be negotiable coupon bonds in the denominations of \$5,000.00 each, except No. 1 \$4,561.00. All bonds will be dated November 1, 1982 and will mature serially as follows:

Number	Amount	Maturity
1	\$ 4,516.00	October 1, 1984
2-7	30,000.00	October 1, 1984
8-14	35,000.00	October 1, 1985
15-21	35,000.00	October 1, 1986
22-28	35,000.00	October 1, 1987
29-35	35,000.00	October 1, 1988
36-42	35,000.00	October 1, 1989
43-49	35,000.00	October 1, 1990
50-56	35,000.00	October 1, 1991
57-64	40,000.00	October 1, 1992
65-72	40,000.00	October 1, 1993
73-80	40,000.00	October 1, 1994
81-88	40,000.00	October 1, 1995
89-96	40,000.00	October 1, 1996
97-104	40,000.00	October 1, 1997
105-112	40,000.00	October 1, 1998

First interest is due on this issue on April 1, 1984, and semiannually thereafter on October 1 and April 1 of each year until the principal sum is paid. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the city of Topeka, Kansas. These bonds are to be paid primarily from special assessments on the property benefited; however, the entire Sedgwick County will stand behind the payment of these bonds if necessary. These bonds are a general obligation of Sedgwick County, Kansas. Said bonds are being issued for the purpose of certain county sewer improvements, all as provided by law by Sections 19-2704, 19-2704a and 19-2705, K.S.A., and any amendments thereto.

Proposals will be received on bonds bearing such rate or rates of interest, not exceeding five different interest rates, as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth or one-tenth of one percent. No interest rate shall exceed the legal rate therefor as provided by the laws of the state of Kansas. The maximum stated rate, determined on the date the bonds are

sold, shall not exceed the 20 bond index of tax exempt municipal bonds published by the Weekly Bond Buyer in New York, New York on the Monday next preceding the day on which the bonds are sold, plus 2%. Bids involving the use of extra or supplemental coupons will not be considered.

Bids shall be submitted on contract forms with the usual information thereon and should be addressed to: "Board of County Commissioners, Sedgwick County Courthouse, Wichita, Kansas 67203", plainly marked, "Bond Bid Bond F". All bids must state the total interest of the bid, the premium, if any, the net interest cost and the average interest rate, all certified by the bidder to be correct, and the County will be entitled to rely upon such representations. Each bid must be accompanied by a certified or cashier's check in the amount of \$11,191.22, payable to Sedgwick County, state of Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned.

Said bonds, duly printed, executed and registered, will be furnished and paid for by said County, and the said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208, whose unqualified approving opinions will be furnished and paid for by the County. Delivery of said bonds will be made to the successful bidder on or about November 29, 1982, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the County. Delivery elsewhere will be made at the purchaser's expense. The bond opinion will be printed on the back of each bond. CUSIP numbers will be printed on said bonds. The County will apply for a Moody's Rating for these bonds. The last Moody's Rating was "AA."

Said bonds will be paid by a general ad valorem levy on all of the taxable, tangible property located within the boundaries of Sedgwick County, if necessary, and as such constitute a general obligation of said County.

Such sealed bids shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the highest bidder. The County reserves the right to reject any and/or all bids and to waive any and all irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the issuer, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all bonds from their date until their respective maturities.

Debt picture as of November 1, 1982.

The assessed valuation of Sedgwick County, Kansas, for the year of 1982 is \$1,481,438,322.00 (30% of full value). Estimated full value \$4,938,127,740.00. Population of the County is approximately 370,000. Estimated market value \$11,916,761,123.00.

The total bonded indebtedness of Sedgwick County, Kansas, is \$20,608,132.33, including both 1982 issues Series F and G now being sold. Said County also has outstanding Temporary Notes of \$9,238,842.05. (\$875,497.50 in notes will be picked up by this bond issue and from money on hand.)

(continued)

(\$15,348,132.33 of the above bond is exempt by law and all above note debt is exempt.)

Underlapping debt is:

(As of July 1, 1982)

School Districts in the County \$3,333,683.86

All cities in the County including the city of Wichita, \$119,432,757.16 Bonds. (This includes G.O. and Specials.) This is from County records only.

Sedgwick County Fire District \$1,620,000.00

Improvement Districts of which the County is not liable \$3,333,693.86

Special Improvement Districts in the County of which the County is not liable \$3,333,693.86

(On your sealed envelope containing your bid show it is Series F)

JACK SPRATT

Chairman, Board of County Commissioners
Sedgwick County, State of Kansas

DOROTHY K. WHITE
County Clerk

Doc. No. 000675

(Published in the KANSAS REGISTER, October 21, 1982.)

NOTICE OF BOND SALE
\$321,322.20
GENERAL OBLIGATION BONDS
OF
THE CITY OF PLAINS
STATE OF KANSAS
SERIES 1982-A

Sealed bids will be received in the Office of the City Clerk, at City Hall, City of Plains, Kansas, until 7:00 o'clock p.m. C.S.T. on November 2, 1982, and will be considered by the Governing Body of the City of Plains, Kansas at its regular place of meeting in the City Council Room in the City Hall, in the City of Plains, Kansas, at 7:00 o'clock p.m. C.S.T. on November 2, 1982, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all, of the \$321,322.20 General Obligation Bonds of Series 1982-A, 1 through 10 year bonds; dated October 1, 1982, and maturing October 1 in the years 1983 through 1992 as set forth below. No oral or auction bids will be considered.

All of said bonds will be negotiable coupon bonds in the denomination of \$5,000.00 each, except Bond No. 1 which will be in the denomination of \$6,322.20, of the Series 1982-A, and said Bonds will mature as follows:

Number (Inclusive)	Maturity Date	Amount
1-5	October 1, 1983	\$26,322.20
6-10	October 1, 1984	\$25,000.00
11-16	October 1, 1985	\$30,000.00
17-22	October 1, 1986	\$30,000.00
23-29	October 1, 1987	\$35,000.00
30-36	October 1, 1988	\$35,000.00
37-43	October 1, 1989	\$35,000.00
44-50	October 1, 1990	\$35,000.00
51-57	October 1, 1991	\$35,000.00
58-64	October 1, 1992	\$35,000.00

All of the Bonds shall mature without option of prior payment.

Interest on all of said Bonds will be payable beginning April 1, 1983, and semi-annually thereafter on October 1 and April 1 in each year until the principal sum is paid. Both principal of and interest on said Bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding four (4) interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-tenth (1/10th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum rate allowed by Kansas Law; said maximum rate being two percent (2%) above the Bond Buyer's 20 Bond Index published on the Monday next preceding the date on which the Bonds are sold and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the "Official Bid Form" furnished by the City and should be addressed L. M. Wells, City Clerk, plainly marked "Bond Bid." All bids must state the total interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, payable to the City of Plains, Kansas. The check of the successful bidder will be cashed and the proceeds thereof will be held as security for the performance of his contract to purchase the Bonds. In the event that the successful bidder shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by said City of Plains, Kansas, and the Bonds will be sold subject to the legal opinion of Messrs. Curfman, Harris, Stallings, Grace & Snow, whose unqualified approving opinion will be furnished and paid for by the City and will be printed on the reverse side of each bond. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before December 1, 1982, at any bank in the Cities of Topeka, or Wichita, Kansas, or Kansas City, Missouri, at the expense of the

(continued)

City. Delivery elsewhere will be made at the purchaser's expense. Upon delivery of and payment for the Bonds the above mentioned proceeds of the bid check will be applied to the purchase price of the Bonds. The balance of the purchase price of the Bonds shall be paid in Federal Reserve Funds or equivalent thereof.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from special assessments which have been levied but if not so paid then from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City. The proceeds of the Bonds will be used together with other available funds for the purpose of making street improvements in the City. All of the principal amount of said bonds are issued under authority of K.S.A. 12-601 *et seq.* and Chapter 87, 1982 Session Laws of Kansas.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the highest and best bidder. The City reserves the right to waive any irregularities in the bids and any and/or all bids may be rejected. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

The assessed valuation of all tangible, taxable property in the City of Plains, Kansas, for the year of 1981, is as follows:

Equalized tangible valuation for computation of bonded indebtedness limitation (includes motor vehicles)	\$2,428,788.00
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The total bonded indebtedness of the City of Plains, Kansas, including this issue of Bonds is \$1,073,322.20, but all but \$405,000.00 are exempt from the statutory indebtedness limitation under K.S.A. 12-621 *et seq.*, 12-1664, 12-801-803 and Chapter 87, 1982 Session Laws of Kansas. The City has outstanding \$125,000.00 in temporary notes, which are also exempt under K.S.A. 12-1664.

Dated this 18th day of October, 1982.

L. M. WELLS
City Clerk

Doc. No. 000684

State of Kansas
SECRETARY OF STATE

NOTICE

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*, which is published annually by, and available free of charge on request to, the Secretary of State's office.

County officials are listed in the *Directory of County Officers*, which is also published by the Secretary of State and available free of charge.

EXECUTIVE APPOINTMENTS
(Appointments filed August 10, 1982 through September 30, 1982.)

[Eff.: effective date; Repl.: replaces; Reapp.: Re-appointment; Exp.: Appointment expires.]

By the Governor

ADULT AUTHORITY, KANSAS

● Keith R. Henley; 1315 Garfield; Topeka 66604. Eff. 9-18-82. (Subject to Senate confirmation.) Repl. Richard Walker, resigned. Exp. 3-31-85.

AGING, ADVISORY COUNCIL ON

- Meryl V. Billingsley; 5 29th Court; Hutchinson 67501. Eff. 9-3-82. Repl. Ethel F. Price. Exp. 6-30-85.
- Howard Brown; 194 14th Street; Osawatomie 66064. Eff. 9-3-82. Repl. Robert Markley. Exp. 6-30-85.
- John R. Grace; 3518 Rocky Ford Avenue; Manhattan 66502. Eff. 9-3-82. Repl. George Reimler, resigned. Exp. 6-30-84.
- Irmagene Nevins Holloway; 105 E. Vine; Dodge City 67801. Eff. 9-3-82. Reapp. Exp. 6-30-85.
- Forrest Neil McQuarie; 1320 S. Santa Fe; Chanute 66720. Eff. 9-3-82. Reapp. Exp. 6-30-85.
- Leonore Rowe; 828 Market Street; Emporia 66801. Eff. 9-3-82. Reapp. Exp. 6-30-85.

AGRICULTURAL WORKING GROUP

(New committee created by Executive Order 82-59. Seven members to be appointed. All members serve at the pleasure of the Governor. All of the following appointments were effective 9-21-82.)

- Charles E. Hamon; Route 1; Valley Falls 66088.
- James B. Kramer; 907 S. Monroe; Hugoton 67951.
- Adrian Polansky; R.R. 2; Belleville 66935. Chairperson.
- Richard Reinhardt; R.R. 1; Erie 66733.
- Ronald Sweat; Rural Route; Wakeeny 67672.
- Norman V. Whitehair; 1912 Grandview Drive; Manhattan 66502.

BANKING BOARD, STATE

● William Byrnes; 508 East Elm; Hanover 66945. Eff. 9-28-82. (Subject to Senate confirmation.) Repl. John O'Leary, Jr., resigned. Exp. 4-30-84.

BEHAVIORAL SCIENCES REGULATORY BOARD

● Barbara Lundin Kovarovic; 1304 Avenue A; Dodge City 67801. Eff. 9-8-82. Repl. Jo Lindly, resigned. Exp. 6-30-83.

(continued)

DEALER REVIEW BOARD

- Don White; 8640 Overhill Road; Leawood 66206. Eff. 9-2-82. Repl. Charles Suss, resigned. Exp. 6-30-84.

DEVELOPMENTAL DISABILITIES SERVICES, STATE PLANNING COUNCIL ON

- Howard Moses; Route 1, Box 362; Meriden 66512. Eff. 9-13-82. Repl. John D. Kemp. Exp. 7-1-86.

EMBALMING, STATE BOARD OF

- Roy L. Derfelt; Box 367; Galena 66739. Eff. 8-31-82. Reapp. Exp. 7-31-85.
- Frances Kay Thull; 506 Oak; Cawker City 67430. Eff. 8-31-82. Reapp. Exp. 7-31-85.

ENERGY OFFICE, KANSAS

- Richard B. Hayter; 1920 Grandview Drive; Manhattan 66502. Eff. 8-18-82. (Subject to Senate confirmation.) Repl. Joe E. King. Serves at the pleasure of the Governor.

HEALING ARTS, STATE BOARD OF

- Cameron D. Knackstedt, D.O.; 174 Sixth Street; Phillipsburg 67661. Eff. 9-8-82. Repl. Jerry L. Jumper, D.O., resigned. Exp. 6-30-83.

HEALTH COORDINATING COUNCIL, STATEWIDE

- Robert B. Stocking; Box 209; Mound City 66056. Eff. 8-31-82. Repl. Karl Masoner. Exp. 6-30-86.

JUVENILE OFFENDER PROGRAMS, ADVISORY COMMISSION ON

(New commission created by 1982 Session Laws of Kansas, Ch. 309, Section I. Thirteen members to be appointed, including four appointees of the Governor. All of the following appointments were effective Sept. 2, 1982.)

- Patricia S. Ireland; 779 Locust; Lawrence 66044. Exp. 6-30-83.
- Sally Northcutt; 550 Nims, Apt. 412; Wichita 67203. Exp. 6-30-84.
- Cynthia A. Robinson; 7307 Rosewood; Prairie Village 66208. Exp. 6-30-84.
- Stanley D. Rowe; 1572 Glendale; Topeka 66604. Exp. 6-30-83.

CENTRAL KANSAS REGIONAL LIBRARY SYSTEM

- Lloyd R. Beatty; R.R. 1, Box 26; Luray 67649. Eff. 9-15-82. Repl. Bertha Maude Beatty, deceased. Exp. 10-20-85.

MINORITY BUSINESS, ADVISORY COMMITTEE ON

(New committee created by Executive Order 82-57. All members serve at the pleasure of the Governor. All of the following appointments were effective 9-9-82.)

- Jeannie Chavez-Martinez; 2008 Sellows; Parsons 67857.
- Trinidad Chavez; 2925 Indiana; Topeka 66605.
- Dennis R. Garcia; 305 East Santa Fe; Garden City 67846.

- Jose Hernandez; 5821 Schwartz Road; Kansas City 66102.

- L. V. Jack Hudson; 3453 East 12th Street; Wichita 67208.

- Wallace Kidd; 2005 Grandview Drive; Manhattan 66502.

- Clarence C. Love; 2853 Parkview; Kansas City 66104.

- Percy D. Powell; 4000 W. 29th; Topeka 66614.

- Mary T. Villar; 1935 East Blake; Wichita 67211.

- Clarence E. Wesley; 4819 N. Harding; Wichita 67220.

MUNICIPAL ACCOUNTING BOARD, STATE

- Russell Breitenstein; 1812 North 79th St. Terr.; Kansas City 66112. Eff. 9-2-82. Repl. Bernice Crummett. Exp. 6-30-86.

- Laura Hendricks; 5736 W. 81st Terr.; Prairie Village 66208. Eff. 9-2-82. Repl. C. Duane McCammon. Exp. 6-30-86.

PARK AND RESOURCES AUTHORITY, STATE

- James H. Snavely; Box 324; Toronto 66777. Eff. 8-27-82. (Subject to Senate confirmation.) Repl. H. J. Yount. Exp. 6-30-86.

PUBLIC EMPLOYEE RELATIONS BOARD

- Robert L. Kennedy; 8410 Corona; Kansas City 66112. Eff. 9-28-82. (Subject to Senate confirmation.) Repl. Donald L. Allegrucci, resigned. Exp. 7-1-83.

SECURITIES COMMISSIONER OF THE STATE OF KANSAS

(New position as head of independent agency pursuant to 1982 Session Laws of Kansas, Ch. 98. Serves at the pleasure of the Governor.)

- Dwight D. Keen; 3737 Plaza Drive, Apt. 203C; Topeka 66609. Eff. 7-1-82. (Subject to Senate confirmation.) Reapp. to reorganized position pursuant to law.

- John R. Wurth; 7827 North Webb Road; Wichita 67147. Eff. 9-1-82. (Subject to Senate confirmation.) Repl. Dwight D. Keen, resigned.

WATER AUTHORITY, KANSAS

- Hugh W. Armstrong; 1424 Rush; Salina 67401. Eff. 8-27-82. Reapp. Exp. 5-1-86.

- Larry K. Panning; 500 W. 4th; Ellinwood 67526. Eff. 8-27-82. Reapp. Exp. 5-1-86.

By the Secretary of Agriculture

ANHYDROUS AMMONIA REGULATIONS, ADVISORY COMMITTEE ON

- Dr. Stanley Clark; Department of Agricultural Engineering; Fairchild Hall, Kansas State University; Manhattan 66506. Eff. 9-27-82. Repl. Dr. William H. Honstead.

By the Chief Justice of the Supreme Court

CORRECTIONS OMBUDSMAN BOARD

- Floyd Gaunt; 3740 S. E. Howard Dr.; Topeka 66605. Eff. 9-1-82. Repl. Barbara Byrd. Exp. 8-31-86.

- Karen L. Griffiths; 1012 Trinity Dr.; Newton 67114. Eff. 9-1-82. Repl. Karolyn Kellogg. Exp. 8-31-84.

(continued)

COUNTY AND JUDICIAL DISTRICT OFFICES

(All of the following appointments will expire when a successor is elected and qualifies according to law.)

By the Governor

LYON COUNTY ATTORNEY

● Rodney H. Symmonds; 425 Commercial; Emporia 66801. Eff. 9-14-82. Repl. Jay W. Vander Velde, resigned.

SUMNER COUNTY CLERK

● Sibyl Whipple; 419 East 9th; Wellington 67152. Eff. 8-10-82. Repl. C. Warren Hunt, deceased.

ELLSWORTH COUNTY REGISTER OF DEEDS

● Janice L. Sneath; Route 1; Kanopolis 67454. Eff. 9-1-82. Repl. Kathleen A. Katzenmeier, resigned.

ATCHISON COUNTY SHERIFF

● Hugh B. Gillen; 309 N. 12th; Atchison 66002. Eff. 9-24-82. Repl. Aaron L. Adams, resigned.

RICE COUNTY SHERIFF

● William L. Thompson; 215 E. Washington; Lyons 67554. Eff. 9-7-82. Repl. J. L. Herold, resigned.

SEWARD COUNTY TREASURER

● Amy Jo Neese; Route 1, Box 199; Liberal 67901. Eff. 11-1-82. Repl. Mabel Stefan, resigned.

NEMAHA COUNTY COMMISSIONER, 2ND DISTRICT

● Herbert F. Niehues; Corning 66417. Eff. 9-7-82. Repl. Frank Meyer, Jr., deceased.

DISTRICT JUDGE, 2ND JUDICIAL DISTRICT

● Tracy Dee Klinginsmith; 802 Iowa; Holton 66436. Eff. 10-1-82. Repl. John Brookens, retired.

ASSOCIATE DISTRICT JUDGE, 27TH JUDICIAL DISTRICT, POSITION 2

● David Lorange Brown; 406 West 26th; Hutchinson 67501. Eff. 9-16-82. Repl. William Franklin Lyle, Jr.

ASSOCIATE DISTRICT JUDGE, 30TH JUDICIAL DISTRICT, POSITION 3

● William H. Yandell; 315 N. Lincoln; Anthony 67003. Eff. 8-10-82. Repl. Clarence Renner.

JACK H. BRIER
Secretary of State

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO MOTOR CARRIER HEARINGS BEFORE THE

STATE CORPORATION COMMISSION

Applications set for hearing, are to be heard before the *State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.*

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas, 66612, or telephone (913) 296-3352 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228 of "Rules of Practice and Procedure Before the Commission."

Application set for November 2, 1982—
TOPEKA, KANSAS

Application for Transfer of Certificate of Convenience and Necessity:

Eugene M. Williams, dba)	Docket No. 116,474 M
Williams Automotive)	
Service)	
Waverly, KS 66871)	Route No. 14419

TO:

Flint Hills Towing, Inc.
423 Graham
Emporia, KS 66801

Applicant's Attorney: William B. Barker, 641 Harrison
St., P.O. Box 1979, Topeka, KS 66601

Wrecked & disabled motor vehicles,

Between all points & places within a 25-mile radius of Waverly, KS.

And,

Between all points & places within a 25-mile radius of Waverly, KS, on the one hand, & all points & places in KS, on the other.

RESTRICTED, HOWEVER,

TO TRANSPORT NO TRAILERS DESIGNED TO BE DRAWN BY PASSENGER AUTOMOBILES, NOR MOBILE HOMES, NOR BUILDINGS IN SECTIONS, TRAVELING IN THEIR OWN OR REMOVABLE UNDER-CARRIAGES, UNLESS THEY ARE WRECKED.

Transferee asked that the authority to be transferred read as follows:

WRECKED & DISABLED MOTOR VEHICLES,
Between all points & places in Coffey, Anderson, Franklin & Osage counties, KS.

Also, between all points & places in Coffey, Anderson, Franklin & Osage counties, KS, on the one hand & all points & places in the state of KS on the other.

(continued)

**Application set for November 4, 1982—
TOPEKA, KANSAS**

Application for Local Cartage Certificate:

Carry Quik, Inc.) Docket No. 135,013 M
12923 W. 102 St.)
Lenexa, KS 66215)

Applicant's Attorney: Clyde N. Christey, Kansas
Credit Union Bldg., 1010 Tyler, Suite 110-L,
Topeka, Kansas 66612

*Commercial papers, documents, & written instruments
(except coins, currency, & negotiable securities), as are
used in the conduct & operation of banks & banking
institutions & accounting & audit media, business rec-
ords & microfilm,*

An area composed of two contiguous cities of the
first class & municipalities contiguous thereto in the
State of KS which has been designated as a commercial
zone by the Interstate Commerce Commission as the
boundaries of such zone were defined by the Com-
mission on January 1, 1969, & by successive Commis-
sion definitions thereafter.

**Applications set for November 18, 1982—
TOPEKA, KANSAS**

**Application for Certificate of Convenience
and Necessity:**

Texas Oklahoma Express,) Docket No. 135,130 M
Inc.)
2222 E. Grauwylar Rd.)
P.O. Box 47112)
Irving, TX 75247)

Applicant's Attorney: Erle W. Francis, 719 Capitol
Federal Bldg., Topeka, KS 66603

*General commodities (except those of unusual value,
classes A & B explosives, household goods as defined
by the Interstate Commerce Commission, commodities
in bulk, & those requiring special equipment),*

Between all points & places in KS.

**Application for Certificate of Convenience
and Necessity:**

James R. Gilliland, dba) Docket No. 135,102 M
Action Wrecker Service)
1011 S. McComas)
Wichita, KS 67213)

Applicant's Attorney: Brad Murphree, 814 Century
Plaza Bldg., Wichita, KS 67202

*(1) Wrecked, disabled or repossessed vehicles & trail-
ers; & replacement vehicles & trailers for such wrecked
or disabled vehicles; & (2) machinery on flat bed or
specialized equipment,*

Between all points & places in KS.

**Application for Transfer of Certificate of
Convenience and Necessity:**

Kenneth Holder) Docket No. 59,678 M
Rt. 1)
Pratt, KS 67124) Route No. 5331

TO:
Suburban Services, Inc.
RR 1
Pratt, KS 67124

Applicant's Attorney: John V. Black, 306 S. Oak, Pratt,
KS 67124

*Crude oil, used in & for production, processing, treat-
ing, salvage, construction & for lease road purposes,
fresh water for drilling purposes & salt water for dis-
posal purposes,*

Between all points & places in the counties of Gra-
ham, Trego, Ellis, Russell, Rush, Barton, Rice,
McPherson, Harvey, Reno, Edwards, Kiowa, Pratt,
Kingman, Sedgwick, Comanche, Barber & Rooks.

**Application for Extension of Certificate of
Convenience and Necessity:**

Transportation, Inc.) Docket No. 34,604 M
P.O. Box 320)
Ottawa, KS 66067) Route No. 3232

Applicant's Attorney: Clyde N. Christey, Kansas
Credit Union Bldg., 1010 Tyler St., Suite 110-L,
Topeka, KS 66612

Petroleum coke,

From McPherson in McPherson County, KS to
points in KS.

**Application for Extension for Certificate of
Convenience and Necessity:**

Omni Bus Service, Inc.) Docket No. 131,117 M
3419 Craig)
Wichita, KS 67216) Route No. 19456

Applicant's Attorney: Lester Arvin, 614 Century Plaza
Bldg., Wichita, KS 67202

*Passengers & their baggage in special & charter-
operations,*

Between all points & places in KS.

**Application for Extension of Certificate of
Convenience and Necessity:**

Dependable Trans., Inc.) Docket No. 105,292 M
Box 545)
Ottawa, KS 66067) Route No. 11456

Applicant's Attorney: William B. Barker, 641 Harrison
St., P.O. Box 1979, Topeka, KS 66601

Grain,

Between points in Franklin County, KS, on the one
hand, & on the other, all points & places in KS.

(continued)

Application for Certificate of Convenience and Necessity:

M. M. Leckington, dba) Docket No. 135,128 M
Bob Leckington Sand)
Company)
311 S. Meridian)
Newton, KS 67114)

Applicant's Attorney: Karen L. Griffiths, 127 E. Seventh St., Newton, KS 67114

Cement,

Between all points & places in Wilson County, Neosho County, Allen County, Montgomery County, Harvey County, Reno County, McPherson County, & Marion County, KS.

Also,

Between all points & places in Wilson, Neosho, Allen, Montgomery, Harvey, Reno, McPherson & Marion counties, KS, on the one hand & all points & places in the state of KS, on the other.

Application for Certificate of Convenience and Necessity:

Ramsey Oil Co., Inc.) Docket No. 135,131 M
Box 527)
Nickerson, KS 67561)

Applicant's Attorney: Warner Moore, 1014 Century Plaza Bldg., Wichita, KS 67202

Gasoline, diesel fuel, propane, packaged oil, anhydrous ammonia, nitrogen, & phosphoric acid,

TO, FROM, AND BETWEEN all points & places in Reno County, KS, on the one hand, & all points & places in Harper, McPherson, Harvey, Sedgwick, Butler, Kingman, Barton, & Rice County, KS, on the other hand; and

TO, FROM, AND BETWEEN all points & places within Reno County, KS.

**Applications set for November 23, 1982—
TOPEKA, KANSAS**

Application for Extension of Certificate of Convenience and Necessity:

Ronald V. &) Docket No. 114,040 M
Leslie K. Schneider,)
dba Home Oil Company)
Lucas, KS) Route No. 13724

Applicant's Attorney: Bob W. Storey, Columbian Title Bldg., 820 Quincy, Topeka, KS 66612

Unmanufactured agricultural products,

Between all points & places in an area bounded on the north by the Nebraska state line, on the east by Hwy 77, on the south by Hwy 50, & on the west by Hwy 283; & between all points & places within that area & all points & places within the state of KS on the other hand.

Gasoline, diesel fuel, gasohol & refined oil, in bulk & packages,

From all pipeline terminals & refineries in the counties of Reno, McPherson, Sedgwick, Saline, Barton, & Cloud to all points & places in the counties of Lincoln, Russell, Ottawa, & Washington; &

Between all points & places in Saline County on the one hand & all points & places in the state of KS on the other hand.

Application for Certificate of Convenience and Necessity:

Roy Hensley, dba) Docket No. 134,509 M
Hensley Trucking)
RR)
Ford, KS 67842)

Applicant's Attorney: None

Grain, feed, feed mill products, seed (bulk & bag), & livestock,

Between points & places in Ford, Clark, Kiowa, Hodgeman & Edwards counties, KS.

Also, between all points and places in Ford, Clark, Kiowa, Hodgeman & Edwards counties, KS, on the one hand & all points & places in the state of KS, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Fleming-Babcock, Inc.) Docket No. 96,239 M
4106 Mattox Rd.)
Riverside, MO 64151) Route No. 9479

Applicant's Attorney: Tom B. Kretsinger, 20 E. Franklin, P.O. Box 258, Liberty MO 64068

Commodities in bulk,

Between points & places in KS.

Application for Certificate of Convenience and Necessity:

William B. Ele, dba) Docket No. 135,086 M
1202 Olive)
Winfield, KS 67156)

Applicant's Attorney: None

Passengers & their baggage,

Between all points & places in KS in special & charter-party operations.

Application for Extension of Certificate of Convenience and Necessity:

Kindsvater, Inc.) Docket No. 39,747 M
P.O. Box 1027)
Dodge City, KS 67801) Route No. 3718

Applicant's Attorney: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler St., Suite 110-L, Topeka, KS 66612

(continued)

Dry fertilizer,

Between points in Reno County on the one hand & points & places in the State of KS, on the other hand.

Application for Certificate of Convenience and Necessity:

Wift, Inc.) Docket No. 135,129 M
417 Westview Dr.)
Manhattan, KS 66502)

Applicant's Attorney: Jim Morrison, Suite 204, 121-A S. 4th St., Manhattan, KS 66502

Livestock, agricultural commodities, livestock & poultry feeds, processed mill feeds, seeds & feed ingredients,

Between all points & places in Riley County & Pottawatomie County, KS.

Also, between all points & places in Riley County & Pottawatomie County, KS, on the one hand & all points & places in the state of Kansas on the other.

**Applications set for November 24, 1982—
TOPEKA, KANSAS**

Application for Certificate of Convenience and Necessity:

James R. Gilliland, dba) Docket No. 135,102 M
Action Wrecker Service)
1011 S. McComas)
Wichita, KS 67213)

Applicant's Attorney: Brad Murphree, 814 Century Plaza Bldg., Wichita, KS 67202

(1) Wrecked, disabled or repossessed vehicles & trailers; & replacement vehicles & trailers for such wrecked or disabled vehicles; & (2) machinery, on flat bed or specialized equipment,

Between all points & places in KS.

Application for Extension of Certificate of Convenience and Necessity:

B & B Fluid Service, Inc.) Docket No. 57,677 M
N. Hwy 270)
P.O. Box 909)
Hugoton, KS 67951) Route No. 5104

Applicant's Attorney: Eugene W. Hiatt, 207 Casson Bldg., 6th & Topeka Blvd., Topeka, KS 66603-3294

Crude oil, used in & for production, processing, treating, salvage, construction & for lease road purposes, in bulk. Fresh water for drilling, well completion, fracturing & acidizing purposes & salt water for disposal purposes,

To, from & between all points & places in the state of KS, & all points & places in the counties of Cowley, Butler, Sedgwick, Sumner, Harper, Kingman, Barber, Pratt, Comanche, Kiowa, Clark, Ford, Meade, Gray,

Seward, Haskell, Steyens, Grant, Morton, Stanton, Kearny, Wichita, Scott, Lane, Ness, Hodgeman, Finney, Edwards, Stafford, Pawnee, Barton & Rush.

Application for Certificate of Convenience and Necessity:

Don Hobbs, dba) Docket No. 135,109 M
Hobbs Trucking)
RR 1)
Princeton, KS 66078)

Applicant's Attorney: John Richeson, Second & Main, P.O. Box 7, Ottawa, KS 66067

Livestock, unprocessed hay, grain & seed, feed & feed ingredients, fertilizer, building materials & agricultural implements & parts,

Between all points & places within Franklin, Anderson, Miami, Douglas, Osage, Coffey & Lyon counties in KS, on the one hand, & all points & places in the State of KS on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Mid-Continent L P) Docket No. 26,505 M
Service, Inc.)
3711 N. Main St.)
Great Bend, KS 67530) Route No. 1987

Applicant's Attorney: Lester Arvin, 614 Century Plaza Bldg., Wichita, KS 67202

Petroleum, petroleum products & fertilizer,
Between all points & places in the State of KS.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 000690

State of Kansas

**OFFICE OF THE SECURITIES
COMMISSIONER**

**NOTICE OF HEARING ON
PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

You are hereby notified that a public hearing will be held on November 5, 1982, at 10:00 a.m., in Conference Room A of the Kansas State Board of Agriculture, 109 West 9th Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the Office of the Securities Commissioner. These regulations will become effective as soon as possible as temporary regulations and all regulations will become effective on May 1, 1983, as permanent regulations.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Office of the Securities Commissioner, 109 W. 9th Street, Suite 501, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five (5) minutes.

Following the hearing on November 5, 1982, all written and oral comments submitted by interested parties will be considered by the Securities Commissioner as the basis for making changes to these proposed regulations.

A summary of the proposed regulations is as follows:

81-5-1. "Blue Chip" exemption. Permits the securities of certain international banks, of which the United States is a member, and the securities of certain finance companies to be exempt from registration.

81-5-2. Non-profit religious organization exemption. Establishes the information and documents that must be submitted by a non-profit religious organization prior to obtaining a certificate of exemption from the Commissioner pursuant to K.S.A. 17-1261(h).

81-5-3. Isolated transaction exemption. Provides that a security shall be deemed to have been offered and sold in an isolated transaction where the aggregate number of sales by the seller in Kansas in the twelve-month period ending on the date of sale does not exceed five sales, subject to a prohibition against advertising and resale.

81-5-4. Unsolicited order exemption. Sets forth the documents that shall be preserved by a broker-dealer when relying on the exemption provided in K.S.A. 17-1262(c) for an unsolicited transaction.

81-5-5. Financial institution exemption. Provides that the exemption contained in K.S.A. 17-1262(f) shall only apply when the financial institution is acting for its own account or as a bona fide trustee of a trust organization.

81-5-6. Uniform limited offering exemption. Establishes an exemption from registration for certain limited offerings which are made pursuant to Regulation D of the Federal Securities Act of 1933.

Copies of these regulations and the Fiscal Impact Statement may be obtained by writing the Office of the Securities Commissioner, 109 W. 9th, Suite 501, Topeka, Kansas 66612.

JOHN R. WURTH
Securities Commissioner

Doc. No. 000689

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted on Monday, November 8, 1982, commencing at 10:00 a.m. in the Auditorium of the Topeka-Shawnee County Health Department, 1615 West 8th, Topeka, Kansas to consider the adoption of proposed permanent rules and regulations of the Kansas Department of Health and Environment. Implementation of the regulation changes will increase water well contractors license fees from the present \$50 fee to \$100 and water well construction fees from the present \$1 fee to \$5.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary of Health and Environment, Forbes Field, Topeka, Kansas 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views in regard to the adoption of the proposed regulations. Following the hearing on November 8, 1982, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing: Kansas Department of Health and Environment, Bureau of Oil Field and Environmental Geology, Forbes Field, Topeka, Kansas 66620.

JOSEPH F. HARKINS
Secretary

Doc. No. 000688

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
DIVISION OF WORKERS' COMPENSATION****NOTICE OF HEARING ON
PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

You are hereby notified that a public hearing will be held on Tuesday, November 23 1982, at 10:00 a.m., in the Second Floor Auditorium of the Kansas Historical Society, 120 West Tenth Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed amendments of rules and regulations of the Division of Workers' Compensation. These proposed amendments will become effective on May 1, 1983, as permanent regulations.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments orally, in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the Division of Workers' Compensation, 535 Kansas Avenue, 6th Floor, Topeka, Kansas 66603, on or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations.

Copies of the full text of the proposed regulations, and the fiscal impact statement, may be obtained from the Division of Workers' Compensation; 535 Kansas Avenue, 6th Floor; Topeka, Kansas 66603.

A summary of the proposed regulations and fiscal impact is as follows:

51-1-1 Forms. This regulation is meant to take the place of the various individual regulations describing each form. The new regulation will state that the Division of Workers' Compensation will designate the forms to be filed with the Division. No fiscal impact is foreseen by this amendment.

51-1-2; 51-1-3; 51-1-4; 51-1-5; 51-1-6; 51-1-7; 51-1-8; 51-1-8a; 51-1-10; 51-1-10a; 51-1-11a; 51-1-11b; 51-1-12a; 51-1-12b; 51-1-20 These regulations are being revoked as the Division of Workers' Compensation, pursuant to new proposed Regulation 51-1-1, will designate which forms are to be used and the format for each form. No fiscal impact is foreseen by revoking these regulations.

51-1-22 Form 88, notice of handicapped employee. The language in the present regulation will be revoked except for a statement that upon application to and approval by the Director, a form other than the Form 88 may be used by employers to report the names of handicapped employees. Pursuant to proposed Regulation 51-1-1, the Division will designate the format for the Form 88, notice of handicapped employee. No fiscal impact is foreseen by the amendment.

51-1-23; 51-1-24; 51-1-25 These regulations are being revoked as the Division of Workers' Compensa-

tion, pursuant to new proposed Regulation 51-1-1, will designate which forms are to be used and the format for each form. No fiscal impact is foreseen by revoking these regulations.

51-2-1 Administrative fees. The present regulation states the different charges made by the Division of Workers' Compensation for copying and certifying records. The revised regulation states there shall be a charge set by the Division for copying records and for the sale of workers' compensation law books and supplements. It does not state a definite amount as this will be set by the Division in regard to the cost of furnishing of these services by the Division. Little, if any, fiscal impact is foreseen by implementing this regulation. It is anticipated that the charges for performing these services will be essentially the same as it is presently.

51-2-2 Reporters' fees. To be revoked. Part of the language in this regulation has been incorporated into revised Regulation 51-2-4. Certain duplicate language has been omitted. No fiscal impact is foreseen by revoking this regulation.

51-2-4 Distribution of transcripts of hearing or deposition. Some changes have been made to update terminology. Subsection (c) of the present regulation is amended to state that the transcript of settlement hearings shall constitute a written final award. A subsection (e) is added to state that the Director shall make a determination of the accuracy of reporters' fees if the accuracy is challenged by a proper request. This statement presently appears in Regulation 51-2-2 which is to be revoked. No fiscal impact is foreseen by this amendment.

51-3-1 Methods of termination. This is being amended to update terminology. No fiscal impact is foreseen by this amendment.

51-3-2 Settlement agreement, final receipt and release of liability. The third paragraph of the present regulation is deleted as it contains language presently contained in K.S.A. 44-527. The final paragraph of the present regulation is deleted and a new paragraph added. The new paragraph shall state that the final release shall be signed by the claimant and the claimant's signature shall be notarized. It also states that the final release form shall be accompanied by a physician's final report and by an accident report if the report has not already been filed with the Division of Workers' Compensation. No fiscal impact is foreseen by this amendment.

51-3-3 Disapproving settlement agreement, final receipt and release of liability. Changes are made in this regulation to update terminology and to conform to Department of Administration's requirements in regard to regulatory language. No fiscal impact is foreseen by this amendment.

51-3-4 Setting aside settlement agreement, final receipt and release of liability. Changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The second sentence of the present regulation is

(continued)

deleted as it contains language presently set out in K.S.A. 44-527. No fiscal impact is foreseen by this amendment.

51-3-5 Closing compensable cases by hearing. Changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. A sentence was added to the first paragraph stating that the administrative law judge shall not stay a decision due to the absence of a submission letter in a timely manner. No fiscal impact is foreseen by this amendment.

51-3-5a Procedure for preliminary hearings. Changes have been made to update terminology and conform to Department of Administration's requirements for regulatory language. The first sentence of the present regulation has been deleted as it contains language already set out in K.S.A. 44-534a. The rule states that no Director's review shall be entertained on a preliminary award except where it is believed the Administrative Law Judge exceeded his authority. No fiscal impact is foreseen by this amendment.

51-3-8 Pre-trial stipulations. Certain language changes are made to update terminology and to conform to Department of Administration's requirements for regulatory language. A statement is added that prior to the first hearing taking place, the parties shall exchange medical information and confer as to what issues can be stipulated to and what issues are to be in dispute in the case. A Question 19 is added asking both parties what witnesses they intend to have testify at hearings or by deposition in the trial of the case. No fiscal impact is foreseen by this amendment.

51-3-9 Medical evidence record for settlements. Certain language changes are made to update terminology and to conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-3-16 Closing cases by joint petition and stipulation. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The form for joint petition and stipulation is deleted from the regulation. The proposed regulation will contain language that the form shall be in a format furnished by the Division of Workers' Compensation. No fiscal impact is foreseen by this amendment.

51-3-17 Time and place for making payment of compensation. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The statement in the present regulation which states that compensation is payable at the same time, place and in the same manner as wages of the worker were payable has been deleted. This language was a duplication of statutory language contained in K.S.A. 44-512. No fiscal impact is foreseen by this amendment.

51-4-1 Out-of-state attorneys. Certain language changes are made to update terminology and conform to Department of Administration's requirements for

regulatory language. The last sentence of the present regulation is amended to state that this requirement does not apply to filing of joint petition and stipulations. No fiscal impact is foreseen by this amendment.

51-5-3. Authorized medical form. This regulation is to be revoked as it can be covered by proposed Regulation 51-1-1. No fiscal impact is foreseen by this amendment.

51-7-2 Days expressed as decimal. Certain language changes are made to update terminology and to conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-7-3 Injuries not covered by the schedule; general bodily disability. Non-statutory duplicate language contained in this regulation will be combined into proposed Regulation 51-7-8. No fiscal impact is foreseen by revoking this regulation.

51-7-5 Testicles, loss of. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-7-6 Kidney, loss of. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-7-8 Computation of compensation. This regulation is intended to set out the rules for computing compensation both for scheduled and general bodily disabilities. The formulas are set out in narrative language. Basically the formulas follow the present method of computing compensation contained in present Regulations 51-7-3, 51-7-8, 51-7-12 and 51-7-13. Language is added to state that a healing period of 10% of the schedule or partial schedule, not exceeding 15 weeks, shall be added to the weeks on the schedule or partial schedule prior to the computation being made for a scheduled injury. Language was added to state that if the injury results in a loss of use to a scheduled member and also a permanent partial general bodily disability, compensation shall be computed on the basis of a disability to the body as a whole and that the percent of disability to the body as a whole shall be sufficient to at least equal the amount due by reason of the loss to the scheduled member alone. Language was added to state that an injury involving the hip joint and an injury involving the shoulder joint shall be computed on the basis of a disability to the body as a whole. Language was also added that if the tip of a finger, thumb or toe is amputated and the amputation does not go through the bone, the disability rating shall be based on a computation of a partial loss of use to the entire finger. No fiscal impact is foreseen by this amendment.

51-7-12 Healing period. This regulation is to be revoked as non-statutory language is included in proposed Regulation 51-7-8. No fiscal impact is foreseen by revoking this regulation.

(continued)

51-7-13 Amputation of less than one-half of a distal phalanx. This regulation is to be revoked as non-statutory language is included in proposed Regulation 51-7-8. No fiscal impact is foreseen by revoking this regulation.

51-8-2 Method of evaluation Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The first paragraph of the present regulation is deleted. No fiscal impact is foreseen by this amendment.

51-8-3 Maximum and minimum limits of the primary factors of vision. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-8-4 Measurement of co-ordinate factors and the computation of partial losses. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The last sentence in the second paragraph of the present regulation is deleted. A new paragraph is added following this deletion which states "The retained central visual acuity shall be obtained by: (1) multiplying the near vision percentage retained by two; (2) adding the product of (1) to the distance vision percentage retained; and (3) dividing that sum by three." The field of vision chart and the chart for loss in muscle function are being deleted. Agencies have been instructed not to include charts in regulations. The charts will be printed in the Division handbook. No fiscal impact is foreseen by this amendment.

51-8-5 Measurement of the secondary visual efficiency elements. Certain changes have been made to update terminology and conform to Department of Administration's requirements for regulatory language. The first sentence in the present regulation has been deleted. In the second sentence of the present regulation the term "secondary visual efficiency element" has been added. No fiscal impact is foreseen by this amendment.

51-8-6 Computation of loss of sight efficiency in one eye. Certain language changes have been made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-8-7 Computation of industrial visual efficiency loss in the co-ordinate function of both eyes. Certain language changes have been made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-8-10 Compensation for loss of hearing. Most of the present regulation has been deleted along with the audiogram and hearing loss chart. Language has been added to state that the pure-tone audiogram shall be obtained with an audiometer calibrated to ANSI S3.6-1969 standards. The revised regulation states that the average of the hearing threshold levels at 500, 1,000,

2,000 and 3,000 Hz shall be calculated. The present impairment shall be calculated by multiplying by 1.5% the amount by which the aforementioned average hearing threshold level exceeds 25 dB (low fence) up to a maximum of 100%, which is reached at 92 dB (high fence). The percent impairment shall be used with a single ear hearing loss. The hearing handicap, a binaural assessment, shall then be calculated by multiplying the smaller percentage (better ear) by five, adding this figure to the larger percentage (poorer ear), and dividing the total by six. The binaural percent shall be used with bilateral hearing loss. No fiscal impact is foreseen by this amendment.

51-8-11 Computation of compensation due for loss of hearing. This regulation is to be revoked as this subject is covered by proposed revisions to Regulation 51-8-10. No fiscal impact is foreseen by this amendment.

51-8-4 Change of physician. This regulation is to be revoked as its requirements are basically duplicated by K.S.A. 44-510. No fiscal impact is foreseen by revoking this regulation.

51-8-5 Refusal to submit to examination or medical treatment. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The last paragraph of the present regulation is deleted. No fiscal impact is foreseen by this amendment.

51-8-6 Neutral physician. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-8-10 General instructions and rulings on medical and hospital matters. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The first three paragraphs of the present regulation are deleted as they contain directions that need not be part of any formal regulation. No fiscal impact is foreseen by this amendment.

51-8-11 Transportation to obtain medical treatment. Certain changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-10-6 Guardian or conservator. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. A paragraph is added to state that if the court which appoints the guardian or conservator requires the appointee to post a surety bond, the cost of that bond shall be paid by the employer. Where this requirement is not presently being followed by employers and self-insureds, this will represent an additional cost to those insurance carriers and self-insureds in regard to the cost of such surety bonds.

51-11-6 Computing employer's gross payroll. Cer-

(continued)

tain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. An additional paragraph is added to state that a corporate employer's payroll for purposes of determining whether the employer is subject to the workers' compensation act shall be determined by the total amount of payroll paid to all corporate employees even when a corporate employee has elected out of the act pursuant to K.S.A. 44-543. No fiscal impact is foreseen by this amendment.

51-13-1 Employer's election to come under the act. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. The first two sentences of the present regulation are deleted as it is believed the language need not be included in a formal regulation. No fiscal impact is foreseen by this amendment.

51-14-3 Forms to provide information to the director of the disposition of all claims and awards. This regulation is to be revoked as the subject can be covered by the proposed Regulation 51-1-1. No fiscal impact is foreseen by revoking this regulation.

51-14-4 Self-insurance. The language in the present regulation is deleted and new language has been substituted. Due to increasing concerns by the Division of Workers' Compensation regarding the self-insurance program and to conform to present practices, the Division believes that the self-insurance regulation required updating. The proposed regulation states that an employer making application shall, upon request of the director, submit information that the director may require to effectively evaluate the financial status of the employer. An applicant for a self-insurance permit or renewal of a permit shall, if the director requests, pay the fees of a consultant selected by the Division to determine if the employer has the financial ability to be self-insured. An application for a permit or renewal of a permit shall furnish to the Division a surety bond in an amount to adequately insure payment of all claims if the employer should become insolvent. The applicant for a new permit or renewal of a permit shall furnish a certificate of excess insurance in an amount that may be required by the Division. The self-insured employer shall set up financial reserves, furnish letters of credit or provide other security in an amount and in a manner directed by the Division to insure the payment of all claims. The proposed regulation also requires that a self-insured employer shall furnish any information that the Division may require to effectively evaluate an application to renew a self-insurance permit at least 45 days prior to the anniversary date of the original permit. Where the Division denies a self-insurance application or revokes an existing permit, the employer has 20 days to ask for a hearing in regard to the Division's actions. Presently some self-insureds have surety bonds in varying amounts. Where a self-insured is required to obtain a surety bond or increase the amount of their present bond, this would be an additional cost to the self-insured. Also where an outside consultant is designated by the Division to make

an actuarial evaluation, there shall be a cost to be paid by the self-insured. This cost is contemplated to be between \$500 and \$1,000 per self-insured. The Division feels such an evaluation is needed as they do not have adequate staff to make the needed actuarial evaluation for employers seeking new permits or renewal permits. Such an evaluation would greatly aid the Division in determining bond amounts and whether it would be financially feasible for an employer to become self-insured or continue to be self-insured.

51-18-2 Review by director. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. A statement is added to the regulation which states that an application for review shall only be considered as timely filed if received in the central office or one of the district offices of the Director on or before the 10th day after the effective date of the act of an administrative law judge. No fiscal impact is foreseen by this amendment.

51-21-1 Compensation not assignable. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. No fiscal impact is foreseen by this amendment.

51-24-1 Vocational rehabilitation. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. Certain non-regulatory language is removed from the regulation. No fiscal impact is foreseen by this amendment.

51-24-2 Physical rehabilitation. Certain language changes are made to update terminology and conform to Department of Administration's requirements for regulatory language. Certain non-regulatory language is removed from the regulation. No fiscal impact is foreseen by this amendment.

BRYCE B. MOORE
Workers' Compensation Director
HARVEY L. LUDWICK, Secretary
Department of Human Resources

Doc. No. 000681

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
DIVISION OF LABOR-MANAGEMENT
RELATIONS AND
EMPLOYMENT STANDARDS**

**NOTICE OF HEARING ON
PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

Notice is hereby given that on the 5th day of November, 1982, Jerry Powell, designee of the Secretary of the State Department of Human Resources will conduct a public hearing on the proposed temporary and permanent administrative rules and regulations to effectuate the provisions of the Boiler Inspection Act, K.S.A. 44-901.

Said hearing will convene at 1:00 p.m., in the Conference Room located at 512 West Sixth Street, Topeka, Kansas for the purpose of taking testimony from interested parties concerning the proposed rules and regulations.

The proposed rules and regulations establish a fee schedule for state boiler inspections and prescribes a fee for the issuance of an operating certificate. The proposed rules and regulations also provide for an external inspection to serve as the certificate inspection for new boilers going on-line.

FINANCIAL IMPACT

Inspection fees will remain at the same level as was previously set by the Boiler Inspection Act (K.S.A. 44-901 *et seq.*). Certificate fees will, however, be increased from five dollars (\$5.00) to ten dollars (\$10.00) per certificate. The owner/user is required by statute to make payment of the fee to the Department of Human Resources prior to operating a boiler. The rules and regulations also provide a late payment penalty of two dollars and fifty cents (\$2.50) calculated at thirty (30) days after the billing has been served on the owner/user.

Article 46. Boiler insurance, administration.

49-48-1. Insurance company requirements. (a) Each company insuring one or more boilers located in this state shall perform an inspection, at the times as are prescribed in K.S.A. 1979 Supp. 44-923(c) or K.A.R. 49-48-1, of each boiler insured by the company.

(b) If an insurance company fails or refuses to inspect a boiler insured by said that company, as required by K.S.A. 1979 Supp. 44-923(c) and subsection (a) of this regulation, the secretary shall cause the boiler to be inspected by the chief inspector or a deputy inspector. The appropriate fee specified in K.S.A. 1979 Supp. 44-926 shall be charged for any inspection conducted under this subsection and shall be paid by the owner or user of the boiler.

(c) All insurance companies shall notify the chief inspector, within 30 days, of all boilers on which insurance is written, cancelled, not renewed, or suspended because of unsafe conditions.

(d) In the event a boiler explosion occurs, the owner or user or insurance inspector shall promptly notify the

chief inspector by telephone, telegraph or messenger. Neither the boiler, nor any parts of it, shall be removed or disturbed before permission has been given by the chief inspector, except for the purpose of saving human life, limiting consequential damage, or arson investigation. (Authorized by K.S.A. 44-916, as amended by L. 1982, ch. 217, § 1; implementing K.S.A. 44-920, 44-923; effective E-81-38, Dec. 10, 1980; effective May 1, 1981; amended T- . .)

Article 48. Frequency of inspection.

49-48-1. Certificate inspections shall be made pursuant to the following schedule. (a) Power boilers and high pressure, high temperature water boilers shall receive an annual certificate inspection which shall be an internal inspection, where construction permits, or as complete an inspection as possible where construction does not permit internal inspection. However, an external inspection may, at the discretion of the inspector, serve as a certificate inspection during the initial year of operation for any new boiler. Such boilers shall also be externally inspected while under pressure, if possible. Upon written request by the owner or user of a power boiler and or high pressure, high temperature water boiler, the secretary may grant an extension between internal inspections, not to exceed 24 months, with the external inspection on alternate years to be accepted as a certificate inspection, providing if the following conditions are met:

(1) Agreement between the secretary and the insurance company responsible for the inspection that an extension be granted;

(2) a continuous boiler water treatment program under competent supervision is in effect for the purpose of controlling and limiting corrosion and deposits on the waterside surfaces;

(3) complete records are available showing the dates the boilers have been out of service, and the reason therefore, since the last internal inspection. The records shall show the nature of any repair(s) repair or repairs and the reasons for the repairs; and

(4) the report of the last certificate inspection shows no reason why the boiler can not be operated safely.

(b) Low pressure, steam and steel hot water heating boilers, as defined by K.S.A. 44-913, shall receive an annual external certificate inspection, except that low pressure steam heating boilers, and steel hot water heating boilers, the construction of which allows internal inspection, shall receive an internal certificate inspection every three years.

(c) Low pressure hot water supply boilers shall receive an external certificate inspection every three years.

(d) The secretary may, upon written request of an insurance company and with the agreement of the owner or user of a boiler, extend the period of validity of a certificate for a period not to exceed 90 days. (Authorized by K.S.A. 44-916, as amended by L. 1982, ch. 217, § 1; implementing K.S.A. 44-923; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981; amended T- . .)

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Article 49. Fee schedule for boiler inspections.

49-49-1. (a) Inspection fees:

(1) Power boilers and high pressure, high temperature water boilers:

Mini boilers	\$12.00
Boilers of 50 sq. ft. of heating surface or less	\$35.00
Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface ..	\$40.00
Boilers of 4,000 sq. ft. of heating surface or more and less than 10,000 sq. ft. of heating surface	\$45.00
Boilers of 10,000 sq. ft. of heating surface or more	\$55.00

(2) Heating boilers:

Heating boilers without a manhole	\$12.00
Heating boilers with a manhole	\$18.00
Hot water supply boilers	\$12.00

(3) External inspections:

Boilers of 50 sq. ft. of heating surface or less	\$12.00
Boilers over 50 sq. ft. of heating surface ...	\$15.00

(4) Hydrostatic tests: When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler shall be charged.

(5) All other inspections, including shop inspections, special inspections and inspections of second-hand or used boilers, made by the chief or deputy inspector shall be charged fees of not less than the rate for 1/2 day, plus all expenses, including traveling and hotel.

(b) Certificate fee.

(1) Certificate fee shall be \$10.00.

(2) Any certificate fee not paid to the department of human resources within 45 days from the date of inspection shall be subject to a late fee of \$2.50. (Authorized by K.S.A. 44-916, as amended by L. 1982, ch. 217, § 1; implementing K.S.A. 44-926, as amended by L. 1982, ch. 217, § 3; effective T- - .)

JERRY POWELL

Employment Relations Administrator
Division of Labor-Management Relations
and Employment Standards

Doc. No. 000682

State of Kansas

SOCIAL AND REHABILITATION SERVICES

NOTICE OF HEARING ON
PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on November 9, 1982, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Final suggestions regarding 1983 legislative proposals.
- Other items as appropriate.
- Public hearing concerning certain administrative regulations to become effective on a temporary and/or permanent basis (December 1, 1982/May 1, 1983). A summary of the proposed regulations is set forth below.

I. TEMPORARY.

A. Public Assistance Program

1. **30-4-73. Deprivation in ADC.** This regulation is being amended to provide that absence of a parent based solely on active military service will not constitute deprivation for ADC. (Federal Mandate).
2. **30-4-140. Payments.** This regulation is being amended to:
 - a. Round down the budgetary deficit to the lowest whole dollar; and
 - b. Prorate the budgetary deficit for the month of application beginning with the date of application through the end of the month. A standard 30-day month will be used in calculating the prorated budget. (Federal Mandate)

B. Provider Participation, Scope of Services, and Reimbursement for the Medicaid (Medical Assistance) Program

1. **30-5-71. Co-pay requirements.** This regulation is being amended to exclude:
 - a. Services provided to residents in intermediate care and skilled nursing facilities;
 - b. Services provided to children under 18;
 - c. Services provided to recipients enrolled in health maintenance organizations;
 - d. Family planning services; and
 - e. Services related to pregnancy. (Federal Mandate)

C. Medicaid (Medical Assistance) Program—Client Eligibility

1. **30-6-73. Deprivation in ADC.** This regulation is being amended to provide that absence of a parent based solely on active military service will not constitute deprivation for MA or ADC. (Federal Mandate)

II. PERMANENT.

A. General

1. **30-2-12. Fee for providing copies of agency documents and records to non-agency personnel.** This regulation is being amended to increase the search and certification fee from \$1.00 to \$2.50 per quarter hour.
2. **30-2-16. Permanency planning goals for title IV-E of the federal social security act.** The Secretary is promulgating a new regulation to set forth the agency's permanency planning goal for federal fiscal year 1984. The agency plans to have no more than 550 children who have been in foster care

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- placements in excess of 24 consecutive months receiving federal funding during the course of the year. Further, the regulation sets forth the steps to be utilized by the agency to achieve the above-stated goal. (Federal Mandate)
- B. Public Assistance Program**
1. **30-4-34. Program.** This regulation is being amended to set out the Aid to Pregnant Women (APW) program as a separate program that is distinct from the ADC program.
 2. **30-4-36. Redetermination of eligibility process.** This regulation is being amended to reflect a change in the frequency of redeterminations from 6 months to 12 months for ADC cases and from 3 months to 6 months for ADC-UP cases.
 3. **30-4-41. Assistance planning.** This regulation is being amended to replace the employment registration requirement for a stepparent spouse who is included as an essential person with the new job search requirement set forth in K.A.R. 30-4-57.
 4. **30-4-50. Assistance eligibility, general.** This regulation is being amended to:
 - a. Incorporate the new eligibility requirement related to participation in the Community Work Experience Program set forth in K.A.R. 30-4-62;
 - b. Make the general eligibility requirements set forth in K.A.R. 30-4-51 through 30-4-62 inclusive applicable to the Aid to Pregnant Women (APW) program; and
 - c. Authorize the Secretary to waive certain eligibility requirements or adopt additional eligibility requirements for all, or designated portions of the state, for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.
 5. **30-4-53. Need.** This regulation is being amended to adopt by reference the provisions set forth in K.A.R. 30-4-100 and 30-4-105 for determining eligibility related to income and resources.
 6. **30-4-56. Assignment or transfer of property.** This regulation is being amended to:
 - a. Reduce the maximum equity value of property that can be transferred without affecting eligibility to \$500 (previously the policy allowed for transfers of \$500 for one person and \$1,000 for two or more persons to be excluded from consideration);
 - b. Require that multiple transfers that occur within a calendar month be treated as a single transfer; and
 - c. Allow a client to transfer legal title to property without affecting eligibility if the client can substantiate that his or her name has been placed on the title of property by the owner solely for the sake of convenience and that the client would otherwise have no interest in the property. Factors to be considered will include the source and use of the property. This policy will not be applicable to the transfer of jointly owned resources between legally responsible persons.

7. **30-4-57. Job search requirements.** This regulation is being amended to delete the employment registration requirements and substitute job search requirements in lieu thereof. The job search provision will require a recipient, unless exempt, to furnish 7 verifications of attempts to obtain employment each month or participate in an agency approved job club or related activity. A recipient will not be required to spend more than 320 hours per year in job search activities. Reimbursement for job seeking expenses will be allowed pursuant to K.A.R. 30-4-120(j).

Exemptions to the job search requirement will parallel current employment registration exemptions with the following exceptions:

- a. Wherever the phrase "job service center" appears, "potential employer" will be substituted. Wherever the word "registered" appears, "actively seeking employment" will be substituted; and
- b. An exemption will be allowed if searching for employment is inconsistent with home responsibilities for care and supervision of children. This exemption will not be allowed if adequate and satisfactory plans could be developed for such care and supervision in the person's absence.

A first time failure to meet the job search requirements without good cause will result in ineligibility for 3 months and a second time failure will result in ineligibility for 6 months. In ADC, the penalty will be applied to the individual. In ADC-UP and GA, the penalty will be applied to the individual and all persons for whom he or she is legally responsible.

8. **30-4-58. Potential employment.** This regulation is being amended to:
 - a. Extend the existing potential employment penalty of ineligibility from 1 month to 3 months for a first time failure and from 1 month to 6 months for a second time failure;
 - b. Delete the good cause provisions related to (1) remoteness, (2) participation in vocational rehabilitation program training, and (3) home responsibilities since persons who meet these criteria are already exempt from the job search requirements; and
 - c. Clarify the good cause criterion related to hazardous work as being in accordance with OSHA standards.
9. **30-4-62. Community work experience program requirements.** The Secretary is promulgating a new regulation concerning mandatory client participation in community work experience programs. The purpose of the CWEP program is to provide work experience for adult recipients to enhance their ability to obtain employment. The CWEP project sites will closely parallel the GA work projects currently in place across the state. Non-exempt ADC and GA adults will be required to participate in a CWEP program as a condition of eligibility.

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Exemptions from the CWEP requirements will parallel the exemptions for job search with the following exceptions:

- a. No exemption will be allowed for WIN registration;
- b. The wording "potential employer" will be replaced by "CWEP project." Whenever the phrase "actively seeking employment" appears, "participating" will be substituted;
- c. A person who is employed 80 hours or more per month will be exempt; and
- d. A person required to participate will be exempt if either an appropriate project is not available or the assignment will be less than 2 days.

If exempt, a person may volunteer to participate.

CWEP projects will not subsidize private enterprise and will be developed with public funded organizations and with not-for-profit corporations providing assistance to needy persons. Projects will be required to meet the following criteria:

- a. Serve a useful public purpose;
- b. Not result in the displacement of persons currently employed or the filling of established, unfilled position vacancies;
- c. Not related to political, electoral, or partisan activities;
- d. Provide reasonable work conditions and not be in violation of applicable health and safety standards;
- e. Not interfere with or be in response to a bona fide labor dispute; and
- f. Not violate existing labor agreements.

The agency will be responsible for providing medical and subsistence assistance for a participant who is injured on a project or becomes ill or incapacitated as a result of participation. Such participants will be referred to Vocational Rehabilitation for services.

The number of hours to be worked will be determined by dividing the amount of assistance paid by the federal minimum wage. A recipient will not be required to work in any month longer than is necessary to work out assistance received and will also be assured the equivalent of 1 working day each week to seek employment.

Participants will be reimbursed for work related transportation expenses at the rate of \$15 for assignments of less than 10 days and \$25 for assignments of 10 or more days.

There will be ineligibility when a nonexempt adult fails to complete a CWEP assignment without good cause or is terminated from a project with good cause. The period of ineligibility will be 3 months for a first time failure and 6 months for a second time failure. In ADC, the penalty will apply only to the individual. In ADC-UP and GA, the penalty will apply to the individual and all persons for whom he or she is legally responsible.

10. **30-4-72. ADC child.** This regulation is being amended to delete coverage for an unborn child. However, the needs of a pregnant woman will continue to be recognized pursuant to K.A.R. 30-4-78.

11. **30-4-73. Deprivation in ADC.** This regulation is being amended to:
 - a. Clarify that absence of a parent based solely on active military service will not constitute deprivation in ADC;
 - b. Delete the ADC 90 day reconstruction period when an absent parent returns or when an incapacitated person's condition has improved; and
 - c. Delete the 30 day ADC-UP reconstruction period following the parent's return to work.
12. **30-4-75. ADC work incentive program registration requirements.** Technical amendments. This regulation is not being amended to delete the WIN exemption for a woman who is 6 months pregnant. This exemption was deleted by the temporary regulation adopted by the Secretary on June 8, 1982. Since then, the federal agency has again reinterpreted the provision whereby a state can exempt a woman who is 6 months pregnant on the basis that such pregnancy is of an incapacitating nature for WIN program purposes.
13. **30-4-78. Eligibility factors specific to the APW program.** The Secretary is promulgating a new regulation concerning Aid to Pregnant Women (APW). To be eligible for the APW program, a woman will have to meet the following requirements:
 - a. Meet the general eligibility requirements of K.A.R. 30-4-50; and
 - b. Be at least 6 months pregnant.

The unborn will be eligible for ADC in the month in which the child is expected to be born pursuant to K.A.R. 30-4-72 and 30-4-73.
14. **30-4-80. Eligibility factors specific to the ADC-FC program.** This regulation is being amended to require that each ADC-FC case have a case plan and that the case status be reviewed on at least a 6 month basis by a panel to determine whether the child should be returned to the parent, continued in foster care for a specified period, placed for adoption, or continued in foster care on a permanent or long-term basis. (Federal Mandate)
15. **30-4-85. Eligibility factors specific to the EA program.** This regulation is being amended to restore the EA program provision that pertained to rental evictions.
16. **30-4-90. Eligibility factors specific to the GA program.** This regulation is being amended to:
 - a. Delete the work project and work and training program requirements; and
 - b. Deny GA eligibility to persons eligible for the Aid to Pregnant Women program.
17. **30-4-97. Eligibility factors specific to the TA program.** This regulation is being amended to restrict the transportation provision to assist transients to the closer of their place of residence or the nearest major city of the adjoining state in the direction of the individual's residence.
18. **30-4-100. Standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs.** This regulation is being amended to:

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- a. Include the APW program for budgeting purposes;
 - b. Recognize the need for a shelter standard to be included in all assistance plans;
 - c. In ADC and APW, allow 60% of the shelter standard in assistance plans where the family home is being shared with other persons not in the assistance plan (this provision will not be applicable when the only person excluded from the assistance plan is an SSI recipient to whom the $\frac{1}{3}$ reduction is applied because he or she lives in the household and receives support and maintenance in kind); and
 - d. In GA, have the budgetary standards equal 80% of the basic and shelter standards except for persons receiving care or supervision, families in which an adult is assigned to a CWEP project, and families in which a person is participating in vocational rehabilitation program training. The 80% provision is presently set forth in K.A.R. 30-4-140 and the 80% calculation is based on the budget deficit.
19. **30-4-101. Standards for persons in own or other family home.** This regulation is being amended to reflect a 3% increase in the basic and shelter standards. (Temporary became effective July 1, 1982.)
 20. **30-4-102. Standards for persons in room, board, specialized living or care.** This regulation is being amended to reflect a 2% increase in the foster family care rates. (Temporary became effective July 1, 1982.)
 21. **30-4-105. Resources.** This regulation is being amended to make the resource provisions applicable to the Aid to Pregnant Women (APW) program.
 22. **30-4-106. General rules for consideration of resources including real property, personal property, and income.** This regulation is being amended to:
 - a. State that in the absence of legal title of resources, ownership will be determined by possession;
 - b. Require that the full equity value of resources held in joint ownership be considered available to the applicant or recipient unless otherwise established (currently only the pro rata share of jointly held resources is considered available);
 - c. State that the conversion of real or personal property from one form to another will not be considered as income with the exception of the proceeds from a contract for the sale of property; and
 - d. State that income will not be considered as both income and as property in the same month.
 23. **30-4-107. Property exemption.** This regulation is being amended to clarify that ownership of property with an equity value in excess of the allowable resource level will not result in ineligibility providing the client is making bona fide and documented efforts to dispose of the property at a reasonable market value.
 24. **30-4-108. Real property.** This regulation is being amended to exempt a contract from the sale of property providing that the proceeds from the contract are considered as income.
 25. **30-4-109. Personal property.** This regulation is being amended to:
 - a. Expand the equipment and machinery exemption to include other income producing property including tools and livestock;
 - b. Provide that the stock and inventory of the self-employed that are reasonable and necessary in the production of goods and services will be exempt; and
 - c. Provide that the proceeds from the sale of a home will be exempt if the proceeds from the sale are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 12 months of the sale (this provision is currently contained in K.A.R. 30-4-112).

The list of exempted personal property is being amended to: (1) add equipment and machinery if the annual adjusted gross income from their use is at least forty percent (40%) of their gross market value. Adjusted gross income will be determined by deducting from the gross income the expenses of cost of maintenance and cost of purchase; and (2) clarify that tools in use must be necessary for the maintenance of house or garden.
 26. **30-4-110. Income.** This regulation is being amended to:
 - a. Require, for the purposes of retrospective budgeting, that income be of a continuous nature in order for it to be counted in determining eligibility and the amount of payment for the first and second retrospective months; and
 - b. Modify the lump sum income policy to include the needs of any person whose income is being considered in establishing a period of ineligibility when such person is not included in the assistance plan. If a stepparent whose needs are not included in the assistance plan receives a lump sum payment, the stepparent's income deductions and disregards will be deducted prior to determining the period of ineligibility.
 27. **30-4-111. Applicable income.** This regulation is being amended to require the counting of any earned income tax credit that a stepparent is receiving in determining the amount of applicable income and that the \$30 and $\frac{1}{3}$ earnings disregard be extended to the APW program. (Federal Mandate)
 28. **30-4-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to:
 - a. Delete the exemption related to the income from the sale of the home as this provision is being incorporated in K.A.R. 30-4-109;
 - b. Clarify that death benefits are exempt as income and as a cash asset only when the benefit is used toward the cost of burial;
 - c. Clarify that a one-time payment or a portion of a one-time payment from a settlement for repair or replacement of property or other settlement

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- including legal services and medical insurance payments is exempt as income and as a cash asset when the payment is used for the intended purpose within 6 months of its receipt; and
- d. State that assistance payments will be exempt as income and as a cash asset in the month received.
29. **30-4-113. Income exempt as applicable income.** This regulation is being amended to:
- Clarify that the earned income tax credit is not exempt from consideration as a tax refund or rebate; and
 - Provide that interest credited to a checking account will be exempt from consideration as income in the month received (currently this provision applies only to interest from savings accounts).
30. **30-4-120. Special allowances for recipients of ADC, ADC-FC, APW, GA and GA-FC.** This regulation is being amended to:
- Make special allowances applicable to the APW program;
 - Establish a work related expense for persons assigned to participate in the CWEP program in the amount of \$15 for assignments of less than 10 days and \$25 for assignments of 10 or more days (when excess expenses are documented by the client, the \$15 standard will be increased to cover actual costs not to exceed \$25);
 - Establish a new allowance for job seeking expenses in the amount of \$15 for persons who are required to job search (when excess expenses are documented by the client, the \$15 standard will be increased to cover actual costs not to exceed \$25).
31. **30-4-122. Special allowances for emergency assistance.** This regulation is being amended to:
- Restore the EA allowance for providing for emergency shelter to prevent eviction or to obtain housing following an eviction and to limit EA program expenditures to the funds made available for the program; and
 - Clarify that all of the special allowances are applicable to emergencies arising from a natural disaster and that only the shelter allowance can be authorized when the emergency arises from eviction or potential eviction.
32. **30-4-123. Special allowances for recipients of transient assistance.** This regulation is being amended to limit the amount of the TA allowance for necessary transportation to the closer of the recipient's place of residence or the nearest major city of the adjoining state in the direction of the individual's residence.
33. **30-4-130. Types of payments.** This regulation is being amended to require protective payments when the caretaker relative has been removed from the assistance plan as a result of a penalty for failing to meet the job search requirement pursuant to K.A.R. 30-4-57 or the CWEP participation requirement pursuant to K.A.R. 30-4-62.
34. **30-4-140. Payments.** This regulation is being amended to:
- Require that the money payment be rounded down to the nearest whole dollar; and
 - Require that the money payment for the month of application be prorated from the date of application through the end of the month.
- C. **Provider Participation, Scope of Services, and Reimbursement for the Medicaid (Medical Assistance) Program**
1. **30-5-58. Definitions.** This regulation is being amended to:
- Delete the term ambulatory surgery center;
 - Delete the term approved educational activities;
 - Clarify the definition of comparable outpatient service as a service that is provided in a hospital that is comparable to a service provided in a physician's office or ambulatory surgical center;
 - Expand the definition of home health aide service by deleting the requirement that the registered nurse supervising a home health aide be employed by a home health agency;
 - Clarify the definition of medical supplies as supplies not generally useful to a person in the absence of illness or injury, prescribed by a physician and used in the home and certain institutional settings;
 - Clarify the definition of outpatient treatment as services provided by the outpatient department of a hospital, a facility that is not under the administration of the hospital, or a physician's office;
 - Expand the definition of physical therapy to physical therapists registered in the jurisdiction in which the service is provided;
 - Add the definition of physician extender—"means a person licensed as a physician's assistant or advanced registered nurse practitioner in the jurisdiction where the service is provided";
 - Delete the term prescription order;
 - Clarify the definition of primary diagnosis as the most significant diagnosis related to the services rendered;
 - Clarify the definition of psychiatric partial hospitalization program;
 - Add the definition of swing bed—"means a hospital bed that can be used interchangeably as either hospital, skilled nursing facility, or intermediate care facility bed with reimbursement based on the specific type of care provided";
 - Add the definition of lock-in—"means the restriction of a recipient's access to medical services through limiting the use of the medical identification card to designated medical providers";
 - Add the definition of primary care network—"means a service delivery control system in which a physician, group practice, or clinic acts as a primary care provider and is responsible for

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- initiating or approving specified medical services for participating recipients"; and
- o. Clarify the definition of psychiatric day treatment program.
 2. **30-5-64. Prior authorization.** This regulation is being amended to negate reimbursement for any services resulting from unauthorized treatment.
 3. **30-5-70. Recipient eligibility for the payment of specific medical expenses.** This regulation is being amended to:
 - a. Clarify that cosmetic, pioneering, or experimental services and follow-up services resulting from complications are uncovered; and
 - b. Clarify that services rendered by a provider not designated as a lock-in-provider for a recipient who is locked in to designated providers due to abuse or participation in a primary care network are uncovered. This exclusion does not apply to emergency services.
 4. **30-5-71. Co-pay requirements.** This regulation is being amended to:
 - a. Increase co-pay to \$1.00;
 - b. Add physician services (per visit);
 - c. Exclude services provided to residents in intermediate care and skilled nursing facilities (Federal Mandate);
 - d. Exclude services provided to children under 18 (Federal Mandate);
 - e. Exclude services provided to recipients enrolled in health maintenance organizations (Federal Mandate);
 - f. Exclude family planning services (Federal Mandate); and
 - g. Exclude services related to pregnancy (Federal Mandate).
 5. **30-5-81. Scope of hospital services.** This regulation is being amended to:
 - a. Clarify that psychotherapy directed by a psychiatrist or hospital staff under the direction of a psychiatrist must be provided on a daily basis;
 - b. Clarify that seclusion rooms will not be covered;
 - c. Limit reimbursement to services rendered only on days of stay that are determined to be medically necessary;
 - d. Clarify that reimbursement will not be made for services provided on days of discharge;
 - e. Add long term care services in swing beds; and
 - f. Require prior authorization for 30 day substance abuse treatment.
 6. **30-5-81b. The basis of reimbursement for hospital services.** This regulation is being amended to add reimbursement provisions for swing beds pursuant to 42 CFR 447.251 through 447.265, 447.271, 447.272, and 447.280.
 7. **30-5-83. Scope of services for ambulatory surgical centers.** This regulation is being amended to delete reference to the code of federal regulations and change terminology from surgery to surgical.
 8. **30-5-83a. Reimbursement for ambulatory surgical centers.** This regulation is being amended to delete reference to the code of federal regulations and change terminology from surgery to surgical.
 9. **30-5-84. Scope of alternate services to inpatient care.** This regulation is being amended to clarify new home and community based services.
 10. **30-5-84a. Reimbursement for alternate services to inpatient care.** This regulation is being amended to limit rates to a maximum of adult care home rates with the exception of psychiatric day treatment and partial hospitalization.
 11. **30-5-85a. Reimbursement for independent laboratory services.** This regulation is being amended to delete Medicare rates as the base for computation and substitute the range of charges in lieu thereof.
 12. **30-5-86. Scope of services by community mental health centers.** This regulation is being amended to:
 - a. Delete day treatment for alcohol and drug abuse programs as a covered service since such services are to be directly funded by ADAS;
 - b. Limit psychological testing and evaluation to 6 hours in any 2 consecutive calendar years;
 - c. Refer to separate day treatment and partial hospitalization regulations (30-5-110); and
 - d. Clarify that services must be provided by a psychiatrist, masters degree psychologist, masters degree social worker, masters degree psychiatric nurse, or individual certified by the community mental health association credentialing committee.
 13. **30-5-86a. Reimbursement for community mental health centers.** This regulation is being amended to clarify annual review of cost reports and current consumer price index to determine rates. The base year rates will be the rates implemented in 1981.
 14. **30-5-88. Scope of physician services.** This regulation is being amended to:
 - a. Clarify medical necessity documentation required for office visits exceeding 3 per month;
 - b. Delete the \$284 maximum monthly cost for programs in which office visits to psychiatrists exceed 3 per month and substitute a range maximum established by the Secretary;
 - c. Clarify that reimbursement will not be made for inpatient services which were provided on days of hospital stay determined to not be medically necessary;
 - d. Clarify limitations on services by physician extenders to: nursing home visits, recertifications, routine annual medical history and physical, subsequent day hospital visits, routine standard home visit, and standard office visit; and
 - e. Delete the requirement that diagnostic radiological and laboratory services be provided in a physician's office.
 15. **30-5-88a. Reimbursement for physician services.** This regulation is being amended to:
 - a. Delete Medicare rates as the base for computation and substitute the range of charges in lieu thereof; and

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- Limit reimbursement for physician extender services to 75% of what is allowed for the physician billing the service.
16. **30-5-89.** Scope of home health services. This regulation is being amended to clarify that nursing care provided by a licensed practical nurse is covered and that skilled nursing care shall be provided by a registered nurse.
 17. **30-5-89a.** Reimbursement for home health services. This regulation is being amended to add reimbursement for nursing care and delete reimbursement for psychiatric nursing care. The intent is to reimburse nursing care provided by a licensed practical nurse at a lesser rate than skilled nursing care provided by a registered nurse.
 18. **30-5-90.** Scope of substance abuse services. This regulation is being amended to delete material set forth in other regulations and delete day treatment and partial hospitalization programs as covered services since such programs are to be directly funded by ADAS.
 19. **30-5-90a.** Reimbursement for substance abuse services. Technical amendments.
 20. **30-5-94.** Reimbursement for pharmacy services. This regulation is being amended to:
 - a. Provide additional limitations on pharmacy professional fee determinations. The proposal adds as a limitation to individual fee assignment and reimbursement levels the lowest fee accepted from third party payers other than the Kansas Medicaid (Medical Assistance) program;
 - b. Allow the agency the option to limit professional fee assignment within selected geographic areas to a percentile level of allocated costs per prescription which is less than the 85th percentile, or to establish fees within selected geographic areas by competitive bid; and
 - c. Set the deadline for submission of delinquent costs reports for fee determination as August 15 of each year.
 21. **30-5-100.** Scope of dental services. This regulation is being amended to:
 - a. Clarify the scope of dental services; and
 - b. Indicate that certain services as designated by the Division of Medical Programs will be limited to EPSDT program participants.
 22. **30-5-101.** Scope of Chiropractic services. This regulation is being amended to clarify that chiropractors must be licensed to practice in the jurisdiction where the service is provided.
 23. **30-5-101a.** Reimbursement for chiropractic services. This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.
 24. **30-5-102.** Scope of optometric examinations and optical services. This regulation is being amended to delete reference to visual training therapy.
 25. **30-5-103a.** Reimbursement for podiatrists services. This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.
 26. **30-5-104.** Scope of psychologists services. This regulation is being amended to:
 - a. Delete the \$284 maximum monthly cost for programs in which office visits to psychologists exceed 3 per month and substitute a range maximum established by the Secretary; and
 - b. Limit psychological testing to 6 hours per patient in any 2 consecutive calendar years.
 27. **30-5-106a.** Reimbursement for ambulance services. This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.
 28. **30-5-107.** Scope of non-ambulance medical transportation services. This regulation is being amended to:
 - a. Clarify that trips must be 50 miles or more one-way; and
 - b. Exclude emergency or urgent trips from the above limitation.
 29. **30-5-108.** Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics. This regulation is being amended to:
 - a. Clarify that durable medical equipment (DME) must be the most economical to meet the recipient's needs;
 - b. Clarify that used equipment will be covered if there is a warranty guarantee of new equipment;
 - c. Clarify that certain DME as designated by the Division of Medical Programs will be the property of Medicaid (Medical Assistance) program; and
 - d. Require that orthotic and prosthetic dealers be members of the American Orthotic and Prosthetic Association or certified by the American Board of Certification in Orthotics and Prosthetics.
 30. **30-5-108a.** Reimbursement for durable medical equipment, medical supplies, orthotics, and prosthetics. This regulation is being amended to delete available Medicare rates as the base for computations and substitute the range of charges in lieu thereof.
 31. **30-5-109.** Scope of services in free-standing inpatient psychiatric facilities. This regulation is being amended to limit inpatient psychiatric facilities to state and community mental health center facilities in Kansas.
 32. **30-5-110.** Scope of psychiatric day treatment and partial hospitalization services. The Secretary is promulgating a new regulation to set forth current policy concerning the scope of day treatment and partial hospitalization services. Further, services related to alcohol and drug abuse will no longer be covered since such services are to be directly funded by ADAS.
 33. **30-5-110a.** Reimbursement for psychiatric day treatment and partial hospitalization services. The Secretary is promulgating a new regulation to set forth current policy concerning reimbursement for psychiatric day treatment and partial hospitalization services. Further, facilities will now be required to maintain separate ac-

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counting records from other programs unless approval to do otherwise is obtained from the Division of Medical Programs. Reimbursement will be limited to range maximums established by the Secretary.

D. Medicaid (Medical Assistance) Program—Client Eligibility

1. **30-6-41. Assistance planning.** This regulation is being amended to delete coverage for an unborn child since an unborn is not recognized as a child for ADC purposes.
2. **30-6-50. Determined eligibles; general eligibility factors.** This regulation is being amended to allow the Secretary the ability to waive certain eligibility requirements or adopt additional eligibility requirements for all, or designated portions of the state, for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.
3. **30-6-53. Financial need.** This regulation is being amended to:
 - a. Allow the use of a separate 3 month eligibility base period to determine eligibility for the 3 months prior to the month of application; and
 - b. Delete the restriction of not counting the costs of care in non-Title XIX approved facilities against the spend-down to permit the agency to allow for the costs of certain Home and Community Based Services as approved under the waiver.
4. **30-6-56. Assignment or transfer of property.** This regulation is being amended to:
 - a. Reduce the maximum equity value of property that can be transferred without affecting eligibility to \$500 (previously the policy allowed for transfers of amounts not in excess of applicable protected resource standards to be excluded from consideration);
 - b. Require that multiple transfers that occur within a calendar month be treated as a single transfer; and
 - c. Allow a client to transfer legal title to property without affecting eligibility if the client can substantiate that his or her name had been placed on the title of property by the owner solely for the sake of convenience and that the client would otherwise have no interest in the property. Factors to be considered will include the source and use of the property. This policy will not be applicable to the transfer of jointly owned resources between legally responsible persons.
5. **30-6-57. Job search requirements.** This regulation is being amended to delete the employment registration requirements and substitute job search requirements in lieu thereof. The job search provision will require a recipient, unless exempt, to furnish 7 verifications of attempts to obtain employment each month or participate in an agency approved job club or related activity. A recipient will not be required to spend more than 320 hours per year in job search activities.

Exemptions to the job search requirement will parallel current employment registration exemptions with the following exceptions:

 - a. Wherever the phrase "job service center" appears, "potential employer" will be substituted. Wherever the word "registered" appears, "actively seeking employment" will be substituted.
 - b. An exemption will be allowed if searching for employment is inconsistent with home responsibilities for care and supervision of children. This exemption will not be allowed if adequate and satisfactory plans could be developed for such care and supervision in the person's absence.

A first time failure to meet the job search requirements without good cause will result in ineligibility for 3 months and a second time failure will result in ineligibility for 6 months. In ADC, the penalty will be applied to the individual. In ADC-UP and GA, the penalty will be applied to the individual and all persons for whom he or she is legally responsible.
6. **30-6-58. Potential employment.** This regulation is being amended to:
 - a. Extend the existing potential employment penalty of ineligibility from 1 month to 3 months for a first time failure and from 1 month to 6 months for a second time failure;
 - b. Delete the good cause provisions related to (1) remoteness, (2) participation in vocational rehabilitation program training, and (3) home responsibilities since persons who meet these criteria are already exempt from the job search requirements; and
 - c. Clarify the good cause criterion related to hazardous work as being in accordance with OSHA standards.
7. **30-6-65. Automatic eligibles.** This regulation is being amended to exclude the receipt of an extra pay check solely due to an additional pay period or the receipt of EITC from consideration as increased earned income for the purpose of the extended 4 month medical provision.
8. **30-6-72. ADC child.** This regulation is being amended to delete coverage for an unborn child. However, the needs of a pregnant woman will continue to be recognized pursuant to K.A.R. 30-6-78.
9. **30-6-73. Deprivation in ADC.** This regulation is being amended to:
 - a. Clarify that absence of a parent based solely on active military service will not constitute deprivation in ADC;
 - b. Delete the ADC 90 day reconstruction period when an absent parent returns or when an incapacitated person's condition has improved; and
 - c. Delete the 30 day ADC-UP reconstruction period following the parent's return to work.
10. **30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW).** The Secretary is promulgating a new regulation concerning Aid to Pregnant

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Women (APW). To be eligible for the APW program, a woman will have to meet the following requirements:

- a. Meet the general eligibility requirements of K.A.R. 30-6-50; and
- b. Be pregnant.

The unborn will be eligible for ADC in the month in which the child is expected to be born pursuant to K.A.R. 30-6-72 and 30-6-73.

11. **30-6-80. Medicaid (title XIX) determined eligibles—eligibility factors specific to children in foster care (FFP-FC).** This regulation is being amended to allow Indian children in the care, custody and control of the Four Tribes Social Service Child Placing Agency to be determined eligible under this regulation.

12. **30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to reduce the protected income levels for MA related to ADC and APW to the standards used to determine cash assistance. The new protected income levels will be the basic allowance for a like assistance family group plus the shelter standard for the county in which the applicant or recipient is residing.

13. **30-6-106. General rules for consideration of resources including real property, personal property, and income.** This regulation is being amended to:

- a. State that in the absence of legal title of resources, ownership will be determined by possession;
- b. Require that the full equity value of resources held in joint ownership be considered available to the applicant or recipient unless otherwise established (currently only the pro rata share of jointly held resources is considered available);
- c. State that the conversion of real or personal property from one form to another will not be considered as income with the exception of the proceeds from a contract for the sale of property; and
- d. State that income will not be considered as both income and as property in the same month.

14. **30-6-107. Property exemption.** This regulation is being amended to:

- a. Clarify that ownership of property with an equity value in excess of the allowable resource level will not result in ineligibility providing the client is making bona fide and documented efforts to dispose of the property at a reasonable market value; and
- b. Reduce the allowable resource level in non-SSI cases to \$500 for 1 person and \$1,000 for 2 or more persons.

15. **30-6-108. Real property.** This regulation is being amended to exempt a contract from the sale of property providing that the proceeds from the contract are considered as income.

16. **30-6-109. Personal property.** This regulation is being amended to:

- a. For non-SSI, add income-producing property

(tools, equipment, machinery and livestock) to the list of exempted personal property if the annual adjusted gross income from their use is at least 40% of their gross market value. Adjusted gross income will be determined by deducting from the gross income the expenses of cost of maintenance and cost of purchase;

b. Provide that the stock and inventory of the self-employed that are reasonable and necessary in the production of goods and services will be exempt;

c. Provide that the proceeds from the sale of a home will be exempt if the proceeds from the sale are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 12 months of the sale (this provision is currently contained in K.A.R. 30-6-112);

d. For SSI, exempt a burial plot for the applicant or recipient and all persons for whom he or she is legally responsible (Federal Mandate);

e. For SSI, exempt a burial contract for the applicant or recipient and all persons for whom he or she is legally responsible which has been prepaid or is being purchased to provide solely for funeral and cemetery expenses (Federal Mandate); and

f. Clarify that tools in use must be necessary for the maintenance of house or garden.

17. **30-6-110. Income.** This regulation is being amended to:

a. Provide that all earned and unearned income received in the 3 months prior to the month of application for MA shall be considered in determining financial eligibility for the prior period except that income from self-employment shall be averaged (Federal Mandate); and

b. Provide that for the current eligibility base period, intermittent and lump sum payments will be considered as income in the base period in which it is received or the following base period when timely notice requirements necessitate it.

18. **30-6-111. Applicable income.** Technical amendments.

19. **30-6-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to:

a. Delete the exemption related to the income from the sale of the home as this provision is being incorporated in K.A.R. 30-6-109;

b. Clarify that death benefits are exempt as income and as a cash asset only when the benefit is used toward the cost of burial;

c. Clarify that a one-time payment or a portion of a one-time payment from a settlement for repair or replacement of property or other settlement including legal services and medical insurance payments is exempt as income and as a cash asset when the payment is used for the intended purpose within 6 months of its receipt; and

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- d. State that assistance payments will be exempt as income and as a cash asset in the month received.
20. **30-6-113. Income exempt as applicable income.** This regulation is being amended to:
- Clarify that the earned income tax credit is not exempt from consideration as a tax refund or rebate; and
 - Provide that interest credited to a checking account will be exempt from consideration as income in the month received (currently this provision applies only to interest from savings accounts).
21. **30-6-120. Eligibility prior to the month of application.** This regulation is being amended to allow a determination of eligibility for medical assistance prior to the month of application for applicants who do not meet the eligibility requirements (categorical) in the application month. (Federal Mandate)
- E. Adult Care Home Program.**
- 30-10-1a. Adult care home program definitions.** This regulation is being amended to:
 - Expand the definition of intermediate care facility for the mentally ill by deleting the term "for recipients sixty-five (65) years of age and older with a diagnosis of mental illness";
 - Delete the term physician extender; and
 - Add the definition annual psychological evaluations or re-evaluations in intermediate care facilities for the mentally retarded means—"a review of the previous pertinent psychological material to determine if it is current with the present status." An annual evaluation is to be completed within a month of the independent program plan or program planning conference.
 - 30-10-2. Standards for participation; skilled nursing facility.** This regulation is being amended to include reference to 42 CFR 405 subpart K.
 - 30-10-3. Standards for participation; intermediate care facility and intermediate care facility for the mentally ill.** This regulation is being amended to include reference to 42 CFR 441 subpart C.
 - 30-10-4. Standards for participation; intermediate care facility for the mentally retarded or persons with related conditions.** This regulation is being amended to include reference to 42 CFR 435 subpart K.
 - 30-10-6. Admission procedure.** This regulation is being amended to include reference to 42 CFR 456 subpart D and the following is being added: "For intermediate care facilities for the mentally retarded, psychological testing shall be completed in the 3 months prior to admission or within the month of admission, if the recipients have not had testing completed within the past 5 years."
 - 30-10-7. Certification and recertification by physicians.** This regulation is being amended to include reference to 42 CFR subparts D and E.
 - 30-10-8. Medical review in skilled nursing facilities and independent professional review in intermediate care facilities, intermediate care facilities for the mentally retarded, and intermediate care facilities for the mentally ill.** This regulation is being amended to include reference to 42 CFR 405 subpart K and 42 CFR 441 subparts C and D.
 - 30-10-9. Utilization review of adult care homes.** Technical amendments.
 - 30-10-11. Personal needs fund.** This regulation is being amended to delete reference to 42 CFR 447.
 - 30-10-12(3)(ii). Oxygen.** This subsection is being amended to delete reimbursement for the disbursement of oxygen.
 - 30-10-12(d)(3). Reserve days.** This subsection is being amended to reduce reimbursement for hospital stays from 15 to 10 days.
 - 30-10-12(f)(1) and (2). Payment for utilization review services.** This subsection is being amended to set maximums for services provided by physicians and registered nurses.
 - 30-10-13(d). Suspension or reduction of program payments to a provider.** This subsection is being amended to reference K.A.R. 30-5-60 in lieu of K.A.R. 30-10-10.
 - 30-10-13(c)(2). Calculation of patient days.** This subsection is being amended to change reference from the NH-2 to the AU3902 and the Med 4 to the MS-2004.
- F. Services for the Blind.**
- 30-12-16 to 30-12-22.** These regulations are being revoked.
- G. Vending Facilities Operated by the Division of Services for the Blind.**
- 30-13-23 and 30-13-24.** These regulations are being revoked.
 - 30-13-25. Assessments.** This regulation is being amended to delete the assessment formula and replace same with a general statement concerning assessments.
- H. Security and Traffic Control for State Institutions Operated by Mental Health and Retardation Services.**
- 30-20-4. Appointment of security officers.** This regulation is being revoked.
 - 30-20-9. Rules of the road.** This regulation is being amended to update the material adopted by reference.
- I. Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Other Handicapped Persons.**
- 30-22-10. Application for state financing.** This regulation is being amended to:
 - Permit the agency to conduct annual verification audits in regard to income and disbursement;
 - Authorize the Secretary to withdraw funds from any program which is not being substantially administered according to the annual budget; and

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c. Authorize the Secretary to withhold payments for cause.

J. Youth Centers.

1. **30-25-1 through 30-25-9.** These regulations are being revoked.

K. State Hospitals.

1. **30-26-1.** State hospital districts. This regulation is being amended to add the Rainbow Mental Health Facility located in Kansas City to the list of state hospitals.

L. Oil and Gas Leases on Institutional Properties.

1. **30-27-2.** Bidders; notice; form of bids. This regulation is being amended to allow publication in the *Kansas Register*.
2. **30-27-4.** Indemnity bonds. This regulation is being amended to increase the indemnity bond from \$25,000 to \$50,000.

M. Alcohol and Drug Safety Action Program.

1. **30-31-13.** Alcohol and drug safety action program assessment fee. The Secretary is promulgating a new regulation to set the monetary amount to be assessed against each person who pleads nolo contendere or is convicted of a violation of K.S.A. 8-1567, as amended by L. 1982, ch. 144, § 5, during fiscal year 1984 at \$110.

A copy of the proposed regulations may be obtained prior to the above mentioned hearing by contacting Mrs. Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969. Written comments submitted prior to the hearing should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three (3) minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER
Secretary
Social and Rehabilitation Services

Doc. No. 000687

State of Kansas

STATE BOARD OF EDUCATION

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

TO ALL TEACHERS, ADMINISTRATORS, BOARDS OF EDUCATION, TRUSTEES AND CONTROL, TEACHER TRAINING INSTITUTIONS, SCHOOL AND COMMUNITY COLLEGE DISTRICTS, AND ALL OTHER PERSONS WHOM IT MAY CONCERN:

You are hereby notified that the Kansas State Board of Education will hold a public hearing in the first floor conference room of the Kansas State Board of Education, Kansas State Education Building, 120 East Tenth Street, Topeka, Kansas 66612, on the 9th day of November, 1982, beginning at 1:30 p.m. of said day to consider in substance the proposed changes in the Kansas State Plan for Community Education which is to become effective July 1, 1983, after adoption by the state board, as well as proposed State Board Regulations (S.B.R.) and Kansas Administrative Regulations (K.A.R.) of State Agency 91, numbered S.B.R. 91-1-26, 30, 57, 58, 63, 69, 146 and 147, relating to certification of school personnel and accrediting institutions and approving programs offering teacher education; S.B.R. 91-31-1 *et seq.*, relating to accreditation of public schools; K.A.R. 91-8-2, 15, 16, 17, 19, 26, 30, 31, 32, and 33, and revocation of 91-8-29, and K.A.R. 91-25-1a, 1c, 2, 3a, 4a, 17, 18 and 19, and revocation of 91-25-1b, 3, 4 and 16, relating to community colleges; K.A.R. 91-9-11, relating to municipal university out-district tuition; K.A.R. 91-12-22 *et seq.*, and revocation of 91-12-20 and 21, relating to special education, which said board proposes to adopt thereafter as soon as the same have been put in final order as temporary and permanent regulations, the latter to become effective May 1, 1983.

The revisions to the State Plan for Community Education relate generally to the following: It is a plan that was developed by the state advisory council for community education and staff from the Kansas state department of Education. The concept of community education has the potential of benefiting almost every citizen regardless of age within the state of Kansas, economically, educationally and culturally.

Said plan contains definitions, statements of need for community education, proposed goals and objectives, and the budget for the first year of the proposed program.

The proposed rules and regulations relate generally to:

1. Certification rules and regulations. Adding the new regulations S.B.R. 91-1-146a, b, c, and d permitting the state board of education to authorize the approval of local education agency inservice education plans and renewal of certification based on inservice education when in compliance with the state board inservice plan; adding the new regulation S.B.R. 91-1-147 permitting the holder of a Kansas certificate who has been in military service during all or part of the

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period the certificate was valid to be issued a certificate of renewal; amending S.B.R. 91-1-26 clarifying the definition of "recent experience" and defining "deficiency plan"; amending S.B.R. 91-1-30 permitting applicants who hold a certificate with subject or field endorsements at the secondary level to apply for additional endorsements valid for one year based on the completion of 50% of the requirements from a state approved program, the establishment of a deficiency plan and a recommendation from the institution where the deficiency plan will be completed. The one year endorsement is renewable based on evidence of progress toward completing the deficiency plan and institutional recommendation. The amendment is to expire May 1, 1985; amending S.B.R. 91-1-57 by permitting an out-of-state applicant who has credentials from an out-of-state accredited teacher education institution that does not have the Kansas approved programs as specified in subsection (a) of S.B.R. 91-1-57, to apply for a one-year Kansas certificate based upon the establishment of a deficiency plan with an in-state institution having an approved teacher education program; amending S.B.R. 91-1-58 limiting to 90 days in any school year that a person holding a substitute endorsement may teach; amending S.B.R. 91-1-63 allowing for the renewal of the endorsement for junior reserve officer training corps every five years with evidence of continuing certification by a branch of the U.S. military service; and amending S.B.R. 91-1-69 permitting the State Board of Education to grant provisional approval status for new school personnel preparation programs which are determined to be in compliance with state regulations.

2. Accreditation rules and regulations S.B.R. 91-31-1 *et seq.*, are being renumbered under Article 31 of Agency 91 as State Board Regulations, and K.A.R. 91-30-1 *et seq.* are being revoked. All of the recommended changes, except two, are editorial in nature—either by adding or deleting certain words or, in one instance, transferring two items from one subsection to another for clarification. The two substantive changes being proposed are: S.B.R. 91-31-3(c) effective September, 1985, providing that school districts and accredited nonpublic schools would be required to have on file educational goals and objectives to be reviewed annually, and be available to interested parties on request; and S.B.R. 91-31-12h(7) providing that any changes increasing the number of units for graduation by a board of education shall become effective with the 9th grade class the following school year.

3. Special education rules and regulations. Two special education regulations proposed to be revoked are K.A.R. 91-12-20 and 91-12-21. The new special education regulations, as mandated by L. 1982, Ch. 29, amending K.S.A. 72-963, are K.A.R. 91-12-22 *et seq.* In substance these regulations extract the regulatory statements from the 1983 State Plan for Special Education which was approved by the State Board July 13, 1982. There are no new requirements not included in the 1983 Plan. Said regulations provide: (each regulation is indicated by its section number) 22—definitions; 23—procedures for approval of programs operated by local education agencies; 24—procedures for reviewing

and approving federal special education projects and proposals; 25—admission procedures and due process in state schools and state institutions; 26—standards for administration and supervision of local special education programs; 27—equal graduation recognition for handicapped and non-handicapped students; 28—local education agencies to provide public information about exceptional children; 29—standards for local comprehensive plans for special education; 30—that exceptional children be educated with nonexceptional children to the maximum extent possible; 31—procedures for the submission and approval of cooperative/interlocal agreements; 32—procedures for the submission and approval of contracts for special education services; 33—procedures for disbursing State special education funds; 34—accessibility and appropriateness of facilities for exceptional students; 35—special education to exceptional children enrolled in private schools; 36—criteria for the screening, evaluation, placement and review of exceptional children with individualized education program brochures and requirements included; 37—procedural due process in regard to special education actions; 38—requirements for protecting confidentiality of student records; 39—standards for early childhood handicapped programs; 40—standards for programs for gifted; 41—standards for programs for language, speech and hearing impaired; 42—standards for programs for mental retardation; 43—standards for programs for personal and social adjustment; 44—standards for programs for physically and other health impaired; 45—standards for programs for severely multiply handicapped/deaf-blind; 46—standards for programs for specific learning disabilities; 47—standards for programs for visually impaired; 48—standards for programs for related services; 49—standards for programs for paraprofessionals in special education; 50—standards for programs for school psychology; 51—standards for programs for school social work; 52—standards for programs for special education instructional materials centers; 53—standards for programs for vocational training for the handicapped; 54—standards for programs for physical education; and 55—guidelines in the State Plan for Special Education.

4. Community college rules and regulations. Proposed regulations of Community Colleges amend K.A.R. 91-8-2, 15, 17, 19, 26, 30, 31, 32 and 33, all of which contain editorial changes for the purpose of clarification; 91-8-17, Subsection 3 contains a substantive change that defines "gifted children" and will allow community colleges to admit gifted students who have less than 15 units of high school credit; 91-8-26 contains a substantive change providing that rules governing employees' and students be filed and made available to interested parties at the college rather than be filed with the Commissioner of Education; K.A.R. 91-8-30, 31, 32 and 33, are new regulations for clarification of provisions originally included in K.A.R. 91-8-29, to be revoked; they pertain to the approval of community college programs, the appeal by an institution of the postsecondary administration's decision and provision for a final appeal to the state board of education; K.A.R. 91-25-1a, 1c, 2, 3a, 4a, 17, 18 and 19, contain editorial changes for the purpose of

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clarification; 91-25-1c replaces 91-25-1b for residency classification of community college students; 91-25-3a replaces 91-25-3 and establishes an appeal mechanism for students who feel that they have been improperly classified in terms of residency; 91-25-4a replaces 91-25-4 and establishes an appeal mechanism for students who feel that the appeal board decision as provided for in 91-25-3a was in error; 91-25-17 replaces 91-25-16 and establishes the procedure for an institution to apply for the release of out-district funds; 91-25-18 provides institutions with the opportunity to appeal decisions by the postsecondary administration section regarding out-district tuition payments; 91-25-19 provides institutions with the opportunity to appeal decisions of the appeal committee and present their evidence to the state board of education; K.A.R. 91-9-11 provides a new regulation for the implementation of out-district tuition and state aid for students who reside in community college districts but attend Washburn University as provided in L. 1982, Ch. 282, Sec. 13.

Fiscal Impact Statements for S.B.R. Nos. 91-1-26, 30, 57, 58, 63, 69, 146 and 147; 91-31-1 *et seq.*; K.A.R. 91-8-2, 15, 16, 17, 19, 26, 30, 31 and 32; 91-25-1a, 1c, 2, 3a, 4a, 17, 18 and 19; 91-9-11, and 91-12-22 *et seq.* state that such new and amended regulations promulgated by the state board of education, will require no additional staff or increased cost to the local school districts, community colleges, the department of education, any other governmental agencies, or units and private businesses and upon the general public.

Copies of this public hearing notice (along with the state board's public hearing procedures) are being mailed to all chief school administrators in the state and may be reviewed in their offices by interested persons. Copies of said notice are also being mailed to the clerks of local school boards for the attention of school board members. Copies of said plan and regulations may be obtained by contacting the secretary of the state board of education, Kansas State Education Building, 120 E. 10th Street, Topeka, Kansas 66612, prior to November 1, 1982.

On the date of said hearing all interested persons shall be given reasonable opportunity to be heard and to present their views or arguments, orally or in writing, on said plan and regulations. Individuals or organizations that cannot appear at the hearing may, prior to November 4, 1982, submit to the secretary of the state board of education their written reactions in favor of or in opposition to said plan and regulations, and any other matters, suggestions, or proposals that relate thereto, and such reactions will be read into the record and considered by the board. Said hearing shall be conducted in compliance with the public hearing procedures of the state board of education.

The proposed changes to the regulations are as follows:

91-1-26. Definition of terms. (a) "State board" means the state board of education.

(b) "One year of teaching experience" means a minimum of ~~one hundred fifty~~ (150) school days within a school year one-half (~~1/2~~) time or more, while under contract.

(c) "Accredited experience" means teaching experience under contract in a school accredited by the state board; or comparable agency in another state while holding a certificate valid for the specific assignment.

(d) "Valid credit" means semester hour credit and shall be earned or validated in a college or university on the accredited list of the state board.

(e) "Official transcript" means a student record which includes grades and credit hours earned, affixed with the official seal of the college and the signature of the registrar.

(f) "Recent credit" or "recent experience" means credit or experience earned during the six (~~6~~) year period immediately preceding the filing of an application.

(g) "Parent institution" means a college or university designated by the certificate applicant as the college or university upon whom the student will depend for the initial institutional recommendation. This designation shall be made only if:

(1) A minimum of eight (~~8~~) semester hours of upper division or graduate level resident credit has been earned by the applicant at the institution designated;

(2) The credit earned under subsection (g)(1) is fully acceptable as elective or required credit toward a degree offered by the designated institution; and

(3) The institution has been accredited by the state board, or a state-authorized agency of the state in which the institution is located, if the state has officially adopted standards for accrediting teacher education institutions.

(h) "Resident credit" means credit designated as resident credit by the college or university granting the credit.

(i) "Approved program" means a teacher education program approved by the state board.

(j) "Field" means a general instructional area including but not limited to English language arts, natural science, or social science.

(k) "Subject" means a specific teaching area within a general instructional field.

(l) "Endorsement" means the code numbers and legend printed on the certificate which identifies the level; and field or subject; a person is entitled to teach.

(m) "Certification" means the granting of an initial teaching certificate or the addition of provisional endorsement or the addition of different endorsements for qualifications on a certificate.

(n) "Renewal of certification" means the issuance of a certificate to replace a certificate that has expired or is about to expire.

(o) "Duplication of a certificate" means the issuance of a certificate to replace a certificate that is lost or destroyed.

(p) None of the terms in (m), (n) or (o) shall include a change of name, change of address, or other personal information.

(q) "Cooperating teacher" means a teacher assigned to a student teacher by the local school.

(r) "Supervising teacher" means a faculty member assigned to a student teacher by the parent institution.

(s) "Standards boards" means the professional

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teaching standards advisory board and the school administrator professional standards advisory board.

(t) "Deficiency plan" means a detailed schedule of instruction from an approved program which, if completed, will qualify a person for full endorsement in a subject or field. A deficiency plan must be signed by the person who is to receive the instruction and by a representative of the institution at which the instruction is to be given. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)

91-1-30. Elementary, middle level, junior high, and secondary endorsement. (a) (1) Except as otherwise expressly provided in these regulations, an initial certificate shall be valid for three (3) years.

(2) Applicants for an initial certificate shall have completed credit in the area of exceptional children.

(3) The secondary endorsement(s) endorsement or endorsements shall be extended to grades five (5) and six (6), if the applicant's preparation includes: course work in child and adolescent psychology, teaching experience in one of the grades from five (5) through nine (9) in an elementary, middle, or junior high school, and fifteen (15) semester hours in each field or subject to be taught. The teaching experience may be student teaching. Teachers of grades seven (7), eight (8) or nine (9) in an accredited junior high school or a six year high school shall have a minimum of fifteen (15) semester hours of credit in each field or subject to be taught.

(4) An applicant, who holds a certificate with an endorsement at the secondary level for one or more subjects or fields, shall be granted a one-year endorsement at the secondary level for another subject or field, if the applicant has:

(A) Completed at least 50% of the subject or field requirements outlined in the state approved program of the recommending institution;

(B) Prepared a deficiency plan to complete the full subject or field requirements in the state approved plan. This plan shall be submitted with the application for endorsement; and

(C) A recommendation for endorsement in the subject or field from the institution at which the deficiency plan is being completed.

(5) An applicant, who holds a certificate with an endorsement at the secondary level for one or more subjects or fields, shall be granted an endorsement at the middle or junior high level, if the applicant meets the requirements of 91-1-30(a)(3).

(6) Parts (4) and (5) of this subsection shall expire on May 1, 1985.

(b) Renewal requirements.

(1) Applicants for renewal of certification, based upon credit hours, who do not have previous credit in the area of exceptional children, shall have completed a two (2) hour survey; course or other courses with equivalent content from other courses in the area of exceptional children.

(2) On and after September 1, 1984, applicants for renewal of certification, based upon accredited experience, who do not have previous credit in the area of

exceptional children, shall have completed a two (2) hour survey; course or other courses with equivalent content from other courses in the area of exceptional children.

(3) When a person has two (2) years of accredited experience in the area for which the person is certified, and meets the requirements of subsection (b)(1) or (b)(2) of this regulation, the person's certificate may be renewed for five (5) years, if:

(A) The experience was obtained within the term of the three-year certificate and within the six (6) years immediately preceding application for renewal; and

(B) The person is recommended for renewal by the administration of the school in which the person is employed.

(4) A person having an initial certificate, but who does not meet the requirements for a five-year certificate, may be granted an additional three-year certificate, if the person has:

(A) One (1) year of accredited experience during the term of the initial certificate and within the six (6) years immediately preceding application for renewal;

(B) Six (6) additional hours of credit within the six (6) years immediately preceding application for renewal; if the applicant holds an advanced degree; or

(C) Eight (8) additional hours of credit within the six (6) years immediately preceding application for renewal; if the applicant does not hold an advanced degree.

(5) For any person who does not hold an advanced degree, a renewal of a five-year certificate shall require that the person has completed a minimum of eight (8) additional hours of credit.

(6) (A) A person holding an advanced degree may be granted two (2) renewals of a five-year certificate; if the person has completed three (3) years of accredited recent experience during the term of the most recent certificate.

(B) Further renewals of a five-year certificate issued to a person who holds an advanced degree shall require that the person has completed six (6) additional hours of credit, within the six (6) years immediately preceding application for renewal.

(7) An applicant for renewal of an elementary certificate; who has not previously completed a course; in the teaching of reading; shall have completed such a course; which includes a supervised practicum.

(8) An endorsement or endorsements granted under the provisions of subsection (a)(4) of this regulation may be renewed for a one-year period, if the applicant submits:

(A) An application for renewal;

(B) A transcript showing that the deficiency plan is being completed; and

(C) A recommendation for renewal of the endorsement from the institution at which the deficiency plan is being completed.

(9) Part (8) of this subsection shall expire on May 1, 1985. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)

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91-1-57. Out-of-state applicants. (a) A certificate valid for three (3) years shall be issued to an out-of-state applicant on the basis of credentials from an institution, approved by the respective state's authority responsible for issuance of that state's initial regular certification, if the applicant meets the requirements of 91-1-27. The accreditation and approval shall be based upon:

(1) Officially adopted state standards comparable to Kansas state standards for accrediting institutions of higher education; and ~~approving specific teaching field programs;~~

(2) On-site evaluation team visits to verify that standards have been met; and

(3) ~~Validation of the approved programs by the authorized state agency.~~

(b) A certificate valid for three (3) years shall be issued to applicants who hold a certificate from another state which was based upon an approved program as specified in subsection (a).

(c) Certificates from other states ~~are~~ shall not be valid for teaching in Kansas.

(d) (1) A one-year certificate shall be issued to an out-of-state applicant who has credentials from a state accredited teacher education institution that does not have state-approved programs as specified in subsection (a) of this regulation, if the applicant has a recommendation from a Kansas accredited teacher education institution and has developed a deficiency plan to meet the requirements of a program approved by the Kansas state board.

(2) An additional one-year certificate will be issued with the recommendation of the institution and evidence that progress has been made toward completing the deficiency plan. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)

91-1-58. Secondary and elementary substitute endorsement. (a) A certificate with a secondary or elementary substitute endorsement shall be valid for three (3) years. Persons holding a substitute endorsement shall teach no more than 90 days in any school year. The applicant shall present evidence of one (1) of the following:

(1) Having held a Kansas teacher's certificate which was valid in secondary schools and was based on a degree, or in elementary schools and was based on sixty (60) or more semester hours of college credit. The recent credit or experience required by 91-1-27(d) shall not apply;

(2) Having held a certificate from another state, whose certification requirements are comparable to those of Kansas, which certificate was valid in secondary schools and was based on a degree, or in elementary schools and was based on sixty (60) or more semester hours of college credit. The recent credit or experience required by 91-1-27(d) shall not apply; or

(3) Completion of a baccalaureate degree in an approved secondary or elementary teacher education program including recency as specified in 91-1-27(d).

(b) A renewal of the certificate with the secondary or elementary substitute endorsement shall be valid for

three (3) years and issued to applicants who present evidence of:

(1) Ninety (90) or more days of teaching during the term of the substitute endorsement; or

(2) Three (3) semester hours of college credit earned since the issuance of the substitute endorsement and within the six (6) years immediately preceding application for renewal.

(c) Subsequent renewals of the certificate with the secondary or elementary substitute endorsement shall be valid for three (3) years and shall require three (3) additional semester hours of credit. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)

91-1-63. Junior reserve officer training corps. Any person certified by a branch of the United States military service to teach a ~~course(s)~~ course or courses in the junior reserve officer training corps (J.R.O.T.C.) may, upon application and evidence of this military certificate, be issued a Kansas certificate to teach the same ~~course(s)~~ course or courses. The Kansas certificate shall be valid for a period of five years and shall be renewable for an additional five-year period with evidence of continuing certification by a branch of the U.S. military service, only as long as the certificate issued by the United States military services is valid. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)

91-1-69. Institutional program approval. (a) The state board shall approve specific teacher education programs of colleges and universities that desire to prepare school personnel for certification. ~~A program shall have been in operation one (1) year prior to approval.~~ A program shall be approved for five (5) years. The state board may withdraw approval of a specific program, if after holding a hearing, it is found that these regulations have not been met.

(b) The state board shall determine the approval of specific programs for teacher education as follows:

(1) "Approved," if the regulations have been met;

(2) "Provisionally approved," if regulations have been substantially met; but deficiencies have been identified; or regulations have been met but the program has not been approved previously by the state board. Provisional approval shall be granted for a period of not more than three (3) years. Programs in this category shall be considered as "approved" for the period designated.

(3) "Deferred decision," if there is a lack of sufficient information to make a decision relative to program approval, or if the development of the institution is such that action to approve or not approve would be premature; and

(4) "Not approved," if the requirements of these regulations have not been met.

(c) Both provisional approval and deferred decision shall require institutional action; to be followed by review, evaluation, and state board action.

(d) Colleges and universities desiring to extend the approval for specific teacher education programs for

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an additional five (5) years shall make application to the commissioner of education not less than one (1) year prior to the expiration of the present approval. (Authorized by, and implementing Kans. Const. Art. 6, Sect. 2; effective May 1, 1982; amended May 1, 1983.)

91-1-146a. Inservice Education Definitions. (a) "Education agency" means local school districts, accredited non-public schools, interlocal cooperatives, and other educationally oriented agencies under the authority of the state board of education.

(b) "Individual development plan" means a plan describing the professional development activities and studies to be completed by the individual filing such a plan during a specified period of time.

(c) "Inservice education" means learning experiences either for credit or not for credit, which are provided under an approved inservice education plan and which are engaged in by a person after entry into a given position for the purpose of improving effectiveness or upgrading skills in an area of certification.

(d) "Inservice education plan" or "plan" means a detailed and precise program which is effective for five years pursuant to which inservice education is provided.

(e) "Inservice education point" means one clock hour of inservice education. One semester hour of college or university credit is equal to 20 inservice points.

(f) "Professional development council" means a representative group of education agency certified personnel which advises the governing body of the education agency in matters concerning the planning, development, implementation, and operation of the inservice education plan. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983.)

91-1-146b. Authority and Procedures for Promulgation and Approval of Plans. (a) The board of education or other governing body of an education agency or the governing bodies of any two or more education agencies, with the advice of representatives of the certified personnel who will be affected thereby, may design and implement an inservice education plan to be offered by the education agency or agencies.

(b) Procedures for development of a plan shall include the following:

- (1) The establishment of a professional development council;
- (2) an assessment of inservice needs;
- (3) identification of goals and objectives;
- (4) identification of activities; and
- (5) evaluative criteria.

(c) Based upon information developed under subsection (b) of this regulation, the education agency shall prepare a proposed inservice plan. The proposed plan shall be submitted to the state department of education by May 1 of the school year preceding the school year in which the plan is to become effective.

(d) The state board of education shall approve the plan, approve the plan subject to modifications, or disapprove the plan, and notify the education agency of the decision.

(e) Annual update of a plan: An annual update of a plan shall be submitted to the state department of education and shall include:

- (1) A review of the plan;
- (2) an update of proposed activities;
- (3) a statement of priorities; and
- (4) a fiscal estimate.

(f) Amending a plan. A plan may be amended at any time. An amendment shall be approved in the same manner as a proposed plan. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983.)

91-1-146c. Inservice Education Professional Development Council. (a) A professional development council shall:

- (1) Be representative of the employed certified personnel; and
- (2) include at least as many teachers as administrators selected by the group they represent.

(b) The council shall:

- (1) Develop operational procedures;
- (2) develop a plan which shall be approved by the governing body of the education agency based upon criteria established by and available from the state board of education; and

(3) recommend to the governing body of the education agency approval or disapproval of individual plans for renewal of certification. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983.)

91-1-146d. Renewal of Certification Based Upon Inservice Education. (a) A certified employee may devise an individual development plan. This individual plan shall:

- (1) Include sequential instructional experiences designed to improve performance in an area of certification or include courses in a planned program leading to a new endorsement;
- (2) reflect the job-related needs of the individual;
- (3) correlate with the needs and goals of the education agency;
- (4) result from cooperative planning with a designated supervisor;
- (5) be signed by the employee;
- (6) be signed by the supervisor if the supervisor and the employee are in agreement;
- (7) be reviewed and approved by the council based upon guidelines adopted by and available from the state board;
- (8) be reviewed and approved by the governing body of the education agency.

(b) Renewal of certification based upon inservice education shall require:

- (1) Experiences worth at least 160 inservice education points during a five-year period;
- (2) College or university credit equal to at least half of the required inservice education points if the individual's highest degree is a baccalaureate degree;
- (3) Experiences worth 160 inservice education points if the individual has a master's degree or other advanced degrees; or

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(4) Experiences worth at least 60 inservice education points during a three-year period for a renewal of a substitute teaching endorsement.

(c) An application for renewal of a certificate based upon inservice education shall be accompanied by verification to the state department of education by the governing body of the education agency that the inservice credit is valid for renewal of a certificate.

(d) An applicant who is not eligible for renewal of a certificate using inservice education or whose certificate has lapsed shall meet the provisions of S.B.R. 91-1-30(b) for the renewal of a certificate. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983.)

91-1-147. Certificate renewal based upon military service. (a) The holder of a Kansas certificate who has been in military service during all or part of the period the certificate was valid may be issued a certificate renewal.

(b) The renewal shall be valid for the same length of time as the original certificate.

(c) Application for renewal shall be made within six years after honorable discharge or separation from military service.

(d) Application for renewal shall include the application for certification, a fee, and verification showing honorable discharge or separation from military service. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983.)

REVOCATIONS

91-30-1. (Authorized by K.S.A. 72-7514; K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-30-2. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1979; amended May 1, 1981; revoked May 1, 1983.)

91-30-3. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1979; amended May 1, 1982; revoked May 1, 1983.)

91-30-4 to 91-30-5. (Authorized by K.S.A. 72-7514; K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-30-6. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1979; modified, 1981 SCR No. 1613, May 1, 1981; revoked May 1, 1983.)

91-30-7. (Authorized by K.S.A. 72-7514; K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-30-8. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1979; amended May 1, 1982; revoked May 1, 1983.)

91-30-9. (Authorized by K.S.A. 72-7514; K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-30-10. (Authorized by K.S.A. 72-7513, 72-7514; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1983.)

91-30-11. (Authorized by K.S.A. 72-7514, K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-30-12a to 91-30-12b. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; revoked May 1, 1983.)

91-30-12c. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

91-30-12d. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; revoked May 1, 1983.)

91-30-12e. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; modified, 1981 SCR No. 1613, May 1, 1981; revoked May 1, 1983.)

91-30-12f to 91-30-12h. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1982; revoked May 1, 1983.)

91-30-13. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; revoked May 1, 1983.)

91-30-14a. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

91-30-14b. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; revoked May 1, 1983.)

91-30-14c. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

91-30-15. (Authorized by K.S.A. 72-7514; K.S.A. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

91-31-1. Definition of terms. "Program of studies" means those courses of instruction offered in a school during the year.

"Unified course" means a course that is organized and taught by one or more teachers and that includes content from two or more subject areas.

"Class period" means a segment of the school day regularly scheduled for instruction in designated subjects. The length of time of the period may vary according to the type of subject and pattern of scheduling.

"Unit of credit" means one unit of credit earned for satisfactory completion of any approved subject taught for a minimum of 40 minutes daily five periods a week for 36 weeks, or 120 clock hours. One-half unit of credit is earned for approved subjects taught for a minimum of 40 minutes daily five periods a week for 18 weeks, or 60 clock hours.

"Daily program" means the schedule of classes taught by teachers during the school day.

"Superintendent" means the chief administrative officer appointed by the board of education of the district who is responsible for administrative and supervisory duties for all units of organization within the district and who has charge and control of the schools and their personnel.

"Principal" means a person having the administrative and supervisory responsibilities of a school or schools.

"Teacher" means a person who holds a valid certificate with the appropriate endorsement for that person's level of assignment.

"Board of education" means the board of education of a unified district.

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"Library media" means printed and audiovisual forms of communication and their accompanying technology.

"Library media program" means the complete instructional program and other services furnished to pupils and teachers by a library media specialist.

"Library media center" means the service area which houses both the library and the audiovisual services.

"Library media specialist" means a person holding a valid certificate with the appropriate endorsement for that person's level of assignment and who directs the library media program in its entirety or specializes in either the print or nonprint areas of the program.

"Special education state plan" means the state plan for special education services authorized by K.S.A. 72-933 *et seq.*, as amended and supplemented.

"Accredited warned" means failure of an accredited school to meet Kansas statutes or one or more state board accreditation regulations.

"State board" means the state board of education. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-2. Procedures for accrediting schools. (a) A board of education of a school shall make application in writing to the state board requesting the proper forms for accreditation. The application shall be submitted on or before August 15 of the year in which the school requests accreditation. Accreditation shall be for two years.

A school requesting accreditation shall file the principal's building report and other reports required by the state board. The building report shall be filed no later than October 1. Intentional falsification of reports may result in denial or loss of accreditation.

(b) The school shall meet the provisions of Kansas statutes and state board of education rules and regulations.

(c) The accreditation status for each school shall be determined by the following information: data provided in official reports of the affected school, including the superintendent's report and principal's building report; reports from the state department of education specialists; the report of the state department of health and environment; the report or order of the state fire marshal; and other official or special reports regarding the local school that may be requested by the state board.

(d) Schools shall be accredited, or if deficiencies exist, accredited warned, or dropped from the accredited list by the state board. Any school with an accredited warned status shall report the following year the progress made to correct the deficiencies.

(1) All school districts and nonpublic schools desiring accreditation shall comply with the provisions of K.S.A. 72-9001 *et seq.*, as amended, by filing their personnel evaluation policies and any amendments to those policies with the state board.

Failure to file personnel evaluation policies, or any amendments thereto, or noncompliance with the personnel evaluation policies that are filed, may result in accreditation being denied or revoked. The state board may issue a warning the first year for any violation. If

there is continued noncompliance during the second school year, the state board may remove the violating school from the accredited list effective the following June 30.

(2) The failure of any district to comply with the decision of the state board regarding approval of the application for out-district tuition as provided in K.S.A. 72-4418 and K.A.R. 91-16-1 *et seq.*, shall be considered due cause for the state board to remove, without warning, all schools within the district from the accredited list effective the following June 30.

(e) During the school year, but not later than March 15 of the year, any school with deficiencies shall be notified by the state board. All official accreditation notices indicating deficiencies shall be mailed to the superintendent. Deficiencies identified after March 15 as a result of investigating a complaint shall be entered into the accreditation file after notifying the superintendent, and shall be included in the official June 30 accreditation or non-accreditation notice.

(f) Reports regarding the correction of deficiencies shall be filed no later than April 1, except those deficiencies identified after this date as a result of investigating a complaint.

(g) Accreditation or nonaccreditation status of a school shall be effective as of June 30 of the year in which accreditation is granted and shall remain in force for two years unless the status is changed by action of the state board.

(h) High schools shall be accredited by the state board and designated either accredited, or accredited comprehensive.

(1) Accredited. An accredited high school shall maintain, offer and teach at least 30 units of credit in grades nine through 12, as reported on September 15 of the year in which accreditation is granted, and shall meet the following requirements:

(A) The 30 units of credit shall be taught each year in separate classes. Correspondence credits shall not be counted as part of the 30 unit requirement.

(B) Only one unit of credit shall be counted as a part of the 30 required units of credit when the course is taught in more than one section.

(2) Accredited comprehensive. An accredited comprehensive high school shall maintain, offer, and teach a minimum of 50 units of credit in grades nine through 12, as reported on September 15 of the year in which accreditation is granted, and shall meet the following requirements:

(A) The 50 units shall be taught each year in separate classes. Correspondence credits shall not be counted as part of the 50 unit requirement.

(B) Only one unit of credit shall be counted as a part of the 50 required units when the course is taught in more than one section.

On application from the board of education, any high school teaching less than 30 units of credit, as reported on the September 15 school principal's building report, shall be dropped from the accredited list by the state board on or before November 15 of that calendar year.

(i) An elementary school, to be accredited, shall have a minimum enrollment of 10 pupils on September

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15. On application from the board of education, any elementary school with an enrollment of less than 10 pupils on September 15, shall be dropped from the accredited list by the state board on or before the following November 15.

(j) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board the action to be taken regarding the accreditation of schools. In those cases where the commissioner of education will recommend non-accreditation of any school, the commissioner shall notify the president and clerk of the board of education, and the superintendent no later than May 15. The board of education shall be given an opportunity at the June meeting of the state board to present any reasons why the school should not be denied accreditation. When a school has been denied accreditation, the state board of education shall have five days after the June board meeting in which to send an official notice of denial of accreditation. The notice shall be sent by the commissioner of education by restricted mail to the president and clerk of the board of education and the superintendent with return receipt requested.

(k) A school denied accreditation effective June 30 may, upon application of the board of education, be given tentative accreditation status by the state board to be effective the following August 15 if the deficiencies causing denial of accreditation have been corrected. The application shall be signed by the president and clerk of the board of education indicating that all deficiencies have been corrected, and shall be filed with the commissioner of education at least three weeks prior to the regular August meeting of the state board. All necessary forms for reinstatement shall be provided by the commissioner of education, upon request for the forms. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-3. Policies. (a) All orders, rules and regulations of the board of education, and any revisions, shall be in writing and codified, and upon request shall be made available to the employees, patrons and students of the district. The policies for the employment of staff or the selection of pupils shall not discriminate on the basis of race, religion, color, ethnic background, national origin, ancestry, physical handicap, or sex.

In addition, the board of education shall adopt policies pertaining to personnel and to the suspension and expulsion of pupils as provided by K.S.A. 72-8901 *et seq.*, as amended. The policies shall be on file and copies shall be available to patrons, students, teachers, administrators, and to the state board of education for examination on request.

(b) All certified personnel shall be evaluated in accordance with policies adopted under K.S.A. 72-9001 *et seq.*, as amended, and as on file with the state board.

(c) The board of education shall adopt policies which govern the conduct of all persons employed by or attending schools of the district, and provide specific procedures for their enforcement. The board shall submit school conduct policies and amendments to its legal counsel for review and approval to assure compliance with city ordinances, state laws and constitu-

tional requirements. Copies of policies and amendments shall be filed with the commissioner of education as provided by K.A.R. 91-15-1.

(d) Goals and objectives. Effective September 1, 1985, each unified school district and nonpublic school shall have educational goals and curricular objectives for each instructional area in the educational program. All such goals and objectives shall be reviewed annually. All goals and objectives shall be on file and copies shall be available to patrons, students, teachers, administrators, and to the state board of education for examination on request. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-4. Organization; special, exemplary or innovative programs; waiver of regulations. Schools that have special, exemplary or innovative programs that do not meet all accreditation regulations may, prior to the beginning of the school term, request approval from the state board to conduct those programs. Approval shall be granted if the superintendent has submitted the proposed program in writing, and the program includes: (a) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

(b) evidence that the goals and objectives of the program fall within statewide education goals defined by the state board;

(c) evidence that the program adopted is in compliance with Kansas statutes;

(d) evidence that the evaluation procedures for the program are identified in advance and provide valid and objective data for assessing its success; and

(e) evidence that all staff members have valid certificates with the appropriate endorsements for their levels of assignment.

The state board shall notify the superintendent in writing of approval or denial of the program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-5. Summer school programs. Summer school programs shall be eligible for approval upon meeting the following requirements: (a) Administration. Summer school programs shall be under the supervision of an administrator who holds a valid certificate with the appropriate endorsement for that level of assignment.

(b) Summer school notification. Districts planning to operate a summer program shall notify the state board by May 1 of each year.

(c) Scholastic records. Permanent scholastic records shall be maintained for summer school sessions.

(d) Summer school report. Each district shall make a report on forms furnished by the state board, not later than 10 days after the first day of summer school.

(e) Curriculum.

(1) Subjects may be offered for enrichment, makeup purposes, or to obtain credit for courses not available during the regular school term.

(2) Courses taught in the summer school program shall include the same content and achievement standard as similar courses taught in the regular school term.

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(f) Enrollees.

(1) Permission. A pupil desiring to enroll in summer school for credit shall obtain permission from the pupil's parent school principal.

(2) Subject prerequisites. Admission to summer school courses shall be subject to the recognized prerequisites in the several school subject areas.

(3) Correspondence courses. Pupils shall obtain prior approval from their parent school principal before enrolling in correspondence courses for credit.

(g) Summer school instructors. Each teacher in an approved summer school shall hold a valid certificate with the appropriate endorsement for the teacher's level of assignment.

(h) Requirements for credit. This section shall not apply to elementary schools.

(1) Time required for repeated subjects and new subjects.

(A) One unit of credit shall be earned for those courses which meet for a total of 120 clock hours.

(B) One-half unit of credit shall be earned for those courses which meet for a total of 60 clock hours.

(C) Time for makeup work for one unit of credit or one-half unit of credit shall be at least one-half the time requirement for a regular school term course.

(D) Instructional time for credit shall be exclusive of registration, holidays, and break time.

(2) Driver education. Any school may offer an approved course in driver education during the summer term, and the instruction shall be administered and supervised by the school as provided by Kansas statutes. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-6. Administration. (a) Admission. Any pupil transferring from or completing a course of study in an accredited school shall be eligible for admission to another accredited school. Schools shall accept pupils from unaccredited schools in accordance with the provisions of subsection (b).

(b) Placement. Placement of pupils in the education program shall be determined according to the policy of the board of education and the policy shall include the following:

(1) past education experience record;

(2) successful performance at the level of assignment; or

(3) examinations administered by the local district.

(c) Promotion. Promotion shall be determined according to the policy of the board of education.

(d) Pupil records. Accurate and complete records of scholarship, attendance and activities shall be kept in a safe or fire-resistant compartment. Except as provided by K.S.A. 72-5386, when a pupil transfers or is promoted to another school within or without the school district, academic records shall follow the pupil on request. Pupil records shall be maintained and released in compliance with the right to privacy act as provided by K.S.A. 72-6214.

(e) Teacher records. An individual teacher record including a current college transcript or transcripts, certification, tenure, salary, retirement status and other personnel data shall be on file as directed by the board of education.

(f) Activity funds. A complete record of activity funds shall be maintained.

(g) Surety bonds. Each person responsible for the receipt and disbursement of money shall be bonded with a surety bond in an amount fixed by the board of education which shall be approved and paid by the board of education.

(h) Auditing. In addition to persons authorized to make audits under K.S.A. 75-1122 *et seq.*, as amended, accounts shall also be subject to audit by state board of education auditors.

(i) Sales tax. A permanent record shall be maintained showing sales and admissions for which sales tax is paid as required by Kansas statutes.

(j) Inventories. Inventories of all equipment, apparatuses, books, and supplies shall be on file.

(k) Activities program. The activities program shall be under the supervision of the principal.

(l) Display of flags. Schools shall fly the United States flag and a Kansas flag as provided by K.S.A. 73-701 and 73-706.

(m) Adherence to health laws. All schools shall adhere to the provisions of Kansas school health statutes, K.S.A. 72-1204 *et seq.*, as amended, and K.S.A. 72-5201 *et seq.*, as amended.

(n) Observance of fire, safety and tornado laws. Fire and safety provisions of K.S.A. 31-132, *et seq.*, as amended, shall be observed. Schools shall establish tornado procedures and conduct tornado drills as provided by regulations promulgated by the state fire marshal under K.S.A. 1982 Supp. 31-133.

(o) School transportation. Transportation of pupils shall comply with Kansas statutes and the rules and regulations published by the Kansas department of transportation.

(p) Length of school year. The length of the school year shall be at least 180 days taught or 1080 hours taught as provided by K.S.A. 1982 Supp. 72-1106(a)(2).

(q) Length of school day. The length of the school day shall be at least six hours except as provided by K.S.A. 1982 Supp. 72-1106. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-7. Staff. (a) Superintendent. (1) All schools shall be under the supervision of a superintendent who holds a valid certificate with the appropriate endorsement for that assignment and who shall be assigned at least one-half time to administration and supervision of the schools in the district.

(2) A school district with an enrollment of less than 300 students may also assign the superintendent as elementary and high school principal.

(b) Principals. Principals shall be employed by the board of education under a written contract and shall hold valid certificates with the appropriate endorsements for their levels of assignment.

(c) Assistant principal. In schools where the principal requires assistance because of administrative responsibilities, staffing patterns shall include the services of an assistant principal or principals.

(d) Alternative administrative plan; management by objectives. As an alternative to S.B.R. 91-31-12a(b) and

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91-31-14a(d), the board of education may develop and disseminate an administrative plan based upon management by objectives. The plan shall be in writing and set out the goals, objectives and expected outcomes for the administrative assignment and be in agreement with statewide educational goals as adopted by the state board, as well as with recognized educational concepts and practices. There shall be broad base community involvement in the plan. The plan shall provide for the services of a principal who shall be assigned the necessary time to perform administrative responsibilities, and shall indicate the amount and kinds of supportive services available to supplement particular administrative responsibilities. The plan shall be approved by and filed with the state board.

(e) Teachers. Teachers shall be employed and compensated according to the provisions of Kansas statutes.

(f) Aides. Non-certified personnel may be employed to supervise pupils in noninstructional activities, as required by K.S.A. 1982 Supp. 72-1106, and shall work under the supervision of certified personnel. Instructional paraprofessionals hired as special teachers in special education services shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 1982 Supp. 72-962 and the state plan for special education. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-8. Guidance. Each secondary school shall have the services of a certified counselor. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-9. Special education. Special education programs shall meet the provisions of the Kansas state plan for special education, Kansas Administrative Regulations, and K.S.A. 72-933, *et seq.*, as amended. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-10. Library media programs. (a) District library media programs shall meet the following requirements:

(1) Include the entire district or a consortium of districts when utilizing personnel, services, materials, and equipment. The media programs shall include public or community resources whenever possible;

(2) have in-service programs in the use of library media and the integration of materials into the curriculum;

(3) have coordinated services for cataloging and processing, maintenance of material and equipment, and delivery services; and

(4) have an annual evaluation process to determine the effectiveness of the district library media program in relation to the goals and objectives of the total educational program.

(b) School library media center program; secondary schools. The library media center program shall be an integral part of the total educational program of the secondary school.

(c) Library media center resources.

(1) Each school shall have a library media center

with a well-balanced collection to meet the needs of the curriculum.

(2) Classification and cataloging of library media center resources shall include a shelf list and an alphabetically arranged catalog with classification by the Dewey Decimal System.

(3) Inventory and financial records shall be accurate and up-to-date.

(d) Staffing and book collections. Staffing requirements and book collections shall be as follows:

Size of School:	Library Media Staff	Collection
Under 100	a. One library media specialist assigned two 55-minute periods, or b. Three 40-minute periods each day free of study hall.	1,200 volumes
100-199	a. One library media specialist assigned three 55-minute periods, or b. Four 40-minute periods each day free of study hall.	1,200 volumes for first 100 pupils, 10 for each additional pupil until enrollment reaches 200.
200-499	a. One library media specialist assigned four 55-minute periods, or b. Five 40-minute periods each day free of study hall.	2,000 volumes for first 200 pupils, 10 for each additional pupil until enrollment reaches 500.
500-799	One or more library media specialists assigned full-time (six clock hours free of study hall) plus full-time clerical help.	5,000 volumes for first 500 pupils, 5 additional books per pupil for next 500, and 3 additional books per pupil over 1,000 pupils enrolled.
800-1,499	Same as above.	Same as above.
1,500-over	Two full-time library media specialists plus full-time clerical help.	Same as above.

(e) Alternative library media center requirements. As an alternative to subsections (a), (b), (c) and (d), a school may elect to meet the following requirements:

(1) The school shall have a library media center organized as a resource center of instructional material for the entire educational program.

(2) Classification and cataloging of the collection shall include a shelf list and an alphabetically arranged catalog using the Dewey Decimal System.

(3) Inventory and financial records shall be accurate and up-to-date.

(4) Materials for teachers shall include at least five professional magazines dealing with general teaching methods.

(5) The library media plan shall state specifically: the amount of time assigned to the staff; the size and type of collection, both print and nonprint; the amount of the budget and expenditures; and a description of the facilities, materials and equipment that shall be used in the library media program. The plan shall describe the supportive services available to the school that supplement the library media program. The plan shall be approved by the board of education and be on

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file with the clerk. Copies shall be provided for each administrator and for each librarian. The plan shall also be approved by and placed on file with the state board. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-11. Site and building. Each site and building of a district shall meet the requirements of Kansas statutes and codes concerning school building construction, fire protection, health and accessibility to the handicapped. Whenever the state fire marshal issues an order to the board of education to close or correct the condition of any building or facility by repairing, remodeling or restoration, and no proceedings of appeal have been instituted by the electors of the district, pursuant to the provisions of K.S.A. 1982 Supp. 72-8213 (i) and (j), the board of education shall comply with the order by the following June 30. Failure to do so shall result in a warning. If not corrected or if reasonable steps have not been taken to comply within the subsequent school year, the school shall be given a nonaccredited status the following June 30. It shall be the responsibility of the board of education to notify the state board immediately when action is taken or order issued by the state fire marshal or the state department of health and environment indicating unsafe facilities or site. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12a. Accreditation regulations applicable to high schools. (a) Organization. (1) A high school shall be organized to include at least grades 10, 11 and 12 and may include grades seven through 12 in its organization. Any closing or change in the use of a school building shall be in compliance with the provisions of K.S.A. 1982 Supp. 72-8213.

(2) A high school shall organize its program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Principal. Except as provided in S.B.R. 91-31-7(a) (2) high schools enrolling 200 or more pupils shall have a principal who spends at least five clock hours each day in administrative and supervisory responsibilities. High schools enrolling fewer than 200 pupils shall have a principal who spends at least three clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12b. Granting credit. Determination of course credit shall be made according to the certification status of the teacher. Student credit shall be granted for:

- (a) Successfully completing class work;
- (b) Passing examinations administered by the district; and
- (c) Participation in the programs outlined by S.B.R. 91-31-12c through 91-31-12g, inclusive.
- (d) Athletic practices. Athletic practice for competition shall not be counted for physical education credit.
- (e) Correspondence credit. Regular enrollees, with

the approval of the school principal, may earn credit by correspondence from schools and institutions approved by the state board. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12c. Independent study programs. (a) Credit shall be given for independent study programs which:

- (1) Are approved by the school;
- (2) are an extended, in-depth study of a particular subject area offered in the regular school program;
- (3) have the responsibilities of the sponsoring teacher defined by school policies;
- (4) specifically list for each pupil the objectives that must be met for successful completion of the program. The objectives shall be developed by the sponsoring teacher; and
- (5) have equipment and learning materials available as part of the program for independent study. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12d. Participation in a work experience program. A school's work experience program shall meet the following requirements for credit:

(a) The student shall be under the direction and supervision of the school.

(b) The student shall meet board of education policies pertaining to enrollment, attendance, absenteeism, and conduct.

(c) The director of the work experience program and the teacher coordinator shall hold valid certificates. Certification shall not be required for persons responsible for training at the on-site work experience station.

(d) A unit of credit shall be defined as a minimum of 120 clock hours of work experience.

(e) The work experience program shall include:

- (1) A staff orientation as to responsibilities;
- (2) a student orientation as to the goals and objectives of the work experience program;
- (3) an employer orientation as to the purpose of the program and the employer's responsibilities;
- (4) an employer's conference at the conclusion of the program as to how the program functioned and to obtain suggestions for improvement; and
- (5) student conferences at the conclusion of the program as to how the program functioned and to obtain suggestions for improvement.

(f) The school shall schedule regular visits with the employer to monitor student progress with at least one visit being scheduled during each nine week period. This does not include employer orientation or employer conference.

(g) The following records shall be maintained by the school:

- (1) On-the-job attendance records to be filed by the employer each week;
- (2) student work schedule to be filed by the employer;
- (3) employer's verification of work record to be filed by the employer;
- (4) employer's evaluation of student's work experience; and

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(5) on-site visits made by the school.

(h) All records shall be available for audit by the state board of education. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12e. Adult education. High school credit shall be granted for adult courses of study provided the following requirements are met:

(a) The granting of credit to the student is based on achievement tests and the judgment of the instructor with the approval of the principal. Granting of credit for achievement tests shall be equal to that required of high school pupils in the regular school program.

(b) the participants in adult classes qualify for credit under one of the following eligibility classifications:

(1) Enrollment may be extended to any person 17 years of age or over who has not completed the twelfth grade and has been out of school at least one semester, if the enrollee is unable to participate in a regular high school program; or

(2) credit may be counted toward meeting the requirements for a high school diploma. If the credit is to be applied toward a diploma to be granted by a school other than the one in which the credit is offered, the principal of each school involved shall approve the enrollment; and

(c) the instructor holds a valid certificate with the appropriate endorsement for that level of assignment. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12f. General education development (G.E.D.) program. (a) High schools may accept G.E.D. test results for credit toward graduation. Schools may:

(1) require that a Kansas state high school equivalency diploma be issued by the state board; or

(2) grant a diploma, subject to the following requirements:

(A) The test results shall be properly certified.

(B) The minimum score on an individual test shall be 35 with an average of 45 for the five tests comprising the program.

(C) The credit shall not be for specific subjects but shall be listed as G.E.D. credit on the transcript.

(D) The applicant shall have attended school in the school system which grants the G.E.D. credit.

(E) Credit for one unit of United States history and one-half unit of United States government shall not be given for G.E.D. tests but shall be earned in residence as provided by K.S.A. 72-1103.

(F) Applicants shall not use G.E.D. credit to graduate before the age of 18 years.

(b) A list of the institutions authorized to administer G.E.D. tests may be obtained from the state board. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12g. Military credits. Kansas high schools may grant credit toward graduation for the following types of education experiences received while in the military services:

(a) Secondary courses offered by the United States armed forces institute (U.S.A.F.I.);

(b) courses in the marine corps institute;

(c) courses in the coast guard institute;

(d) one unit of physical education for basic or recruit training;

(e) correspondence course or courses from schools and institutions approved by the state board; or

(f) vocational courses offered by armed forces schools. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-12h. Graduation. (a) A pupil shall be eligible for graduation upon completion of the following requirements:

(1) Four units of English language arts. When, in the judgment of the high school principal, a pupil can profit more by taking another subject, the principal may waive one unit of this requirement;

(2) two units of social studies which shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States;

(3) one unit of science as a laboratory course;

(4) one unit of mathematics;

(5) one unit of physical education which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(A) upon a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(B) when the requirement is contrary to the religious teachings of the pupil. A written statement, signed by a lawful custodian of the pupil, shall be filed with the proper authorities of the school, requesting that the pupil not be required to participate in the activities and stating the reason for the request;

(6) eight units of elective courses; and

(7) any additional requirements of the board of education including any changes that increase the number of units required for graduation which become effective beginning with the ninth grade class the following school year.

(b) The governing body of the district may set alternative graduation policies, which shall be in writing and adopted by the board of education, which indicate that a pupil will be eligible for graduation upon the completion of at least 17 units of credit, or the equivalent. The 17 units of credit shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States pursuant to K.S.A. 72-1103.

(c) Alternative graduation policies set by the board of education shall be in compliance with statewide educational goals as adopted by the state board, and shall have broad base community involvement in their formulation. These policies shall have state board approval prior to implementation in the district. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-13. Accreditation regulations applicable to junior high schools. (a) Organization. (1) A junior high school shall be organized to include at least two consecutive grades and may include grades six through nine. Any closing or change in the use of a school

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building shall be conducted in compliance with the provisions of K.S.A. 1982 Supp. 72-8213.

(2) A junior high school shall organize its ninth grade program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Principal. Except as provided in S.B.R. 91-31-7(a)(2), junior high schools enrolling fewer than 200 pupils shall have a principal who spends at least three clock hours each day in administrative and supervisory responsibilities. Junior high schools enrolling 200 or more pupils shall have a principal who spends at least five clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-14a. Accreditation regulations applicable to elementary schools. (a) Elementary schools shall conform to the provisions of K.S.A. 1982 Supp. 72-1107, regarding age of entrance.

(b) An accredited elementary school shall be organized to include any combination of grades kindergarten through nine. The middle school concept of organization shall be recognized as a consecutive combination of any grades five through nine. Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half clock hours each day when in session. Any closing or changing the use of a school building shall be conducted in compliance with the provisions of K.S.A. 1982 Supp. 72-8213.

(c) An accredited elementary school shall count no more than two fifteen-minute supervised recess periods per day, one mid-morning and one mid-afternoon, as part of the school term.

(d) Principal. Except as provided in S.B.R. 91-31-7(a)(2), each elementary school shall have the services of a principal and shall meet the following requirements:

(1) In school buildings having more than 16 teachers, excluding the principal, the principal shall have at least 80% of the school day for administration.

(2) In school buildings having six to 16 teachers, excluding the principal, the principal shall have at least one-half of the school day for administration.

(3) In school buildings having fewer than six teachers, excluding the principal, the principal shall have time during the school week for administration.

(4) For the purpose of determining the number of teachers in (1), (2), (3), part-time teachers shall be counted on a fractional basis to be computed on the amount of time spent by the teacher in the building.

(5) A district maintaining multi-elementary school attendance centers may assign a principal to serve more than one elementary attendance center provided the assignment is in accordance with subsection (d)(1).

(e) All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment.

(f) Elementary schools which have an organized

guidance program shall have the services of a certified counselor.

(g) The curriculum of an elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-14b. School library media center program. (a) The library media center program shall be an integral part of the total program of the school.

(b) Library media center staff. The library media center shall be staffed by a library media specialist who holds a valid certificate with the appropriate endorsement for that level of assignment. Schools of fewer than 150 pupils may have classroom collections, and part-time consultative services of a certified library media specialist.

(c) Library media center materials and resources. Each school of 150 or more pupils shall have a library media center with a well-balanced collection of books, basic reference materials, periodical and audiovisual materials. Classification and cataloging of media center and classroom collections shall include a shelf list and an alphabetically arranged catalog using the Dewey Decimal System. Inventory and financial records shall be accurate and up-to-date.

(d) Book collections. Requirements for book collections shall be as follows:

Number of Pupils	Books Per Pupil
1 to 75	20 books per pupil
76 to 200	1,500 books plus 10 books for each additional pupil beyond 75
201 to 500	2,750 books plus 10 books per pupil beyond 200
Over 500	10 books per pupil

The library media collection shall contain audiovisual materials and equipment for use in the classrooms, school library media center, and for the home. Selection of all materials for library media center and classroom collections shall be the responsibility of the library media specialist or specialists, made in cooperation with teachers, parents and administrators.

(e) Alternative library media requirements. Elementary schools may elect to meet alternative library media center requirements under S.B.R. 91-31-10(e). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

91-31-14c. Interscholastic activities. (a) Pupils below the sixth grade shall not be eligible to participate in interscholastic athletic competition.

(b) A school may join the Kansas state high school activities association and participate under its rules and regulations. Any school which has not joined the K.S.H.S.A.A. shall comply with the requirements of this regulation.

(c) Sixth, seventh, and eighth grade pupils shall participate in interscholastic activities according to the following requirements:

(1) The coaches shall be members of the teaching staff and each shall hold a valid certificate with the appropriate endorsements for their level of assignment.

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(2) For any pupil to be eligible to participate in interscholastic activities, that pupil shall submit a physician's statement indicating the pupil is physically able to participate. Pupils shall compete in interscholastic athletics only with the written consent of a lawful custodian, and shall be ineligible for school teams if participating on an organized team outside of school during a regular season.

(3) In scheduling athletic contests, a school shall:

(A) schedule no more than eight interscholastic athletic contests in any one sport, exclusive of a tournament, in any one school year, unless otherwise specified in this regulation;

(B) schedule for each team no more than one inter-school contest each week, exclusive of tournament games. Two games may be scheduled during a week only once during the season and the second contest shall only be a makeup game; and

(C) have the approval of the school principal.

(4) Practice time shall not exceed one hour per school day and shall not include any practice session held between two schools. Practice sessions held between two schools shall count as one of the allowed number of contests per season.

(5) The students shall have the following activity limitations:

(A) Basketball. No sixth grade pupil shall participate in more than 32 quarters of play in interscholastic basketball, exclusive of a tournament, in any one year. In the seventh and eighth grades, each team or player shall be limited to a maximum of 14 games and no tournaments, or 12 games and one tournament, or 10 games and two tournaments. Quarters shall be a maximum of six minutes in length with a one minute intermission between the first and second quarters and between the third and fourth quarters, and an intermission of 10 minutes between the second and third quarter. No pupil shall participate in more than four quarters of play on any one day, excluding overtimes.

(B) Softball and baseball. Regulation games shall be limited to five innings and eight days of play.

(C) Track and field events. In any one meet, including relays, a pupil shall be limited to three of the following approved events:

(i) Sixth grade. Fifty meter dash, 75 meter dash, 100 meter dash, relays, broad jump, high jump, baseball, softball, basketball and football throw. A sixth grade pupil shall not run more than one race of 100 meters in one day. Sixth grade pupils shall be allowed to participate each year in only one track meet in which preliminary events are necessary. All jumps and vaults shall end in a soft landing pit;

(ii) Seventh and eighth grade pupils shall be limited to any three events per day. Seventh and eighth grade pupils are limited to no more than one race of 400 meters or more in one day. The longest race run shall be: 800 meters for seventh grades and 1600 meters for the 8th grades. All jumps and vaults shall end in a soft landing pit.

(D) Gymnastics. Pupils shall be allowed to participate each year in only one gymnastic meet in which preliminary events are necessary. No pupil shall participate in more than eight meets during a season, nor

in more than two events per day. Each pupil shall be eligible to participate in the following approved events:

(i) Sixth grade. Tumbling and floor exercises only.

(ii) Seventh and eighth grades. Boys: side horse, vaulting, horizontal bars, parallel bars, floor exercise, tumbling. Girls: tumbling, vaulting, balance beam, uneven parallel bars, floor exercise.

(E) Boxing. Sixth, seventh and eighth grade boxing shall be prohibited.

(F) Touch or flag football. Quarters in touch or flag football, shall be a maximum of eight minutes in length with an intermission of 10 minutes at the end of the second quarter.

(G) Tackle football. Sixth grade tackle football shall be prohibited but pupils in the seventh and eighth grades may play tackle football. The school shall be limited to a maximum of seven games and each pupil shall be limited to 28 quarters. A pupil shall not participate in more than four quarters in one day. Quarters shall be a maximum of eight minutes in length with an intermission of 10 minutes at the end of the second quarter.

(H) Wrestling. Sixth grade wrestling shall be prohibited but pupils in seventh and eighth grades may participate in wrestling. The school shall be limited to eight matches or no more than seven matches and one tournament, or no more than five matches and two tournaments. Weight divisions shall be 72 pounds, 76 pounds, 80 pounds, 84 pounds, 88 pounds, 92 pounds, 96 pounds, 100 pounds, 105 pounds, 110 pounds, 115 pounds, 120 pounds, 127 pounds, 133 pounds, 138 pounds, 145 pounds, 154 pounds, and heavy-weight. Maximum length of wrestling periods shall be one minute for the first period; 1½ minutes for the second period, and 1½ minutes for the third period. During overtime periods the first period shall be 30 seconds; the second period 45 seconds, and the third period 45 seconds.

(I) Soccer and speedball. Quarters in soccer and speedball shall be a maximum of eight minutes in length with an intermission of 10 minutes at the end of the second quarter. The school shall be limited to a maximum of seven games and each pupil shall be limited to 28 quarters.

(J) Volleyball. The school shall be limited to eight days of participation.

(K) Golf. No pupil shall participate in more than seven days of interschool competition during a season.

(L) Tennis. No pupil shall participate in more than seven days of interschool competition during a season.

(M) Other events and activities. Events and activities not listed may be included in interscholastic activities if they meet the requirements of paragraphs (1), (2), (3), and (4) of subsection (c) of this regulation.

(d) Athletic leagues. Athletic leagues may formulate their own rules and regulations which shall be in compliance with this regulation.

(e) Physical education. Interscholastic team practice shall not be conducted during physical education classes. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

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91-31-15. District accreditation regulations for unified school districts. (a) Requirements. Each school district desiring to be accredited on a district-wide basis pursuant to K.S.A. 72-1114, *et seq.*, shall meet the following requirements:

(1) Request and receive permission from the state board to conduct a district-wide evaluation program;

(2) follow prescribed state board evaluation procedures; and

(3) report annually on forms provided by the state board.

(b) Procedure.

(1) School districts shall be designated as accredited on a five year cycle if they conduct district-wide evaluation programs encompassing all segments of education in the district.

(2) School districts shall develop and implement education programs according to identified district goals and needs. Reference shall be made to statewide educational goals when developing district-wide goals.

(3) Following identification of goals and needs, the district shall develop a master plan of education which shall include:

(A) Formulated district-wide educational goals, statements of need, curricular and instructional objectives;

(B) procedures for implementation; and

(C) evaluation procedures.

(4) The plan shall be implemented according to identified priorities. Particular emphasis shall be placed on program scope, sequence, and integration in the district's educational program for grades kindergarten through 12.

(5) The plan shall have the approval of the board of education. Each school district shall submit its master plan of education and a time-frame for its implementation to the state board for approval.

(6) The state board shall grant initial district-wide accreditation status for a five year cycle as of June 30. Continued accreditation within the five year cycle shall be dependent on the district's compliance with statutes and the provisions of the plan as approved by the state board. District-wide accreditation may be withdrawn by the state board any time during the five year cycle for violation of statutes and failure to follow the approved plan. Any action taken by the state board shall be made as of the following June 30. Renewal of district-wide accreditation at the end of the five year cycle shall be dependent upon the district submitting a revised master plan, which shall include updates and projections for the succeeding five years and upon approval by the state board.

(7) Each district shall make an annual report to the state board indicating progress made toward achieving the goals and objectives of the plan.

(8) A district shall be accredited, or if deficiencies exist, accredited warned, or dropped from the accredited list by the state board.

(9) During the school year, but no later than March 15, any district with accreditation deficiencies shall be notified of the deficiencies by the commissioner of education. Notices shall be mailed to the superintendent.

(10) Reports regarding correction of deficiencies shall be filed not later than April 1.

(11) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board action to be taken regarding the accreditation of a school district. If the commissioner of education recommends nonaccreditation of any district, the commissioner shall notify the president and the clerk of the board of education, and the superintendent no later than May 15. The board of education involved shall be given an opportunity at the June meeting to present any reasons why the district should not be denied accreditation. When a district has been denied accreditation, the state board shall have five days after the June meeting in which to send a notice of nonaccreditation. The notice shall be sent by the commissioner of education by restricted mail to the president, clerk, and superintendent with return receipt requested.

(12) Any district denied accreditation effective June 30 may, upon the application of the board of education, be given tentative accreditation status by the state board to be effective the following August 15, if the deficiencies for denying accreditation have been corrected. The application shall be signed by the president and clerk indicating that all deficiencies have been corrected, and shall be filed with the commissioner of education at least three weeks prior to the regular August meeting of the state board. All necessary forms for reinstatement shall be provided by the commissioner of education upon request for the forms. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983.)

KANSAS STATE BOARD OF EDUCATION

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Chairman

Certified by: Dr. Merle R. Bolton
Kansas Commissioner of Education

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