

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

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State of Kansas

**WICHITA STATE UNIVERSITY  
INTERCOLLEGIATE ATHLETIC  
ASSOCIATION**

**NOTICE TO BIDDERS**

Sealed bids for the construction of a Baseball Field Dugout Drainage System will be received by the Director of Athletics, Wichita State University, Wichita, Kansas 67208, until 2:00 P.M. CST, Wednesday, February 29, 1984, then will be publicly opened.

**ARMIN L. BRANDHORST**  
Director, Physical Plant

Doc. No. 001880

State of Kansas

**SOCIAL AND REHABILITATION SERVICES**

**OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on March 6, 1984, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda, for the Open Meeting includes:

- Initiate budget discussions for FY 1986 for Adult Services, Alcohol and Drug Abuse Services, Income Maintenance and Medical Services, Rehabilitation Services and Youth Services.
- Continued discussion related to Issue Papers.
- Select issues from the public concerning budget matters.
- Solicit public input in regard to proposals concerning temporary administrative regulations.
- Adoption of State Economic Opportunity Office Weatherization Plan.

Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, 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

Doc. No. 001896

State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
ADULT SERVICES  
ADVISORY COMMITTEE**

**NOTICE OF MEETING**

The Adult Services Advisory Committee will meet on Tuesday, March 6, 1984, at 10:30 a.m., at the Staff Development Training Center, 2700 West Sixth Street, Topeka, Kansas.

**ANITA FAVORS**  
Commissioner of Adult Services

Doc. No. 001895

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



PHONE: 913/296-2236

## State of Kansas

**DEPARTMENT OF  
ECONOMIC DEVELOPMENT****NOTICE OF COMMUNITY  
DEVELOPMENT BLOCK GRANT WORKSHOPS/  
FINAL HEARINGS**

The State of Kansas, through the Kansas Department of Economic Development (KDED), will administer the 1984 Small Cities Community Development Block Grant (CDBG) Program to non-entitlement cities and counties.

In accordance with the planned timetable for program implementation, the Kansas Department of Economic Development will conduct workshops/public hearings for the purpose of reviewing the final statement and application procedures and to distribute application materials.

The KDED staff will conduct CDBG Workshops according to the following schedule of times and locations:

Date	Location	Time	Place
March 20	Garden City	8:30 a.m.-4:30 p.m.	Hilton Inn, 1911 East Kansas
March 22	Colby	8:30 a.m.-4:30 p.m.	Colby Community College Student Union, 1255 South Range
March 27	Coffeyville	8:30 a.m.-4:30 p.m.	City Building Multi-Purpose Center, 6th and Walnut
March 29	Hutchinson	8:30 a.m.-4:30 p.m.	Hutchinson Community College, 1300 North Plum
April 3	Manhattan	8:30 a.m.-4:30 p.m.	Ramada Inn, 17th and Anderson
April 5	Ottawa	8:30 a.m.-4:30 p.m.	Ottawa University Student Union, 10th and Cedar

Individual technical assistance meetings may be arranged at the workshops. There will be no charge for attending the workshops, but advanced registration is encouraged. Prior to March 15, please notify KDED of the number of persons attending, with the date and location of the workshop you plan to attend. Please mail to: Small Cities CDBG Program; Kansas Department of Economic Development; 503 Kansas Avenue, 6th Floor; Topeka, Kansas 66603.

**CHARLES J. SCHWARTZ**  
Secretary

Doc. No. 001892

## State of Kansas

**ATTORNEY GENERAL****OPINION NO. 84-9**

**Automobiles and Other Vehicles—Serious Traffic Offenses—Driving Under Influence of Alcohol or Drugs; Work Release for Multiple Offenders.**

**Cities and Municipalities—Municipal Courts—Diversion Agreements; Open Public Records. Charles H. Apt, City Attorney, Iola, February 8, 1984.**

A person convicted of the offense of driving while under the influence of alcohol or drugs for the second, third or more times is subject to the mandatory sentencing provisions of K.S.A. 1983 Supp. 8-1567(d) and (e). While a person so convicted shall not be eligible for release on probation or suspension of sentence until the minimum sentence has been satisfied, he or she may participate in a work release arrangement whereby the person may be released for the purpose of working at paid employment or participating in a job training program for a prescribed number of hours each day.

Diversion agreements entered into between a defendant and a city attorney are filed with the municipal court, and include a stipulation of facts upon which the charge is based. In that such agreements regard violations of traffic ordinances, they are not covered by the Criminal History Record Information Act, K.S.A. 22-4701 *et seq.*, and so are public records subject to the provisions of the Open Records Act, K.S.A. 1983 Supp. 45-205 *et seq.* Cited herein: K.S.A. 1983 Supp. 8-1008, 8-1567, K.S.A. 12-4416, K.S.A. 1983 Supp. 21-4602, K.S.A. 22-4707, K.S.A. 1983 Supp. 45-206, 45-208, 45-211, 75-5267, K.S.A. 75-5269, K.A.R. 1982 Supp. 10-12-1, 10-12-2, 44-8-101, 44-8-103. JSS

**OPINION NO. 84-10**

**State Departments; Public Officers, Employees—Kansas Open Meetings Act—Application of Act to Non-Profit Corporation (Community Action Agency). Norman E. Justice, State Representative, Topeka, February 8, 1984.**

The Kansas Open Meetings Act is applicable to meetings of the Board of Trustees of the Economic Opportunity Foundation, Inc., and such meetings must be open to the public. Cited herein: K.S.A. 75-3036, 75-3734, K.S.A. 75-4317, K.S.A. 1983 Supp. 75-4318, 42 U.S.C.A. § 2790, 42 U.S.C.A. § 6861, 42 U.S.C.A. § 9901, 42 U.S.C.A. § 9904. MWB

**OPINION NO. 84-11**

**Consumer Credit Code—Definitions—Supervised Lender; Supervised Financial Organization. Donald O. Phelps, Consumer Credit Commissioner, Topeka, February 9, 1984.**

The Federal Deposit Insurance Corporation (FDIC) does not come under the definition of supervised lender [K.S.A. 1983 Supp. 16a-1-301(38)] or supervised financial organization [K.S.A. 1983 Supp. 16a-1-301 (37)] when it acquires supervised loans as the

(continued)

result of a take-over of a state or national bank which it has insured. As a result, it does not need a license issued by the Consumer Credit Commissioner prior to accepting payments on such loans or taking steps to enforce those loans which are in default. Cited herein: K.S.A. 9-1905, 9-1906, 9-1907, 9-1908, K.S.A. 1983 Supp. 16a-1-301(37), (38), (39), K.S.A. 16a-2-301, 16a-2-401, 16a-5-109, 12 U.S.C.A §§ 1811, 1821, 1828. JSS

#### OPINION NO. 84-12

**Taxation—Kansas Retailers' Sales Tax—Tax Imposed.**

**Taxation—Kansas Compensating Tax—Imposition of Tax. Senator Ronald R. Hein, Twentieth District, Topeka, February 9, 1984.**

The removal of a new or used vehicle from a stock of vehicles (held for resale) by a licensed vehicle dealer, and registration of the vehicle in the dealership name, does not constitute a sale at retail under the provisions of K.S.A. 1983 Supp. 79-3602(e). However, where such registration of a vehicle occurs, compensating tax is due pursuant to the provisions of K.S.A. 79-3703, K.A.R. 92-20-3, and K.A.R. 1983 Supp. 92-19-43. Also, in computing said tax, the dealer may not claim credit for a trade-in allowance given by the dealer in the transaction whereby the dealer acquired the vehicle. Cited herein: K.S.A. 8-136, K.S.A. 1983 Supp. 79-3602, 79-3603, K.S.A. 79-3618, 79-3702, 79-3703, 79-3704, 79-3705a, K.A.R. 92-19-11, 92-19-25, K.A.R. 1983 Supp. 92-19-43, K.A.R. 92-20-3. TRH

#### OPINION NO. 84-13

**State Departments; Public Officers, Employees—Department of Transportation—Expenditures From Railroad Rehabilitation Loan Guarantee Fund.**

**Kansas Constitution—Finance and Taxation—Internal Improvements; Public Improvements; Debts. John B. Kemp, Secretary of Transportation, Topeka, February 14, 1984.**

Expenditures made from the Railroad Rehabilitation Loan Guarantee Fund, created pursuant to K.S.A. 1983 Supp. 75-5029, may be made only to the federal railroad administration following a default on any federal loan to the Mid-States Port Authority. Federal loan moneys received by the state for transfer to the Mid-States Port Authority shall be deposited in the State Railroad Planning and Assistance Federal Fund and expended as authorized by 1984 Senate Bill No. 506, if enacted.

Participation by the state pursuant to the Railroad Rehabilitation Loan Guarantee Fund in a work of internal improvement properly authorized under Article 11, Section 9 of the Kansas Constitution is not subject to the conditions and restrictions of Sections 6 and 7 of Article 11 regarding the contracting of debts for extraordinary expenses and public improvements. Cited herein: K.S.A. 12-3401, K.S.A. 1983 Supp. 75-5029, 75-5030, L. 1981, ch. 13, L. 1983, ch. 25, 1981 House Bill 2560, 1983 House Bill 2583, 1983 Senate Bill 506, Kansas Constitution Art. 2 § 24, Art. 11 §§ 6, 7 and 9. BJS

#### OPINION NO. 84-14

**Taxation—Judicial Foreclosure and Sale of Real Estate—Initiation of Action by County; Multiple Petitions. Morgan Metcalf, Butler County Attorney, El Dorado, February 14, 1984.**

K.S.A. 79-2801 authorizes the board of county commissioners to order the county attorney or county counselor to bring foreclosure actions in district court against the owners of real estate which has been purchased by the county at a delinquent tax sale and which has been unredeemed for the statutory three year period. Although the statute speaks of the filing of "an action," the determination whether to join all potential defendants into one suit rests in the discretion of the county attorney or county counselor, who may accordingly file multiple suits which may be heard separately or, at the option of the trial court, consolidated into one or more proceedings. Cited herein: K.S.A. 1983 Supp. 77-201, *Third*, K.S.A. 79-2801. JSS

#### OPINION NO. 84-15

**Criminal Procedure—Procedure After Arrest—Diversion; Imposition of Diversion Costs. Morgan Metcalf, Butler County Attorney, El Dorado, February 14, 1984.**

K.S.A. 1983 Supp. 22-2909 provides for the content of diversion agreements which are entered into by a defendant and a county or district attorney. One provision which may be included concerns the payment of restitution, including court costs and diversion costs. While the term diversion costs is not defined in the statute, it can be construed to include those specific expenses actually incurred by personnel of the county or district attorney's office in drafting and executing the diversion agreement. Cited herein: K.S.A. 1983 Supp. 8-1567, 22-2909, K.S.A. 60-200. JSS

#### OPINION NO. 84-16

**Laws, Journals and Public Information—Records Open to Public—Definitions.**

**Crimes and Punishments—Code; Crimes Affecting Public Trusts—Unlawful Sale of Names Derived From Public Records. Jean Duncan, Kansas Real Estate Commission, Topeka, February 14, 1984.**

K.S.A. 1983 Supp. 21-3913, as amended, prohibits a person from knowingly selling, giving or receiving, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records. This statute prohibits the Kansas Real Estate Commission from knowingly providing lists of names maintained as a public record to private schools for the purpose of offering to sell to persons listed services provided by the school. Cited herein: K.S.A. 1983 Supp. 21-3913; 45-206; 45-207; 1984 House Bill 2668. MFC

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001893

## State of Kansas

**SECRETARY OF STATE****KANSAS PUBLIC  
DISCLOSURE COMMISSION****Advisory Opinion No. 84-1**

Written February 1, 1984 to Mr. James T. Molski, President, Kansas Rehabilitation Association, 417 Irene, Salina, Kansas 67401.

This opinion is in response to your letter of October 4, 1983, and a supplementary letter of November 14, 1983, in which you request a review of Opinion No. 83-3.

In those letters you indicate that the Kansas Rehabilitation Association falls within the exception language contained in K.S.A. 46-236 concerning the solicitation of contributions.

Based on the factual situation you have provided to the Commission, it appears that you are correct that the Kansas Rehabilitation Association does meet the requirements for exclusion from K.S.A. 46-236. Opinion No. 83-3 is modified to reflect this understanding.

**Advisory Opinion No. 84-2**

Written February 1, 1984 to Thomas R. Docking, Lieutenant Governor, State of Kansas, State Capitol, Topeka, Kansas 66612.

This opinion is in response to your letter of December 22, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Lt. Governor and more specifically in your capacity as the Chairperson of the Kansas Tax Review Commission which was established by Executive Order No. 83-66.

That order charges the Review Commission with the following duties:

1. Study all aspects of the Kansas tax structure;
2. Solicit opinions from all interested parties, including experts in the field of taxation, regarding the structure of taxation within the State of Kansas;
3. Solicit public input within the State of Kansas; and
4. Render conclusions concerning, and make recommendations for, changes and modifications which would maintain and improve the efficiency and responsiveness of our system of taxation.

We understand that the members of the Review Commission serve without compensation.

Based on this factual situation you ask whether members of the Tax Review Commission will be required to file Statements of Substantial Interest.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety as it might apply to the situation you have described and it is our opinion that members of the Tax Review Board are not required to file Substantial Interest statements solely due to service on that entity.

**Advisory Opinion No. 84-3**

Written to Mr. Glenn O. Crum, Mayor, City of Haysville, P.O. Box 404, Haysville, Kansas 67060.

This opinion is in response to your letter of January 16, 1984 in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Mayor of Haysville, Kansas. You advise us that the city is governed by an eight member council and that two of the members have spouses who have been appointed by the mayor with the consent of the council to the eleven member City Planning Commission. You also state that the council members abstained in the appointment process of their respective spouses.

Based on this factual situation you ask whether the council members must abstain from matters relating to Planning Commission business.

The only sections within our jurisdiction which might relate to your questions are K.S.A. 75-4301 *et seq.* We have reviewed those sections in their entirety and it is our opinion that they do not prohibit the city council members from acting on Planning Commission matters solely because their spouses serve on the Planning Commission.

We would suggest that you contact the Attorney General's office concerning such other statutes or common law theories that might apply to the situation you have described.

**Advisory Opinion No. 84-4**

Written February 1, 1984 to Mr. Donald G. Strole, General Counsel, Board of Healing Arts, 503 Kansas Avenue, Suite 500, Topeka, Kansas 66603.

This opinion is in response to your letter of January 11, 1984 in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as General Counsel for the Board of Healing Arts. You advise us that a member of the Board has been selected to serve on the Blue Cross—Blue Shield Chiropractic Liaison Committee. We understand that Blue Cross—Blue Shield is not regulated, licensed, or inspected by the Board of Healing Arts, and that the Board does not contract with Blue Cross—Blue Shield.

Based on this factual situation you ask whether the position with Blue Cross in any way conflicts with serving on the Board.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety and it is our opinion based on the factual situation presented to us that the two positions do not conflict under these statutes.

RICHARD E. DIETZ, Chairman  
By Direction of the Commission

Filed with the Secretary of State February 2, 1984.

Doc. No. 001864

## State of Kansas

## LEGISLATURE

The following list gives the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

**Bills Introduced February 9-15:**

- SB 713**, by Committee on Agriculture and Small Business: An act relating to the reproduction of products by use of certain manufacturing processes; prohibiting certain acts and providing remedies therefor.
- SB 714**, by Committee on Federal and State Affairs: An act concerning the code of civil procedure for limited actions; forcible detainer; execution; stay of execution; amending K.S.A. 61-2311 and repealing the existing section.
- SB 715**, by Committee on Local Government: An act concerning planning and zoning in urban areas.
- SB 716**, by Committee on Governmental Organization: An act concerning cosmetologists; relating to licensure; amending K.S.A. 1983 Supp. 65-1901 and 65-1904 and repealing the existing sections.
- SB 717**, by Committee on Judiciary: An act concerning foreign corporations; relating to applications to do business in Kansas; amending K.S.A. 17-7301 and repealing the existing section.
- SB 718**, by Committee on Judiciary: An act concerning licensure of persons engaged in detective business; exempting certain professional engineers; amending K.S.A. 1983 Supp. 75-7103 and repealing the existing section.
- SB 719**, by Committee on Judiciary: An act concerning civil procedure for limited actions; relating to garnishment forms; amending Form No. 8a in the appendix of forms following K.S.A. 61-2605.
- SB 720**, by Committee on Judiciary: An act concerning judges of the district court; relating to assignment of certain duties to certain retired judges; amending K.S.A. 20-337 and repealing the existing section.
- SB 721**, by Committee on Ways and Means: An act concerning unemployment compensation claims against the state; relating to processing and auditing thereof; prescribing certain powers, duties and functions for the secretary of administration; establishing the state agency unemployment claims audit fund; authorizing certain fees and prescribing the disposition thereof; amending K.S.A. 1983 Supp. 44-710 and repealing the existing section.
- SB 722**, by Committee on Ways and Means: An act concerning imprest funds; establishing a central imprest fund system; prescribing powers, duties and functions for the state treasurer and the director of accounts and reports; abolishing existing imprest funds and directing the disposition of moneys therein; amending K.S.A. 75-3057, 75-3060, 75-3062 to 75-3066, inclusive, 75-3069 to 75-3074, inclusive, 75-3076, 75-3077 and 75-3078 and K.S.A. 1983 Supp. 75-3058, 75-3059, 75-3061, 75-3068 and 76-2613 and repealing the existing sections; also repealing K.S.A. 75-3075 and K.S.A. 1983 Supp. 75-3067.
- SB 723**, by Committee on Ways and Means: An act concerning property taxation; relating to remittance of state property tax levies and disposition thereof; amending K.S.A. 79-2201 and repealing the existing section.
- SB 724**, by Committee on Ways and Means: An act concerning property taxation; relating to payment of motor vehicle property tax receipts to the state and disposition thereof; amending K.S.A. 1983 Supp. 79-5109 and repealing the existing section.
- SB 725**, by Committee on Ways and Means: An act relating to financial services for state agencies; authorizing procedures for the procurement of financial services for state agencies; financial services negotiating committees.
- SB 726**, by Committee on Ways and Means: An act concerning funds of individuals in certain state institutions; relating to custody and management of trust funds therefor; amending K.S.A. 76-173 and 76-175 and repealing the existing sections; also repealing K.S.A. 76-174.
- SB 727**, by Committee on Ways and Means: An act relating to the construction defects recovery fund; amending K.S.A. 1983 Supp. 75-3785 and repealing the existing section.
- SB 728**, by Committee on Ways and Means: An act relating to acceptance of charge credit card tickets for fees, tuition and other charges collected by state agencies; prescribing powers, duties and functions for the secretary of administration; exempting certain contracts from competitive bidding.
- SB 729**, by Committee on Ways and Means: An act concerning state institutions; relating to canteen and benefit funds; amending K.S.A. 75-3728f and repealing the existing section.
- SB 730**, by Committee on Assessment and Taxation: An act concerning personal property valuation guides of the director of property valuation; providing that such guides are not administrative rules and regulations and are not subject to adoption procedures prescribed therefor; amending K.S.A. 1983 Supp. 77-415 and 77-421a and repealing the existing sections.
- SB 731**, by Committee on Assessment and Taxation: An act concerning valuation of manufacturer's property for ad valorem tax purposes; amending K.S.A. 79-1005 and repealing the existing section.
- SB 732**, by Committee on Elections: An act relating to elections; concerning minor political parties; providing for official recognition of such parties and the nomination of candidates thereby; amending K.S.A. 25-202, 25-302 and 25-302a and repealing the existing sections.
- SB 733**, by Committee on Assessment and Taxation: An act relating to the taxation of personal property held as inventory by a merchant; amending K.S.A. 79-1001a and K.S.A. 1983 Supp. 79-1001b and repealing the existing sections.
- SB 734**, by Committee on Judiciary: An act concerning corporate fiduciaries; amending K.S.A. 59-1701 and repealing the existing section.
- SB 735**, by Committee on Energy and Natural Resources: An act concerning water; incorporating by reference a section of the state water plan pertaining to minimum desirable streamflows.
- SB 736**, by Committee on Agriculture and Small Business: An act concerning poultry disease control; authorizing the livestock commissioner to cooperate in the administration of the national poultry improvement plan; prescribing powers, duties and functions for the commissioner; imposing certain requirements and prohibiting certain acts; declaring certain acts or omissions to be misdemeanors and imposing penalties therefor.
- HB 2984**, by Committee on Transportation: An act concerning roadside parks and rest areas; operation and maintenance by local units when established by state; cost reimbursement; amending K.S.A. 68-423c and repealing the existing section.
- HB 2985**, by Committee on Transportation: An act concerning roadside parks; directing restoration of certain destroyed parks, rest areas and access roads; amending K.S.A. 68-423c and 68-423d and repealing the existing sections.
- HB 2986**, by Committee on Judiciary: An act concerning municipal court procedure; relating to pretrial release; amending K.S.A. 12-4213 and 12-4302 and repealing the existing sections.
- HB 2987**, by Committee on Judiciary: An act concerning marriage; relating to persons authorized to officiate; amending K.S.A. 23-104a and 23-116 and repealing the existing sections.
- HB 2988**, by Committee on Judiciary: An act concerning evaluation and supervision of persons convicted of certain alcohol and drug related crimes; amending K.S.A. 1983 Supp. 8-1006 and repealing the existing section.
- HB 2989**, by Committee on Judiciary: An act concerning the operation of a vehicle while under the influence of alcohol or drugs; relating to penalties therefor; amending K.S.A. 1983 Supp. 8-1567 and repealing the existing section.
- HB 2990**, by Committee on Agriculture and Livestock: An act relating to air contaminant sources; concerning the regulation thereof; concerning the requiring of permits and fixing and charging fees therefor; amending K.S.A. 1983 Supp. 65-3008 and repealing the existing section.
- HB 2991**, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; prohibiting payments on certain claims by subrogees of insured persons; amending K.S.A. 1983 Supp. 46-922 and repealing the existing section.
- HB 2992**, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.
- HB 2993**, by Committee on Federal and State Affairs: An act providing for fire safety standards for cigarettes and little cigars; prohibiting certain acts and providing penalties for violations.
- HB 2994**, by Committee on Public Health and Welfare: An act relating to social welfare; relating to the administrative hearing and enforcing obligations of support.
- HB 2995**, by Committee on Public Health and Welfare: An act concerning social welfare; relating to income assignments; amending K.S.A. 23-475 and repealing the existing section; also repealing K.S.A. 60-1613.
- HB 2996**, by Committee on Public Health and Welfare: An act concerning the board of healing arts; relating to temporary permits to practice the healing arts; amending K.S.A. 65-2811 and repealing the existing section.
- HB 2997**, by Committee on Public Health and Welfare: An act concerning the family and children trust fund; increasing certain docket fees; providing for the deposit of certain moneys in such fund; amending K.S.A. 60-2001 and K.S.A. 1983 Supp. 20-362 and repealing the existing sections.
- HB 2998**, by Committee on Public Health and Welfare: An act concerning health care plans for the provision of health care services; concerning open enrollment for providers of such services offered by the plan for purpose of participating in the providing of services under the plan; placing certain conditions, limitations and restrictions on such participation.
- HB 2999**, by Committee on Public Health and Welfare: An act concerning health care services; prohibiting certain exclusions and limitations in health, accident and sickness insurance policies, plans and contracts which relate to emotionally handicapped children or recipients of medical assistance.
- HB 3000**, by Committee on Public Health and Welfare: An act concerning adult care homes; assessment of civil penalties for violations; amending K.S.A. 39-946 and repealing the existing section.
- HB 3001**, by Committee on Public Health and Welfare: An act concerning divorce and annulment statistics; reports; forms by state registrar; disclosure of information to the secretary of social and rehabilitation services for support enforcement purposes; amending K.S.A. 65-2422b and repealing the existing section.
- HB 3002**, by Committee on Ways and Means: An act concerning imprest funds; relating to uses thereof; amending K.S.A. 75-3072 and repealing the existing section.
- HB 3003**, by Committee on Local Government: An act concerning townships; relating to the township treasurer; amending K.S.A. 80-203 and repealing the existing section.
- HB 3004**, by Committee on Local Government: An act concerning the creation of joint city-school district recreation systems.
- HB 3005**, by Committee on Local Government: An act concerning corporations; relating to the articles of incorporation; amending K.S.A. 17-6003 and repealing the existing section.
- HB 3006**, by Committee on Agriculture and Livestock: An act concerning agricultural products; relating to wheat marketing and product development research; prescribing powers and duties for Kansas state university.
- HB 3007**, by Committee on Agriculture and Livestock: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for Kansas state university and state board of agriculture; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.
- HB 3008**, by Committee on Insurance (by request): An act concerning the Kansas automobile injury reparations act; relating to attorney fees; amending K.S.A. 40-3113a and repealing the existing section.
- HB 3009**, by Committee on Insurance (by request): An act concerning insurance; relating to minimum education requirements for certain insurance agents; amending K.S.A. 1983 Supp. 40-240b and repealing the existing section.
- HB 3010**, by Committee on Insurance (by request): An act concerning insurance; relating to medicare supplement policies; amending K.S.A. 40-2221 and repealing the existing section.
- HB 3011**, by Committee on Insurance (by request): An act repealing K.S.A. 40-240c, 40-240d and 40-240e and K.S.A. 1983 Supp. 40-240a and 40-240b; relating to education requirements of certain insurance agents.
- HB 3012**, by Committee on Judiciary: An act concerning probate procedure; enacting the Kansas informal administration act; providing for procedures for informal administration of estates; amending K.S.A. 59-618a and repealing the existing section.
- HB 3013**, by Committee on Judiciary: An act concerning probate procedures; amending K.S.A. 59-102, 59-617, 59-618, 59-618a, 59-803, 59-808, 59-901, 59-1001, 59-1302, 59-1401, 59-1503, 59-1602, 59-2208, 59-2209, 59-2211, 59-2229, 59-2236, 59-2239, 59-2243, 59-2249, 59-2250, 59-2251, 59-2252, 59-2286, 59-2287, 59-2804 and 59-3205 and repealing the existing sections; also repealing K.S.A. 59-2217 and 59-2218.

(continued)

**HB 3014**, by Committee on Education: An act concerning vocational education; relating to the definition, establishment and operation of area vocational schools and area vocational-technical schools; amending K.S.A. 72-4412 and 72-4416 and repealing the existing sections.

**SCR 1661**, by Senators McCray, Daniels, Hein, Johnston, Karr, Mulich, Parrish, Rehorm and Winter: A concurrent resolution relating to and ratifying the proposed amendment to the constitution of the United States relating to representation of the District of Columbia in the Congress.

**SCR 1662**, by Senators Winter, Hayden, Johnston, Meyers and Vidricksen: A concurrent resolution encouraging the Governor and other appointing authorities to appoint persons 55 years of age or older to state boards and commissions.

**SCR 1663**, by Committee on Ways and Means: A concurrent resolution approving the state plan of operation for surplus property.

**HCR 5076**, by Representative Lowther: A concurrent resolution concerning alcoholic liquor; relating to retail licensees and their spouses; modifying K.A.R. 14-3-38.

**HCR 5077**, by Representatives Hayden, Adam, Arbuthnot, Aylward, Baker, Barkis, Barr, Blumenthal, Brady, Braden, Branson, Buehler, Bunten, Bussman, Charlton, Chronister, Cloud, Crowell, Crumbaker, Dean, DeBaun, Douville, Duncan, Eckert, Ediger, Farrar, Flottman, Foster, Fox, W. Fuller, Goossen, Grotewiel, Hassler, Heinemann, Helgerson, Hoagland, Hoy, Jarchow, Knopp, Littlejohn, Long, Lowther, Luzzati, Mainey, Meacham, R. H. Miller, Moomaw, Moore, Murphy, Niles, B. Ott, K. Ott, Patrick, Ramirez, Rezac, Roe, Rolfs, Runnels, Sallee, Sand, Schweiker, Shriver, Solbach, Sprague, Teagarden, Turnquist, Vancrum, Walker, P. Weaver, Darrel Webb, Whiteman, Wilbert, Williams and Wunsch: A proposition to revise article 6 of the constitution of the state of Kansas, relating to education.

**HCR 5078**, by Committee on Agriculture and Livestock: A concurrent resolution concerning air pollution; relating to certain fees; modifying Kansas administrative regulation 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983.

**HCR 5079**, by Representative Crumbaker: A concurrent resolution requesting the United States Postal Service to issue a postage stamp commemorating the significance of the sod house to the settlement and development of the Great Plains.

**HCR 5080**, by Representative Long (by request): A concurrent resolution requesting the secretary of health and environment to develop a plan for mandatory reporting of cases of Reyes Syndrome and of deaths resulting from Reyes Syndrome.

**SR 1857**, by Senator Winter: A resolution congratulating Dr. Richard Schiefelbusch for receiving the 1983 National Distinguished Service Award from the Association of Retarded Citizens of the United States and commending him for his outstanding work as director of the University of Kansas Bureau of Child Research.

**SR 1858**, by Senator Thiessen: A resolution congratulating and commending the Fredonia High School football team and its coach, Gene John, on winning the 1983 Class 4A State Football Championship in Kansas.

**SR 1859**, by Senator Reilly: A resolution congratulating and commending St. John Hospital in Leavenworth, Kansas, on the celebration of its 120th anniversary.

**HR 6113**, by Representatives Arbuthnot, Acheson, Aylward, Buehler, Friedeman, Green, Long, R. D. Miller, Moore, Niles, Polson, Roenbaugh, Schmidt, Shriver, Spaniol, Sughrue and David Webb: A resolution memorializing the President, the Congress and the Secretary of Labor to rescind the ban on industrial homework.

**HR 6114**, by Representative Guldner: A resolution in memory of Jess E. Taylor.

**HR 6115**, by Representative David Webb: A resolution in memory of Aaron William Reitz.

**HR 6116**, by Representative Goossen: A resolution congratulating and commending Ron Wineinger on his recent election as president of the National Farmers of America organization.

## 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, MARCH 5, 1984**

#25506 (Supplement)

University of Kansas Medical Center, Kansas City and Statewide—PHARMACEUTICALS

#25934

University of Kansas, Lawrence—MEAT (APRIL 1984)

#25935

Statewide—MEAT PRODUCTS (APRIL 1984)

#25938

Department of Human Resources, Topeka—JANITORIAL SERVICE, Wichita

#56144-A

Department of Transportation, Chanute—PLANT MIX BITUMINOUS MIXTURE, COMMERCIAL GRADE "NOT DELIVERED" FOR VENDORS PLANT, Columbus

#56745

Wichita State University, Wichita—STEEL LIBRARY SHELVING

#56746

Department of Transportation, Chanute—MOWER REPAIR PARTS

#56747

Department of Corrections, Topeka—ELECTRICAL SUPPLIES, Kansas State Penitentiary, Lansing

#56748

Kansas State University, Manhattan—TABLET ARM CHAIRS

#56751

University of Kansas Medical Center, Kansas City—BED SHEETS AND DIAPERS

#56752

Kansas State University, Manhattan—MICROCOMPUTER SYSTEM

#56753

Department of Social and Rehabilitation Services, Topeka—FURNISH AND INSTALL A COMPLETE SLIDING DOOR SYSTEM

#56754

Fort Hays State University, Hays; Kansas State University, Manhattan; and University of Kansas, Lawrence—VEHICLES

#56755

Department of Social and Rehabilitation Services, Topeka—FURNISH AND INSTALL MATERIALS TO FABRICATE VENDING FACILITY

#56759

University of Kansas Medical Center, Kansas City—MISCELLANEOUS MEATS

#56760

Larned State Hospital, Larned—FERTILIZER AND HERBICIDES

#56761

Kansas State University, Manhattan—CLOSED CIRCUIT TV EQUIPMENT

#56762

University of Kansas, Lawrence—CLOSED CIRCUIT TV EQUIPMENT

#56763

University of Kansas, Lawrence—MICROCOMPUTER SYSTEM

#56764

Wichita State University, Wichita—PHYSIOLOGICAL MEASUREMENT SYSTEM

#56766

Norton State Hospital, Norton—REPLACE TRANSFORMER, KENNEY BUILDING

#56772

Department of Administration, Division of Information Systems and Computing, Topeka—TAPE DRIVE TERMINALS AND OTHER E.D.P. HARDWARE AND SOFTWARE

#56774

Kansas State University, Manhattan and Youth Center at Beloit, Beloit—VEHICLES

#56775

Kansas State University, Manhattan—VEHICLES

#56785

University of Kansas, Lawrence—ROSBACK SIX COLLATOR ATTACHMENT

#56798

Kansas Correctional Industries, Lansing—HIGH PRESSURE PLASTIC LAMINATE

#56801

Department of Administration, Motor Pool, Topeka—COMPACT SEDANS

#56812

Kansas State University, Manhattan—VEHICLES,

(continued)

Kansas State University and Fort Hays Experiment Station, Hays

**TUESDAY, MARCH 6, 1984**

#A-4764

Kansas Correctional Institution at Lansing, Lansing—RENOVATION OF TOP FLOOR "B" BUILDING

#25929

Statewide—MEDICAL GASES

#25930

Statewide—CANNED GOODS

#25932

University of Kansas Medical Center, Kansas City—FROZEN JUICES

#25936

University of Kansas, Lawrence—ELECTRICAL SUPPLIES

#56773

Kansas Grain Inspection, Topeka—BARGE TRIERS

#56776

Kansas State University, Manhattan—RENTAL OF AERIAL WORK PLATFORM

#56783

University of Kansas, Lawrence—PHOTON COUNTING SYSTEM

#56784

Kansas State University, Manhattan—FERTILIZER AND SOYBEAN MEAL

#56791

University of Kansas, Lawrence—HPLC SYSTEM

#56792

Wichita State University, Wichita—METERING SYSTEMS

#56793

Kansas State Penitentiary, Lansing—PLUMBING SUPPLIES

#56794

Kansas Correctional Industries, Lansing—BUILDING MATERIALS

#56795

Kansas State University, Manhattan—LUMBER

#56796

Department of Social and Rehabilitation Services, Topeka—DISPOSAL OF PCB TRANSFORMERS, Kansas Vocational Rehabilitation Center, Salina

#56797

University of Kansas Medical Center, Kansas City—E.D.P. EQUIPMENT AND SOFTWARE PACKAGE

**WEDNESDAY, MARCH 7, 1984**

#A-4663

Department of Transportation, Topeka—REROOF THE OLD DISTRICT SHOP BUILDING AT SALINA

#A-4749 and #A-4750

Rainbow Mental Health Facility, Kansas City—RECREATION AREA EXTENSION ROCK CLIFF REPAIR AND PARKING LOT

#A-4819

Department of Transportation, Topeka—REROOF THE AREA SHOP BUILDING AT FORT SCOTT

#56802

Department of Transportation, Topeka—AB SPECIAL AGGREGATE, various locations

#56803

Kansas State Penitentiary, Lansing—CLOSED CIRCUIT TV EQUIPMENT

#56805

Wichita State University, Wichita—PHYSICAL CONDITIONING EQUIPMENT

#56806

Wichita State University, Wichita—WORD PROCESSING UPGRADE

#56807

Kansas State University, Manhattan—PORTABLE WATER CHILLER

#56808

Kansas State Penitentiary, Lansing—AUDIO VISUAL EQUIPMENT

#56809

Wichita State University, Wichita—OAK PLANTERS AND BENCHES

#56810

University of Kansas, Lawrence—PRINTING AND BINDING OF "KANSAS GEOLOGY"

**THURSDAY, MARCH 8, 1984**

#A-4669

Department of Transportation, Topeka—REROOF THE AREA SHOP BUILDING AT ULYSSES

#25912

University of Kansas Medical Center, Kansas City—MIST INHALATORS

**FRIDAY, MARCH 9, 1984**

#A-4701

Larned State Hospital, Larned—SAFETY IMPROVEMENTS AT SWIMMING POOL

#A-4745

Youth Center at Atchison, Atchison—TRACK AND SOFTBALL DIAMOND

**MONDAY, MARCH 12, 1984**

#25924

Statewide—REFRIGERANT

**TUESDAY, MARCH 13, 1984**

#A-4684

Youth Center at Topeka, Topeka—REPLACE AIR CONDITIONING UNIT FOR KANZA COTTAGE

#A-4694

Kansas Neurological Institute, Topeka—PROVIDE REPAIRS FOR BOILER NO. 3, CENTRAL POWER PLANT FACILITY

**WEDNESDAY, MARCH 14, 1984**

#56749

Various Agencies—USED VEHICLES

**THURSDAY, MARCH 15, 1984**

#A-4909

Kansas Park and Resources Authority, Topeka—REPAIR AND REPLACEMENT OF CONCRETE SPILLWAY AT LAKE SCOTT STATE PARK, SCOTT COUNTY, KANSAS

#25931

Statewide—AUDIBLE RANGE MAGNETIC TAPE

**MONDAY, MARCH 19, 1984**

#25925

Statewide—LARGE, PHOTO AND STAGE STUDIO LAMPS

#56732

University of Kansas, Lawrence—TELECOMMUNICATIONS

**THURSDAY, MARCH 22, 1984**

#25922

University of Kansas, Lawrence and Various Agencies—COMMERCIAL COMPRESSED GASES

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001894



(Published in the KANSAS REGISTER, February 23, 1984.)

**State of Kansas****DEPARTMENT OF TRANSPORTATION****NOTICE TO CONTRACTORS**

It is the intent that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., March 15, 1984 and then publicly opened:

**DISTRICT ONE**

**Wyandotte**—435-105 K 0989-01—2.809 miles Grading and four bridges, beginning approximately 0.513 mile north of I-435 and Leavenworth Road, then north on I-435 on new alignment (Federal Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

**JOHN B. KEMP**  
Secretary

Doc. No. 001891

(Published in the KANSAS REGISTER, February 23, 1984.)

**State of Kansas****DEPARTMENT OF TRANSPORTATION****NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., March 15, 1984 and then publicly opened:

**DISTRICT ONE**

**Atchison**—159-3 K 0120-01—0.338 mile Grading and Bridge over Little Stranger Creek, beginning approximately 3.8 miles north of the west junction of US-159 and K-116, then north on US-159 (Federal Funds).

**Atchison**—159-3 K 0121-01—0.142 mile Grading and Bridge over South Creek Tributary, beginning approximately 1.0 mile east of the east city limits of Muscotah, then east on US-159 (Federal Funds).

**Atchison**—159-3 K 0122-01—0.416 mile Grading and Bridge over Little Grasshopper Creek, beginning approximately 0.114 mile east of the east city limits of Muscotah, then east on US-159 (Federal Funds).

**Atchison**—159-3 K 0124-01—0.797 mile Grading,

Bituminous Surfacing and Bridge over Grasshopper Creek, beginning approximately 0.14 mile north of the north junction of US-159 and K-9, then north on US-159 (Federal Funds).

**Brown**—36-7 M 1311-01—Roadside Improvement at the west junction of US-36 and US-75 located approximately 3.519 miles south of Sabetha. Bids on this project will be received only from Small Business Enterprises. (State Funds).

**Douglas**—23 U 0862-01—Traffic Signal Installation at the intersection of Ninth Street and Tennessee Street and Ninth Street and Kentucky Street in the City of Lawrence (Federal Funds).

**Johnson**—10-46 U 0860-01—Traffic Signal Installation at the intersection of K-10 and Long Avenue in the City of Shawnee (Federal Funds).

**Johnson**—46 C 1328-01—1.280 miles Grading, Bituminous Surfacing and Bridge, beginning approximately 0.142 mile east of the intersection of 87th Street and K-7, then east on 87th Street (Federal Funds).

**Johnson**—56-46 M 1326-01—1.300 miles Concrete Pavement Patching, beginning at the intersection of US-56 and Robinson Street, then east on US-56 to the intersection of US-56 and Chestnut Street in the City of Olathe. Bids on this project will be received only from Small Business Enterprises. (State Funds).

**Leavenworth**—52 U 0807-01—0.015 mile Grading and Bridge, Bridge replacement on Shawnee Street over South Branch of Three Mile Creek in the City of Leavenworth (Federal Funds).

**Wyandotte**—435-105 K 0989-01—2.809 miles Grading and four bridges, beginning approximately 0.513 mile north of I-435 and Leavenworth Road, then north on I-435 on new alignment (Federal Funds).

**Wyandotte**—70-105 K 1318-05—Repair of Intercity Viaduct on I-70 in the City of Kansas City (Federal Funds).

**Wyandotte**—132-105 K 1922-02—Repair of Bridge #0.29 on K-132 over Riverview Avenue in the City of Kansas City (State Funds).

**DISTRICT TWO**

**Dickinson**—21 U 0826-01—0.037 mile Grading and Bridge on Sixth Street over the Tributary to the Solomon River in the City of Solomon (Federal Funds).

**Dickinson**—21 U 0840-01—0.031 mile Grading and Bridge, beginning approximately at the intersection of North "D" Street and Wyatt Street, then north on North "D" Street (Federal Funds).

**Marion**—57 C 1561-01—5.911 miles Subgrade Modification and Double Bituminous Surface Treatment, beginning approximately 5.5 miles south of Hillsboro, then south on County Highway FAS-422 (Federal Funds).

**Salina**—85 U 0295-03—0.733 mile Grading and Bituminous Surfacing, beginning approximately at the intersection of Crawford Street and Marymount Road, then east on Crawford Street to the east city limits of Salina (Federal Funds).

**DISTRICT THREE**

**Cheyenne**—36-12 K 1828-01—1.170 miles Grading,  
(continued)

Bituminous Surfacing and three Bridges, beginning approximately 1.14 miles west of St. Francis, then east on US-36 (Federal Funds).

Sherman—D70-91 K 0882-02—8.254 miles Bituminous Surfacing, beginning at the junction of US-24 Business and Old US-24 in Goodland; then east on Old US-24 (State Funds).

Smith—36-92 K 1783-01—0.081 mile Grading and Bridge over East Cedar Creek, beginning approximately 3.4 miles east of Kensington, then east on US-36 (Federal Funds).

DISTRICT FOUR

Allen—169-01 K 0106-02—5.000 miles Concrete Pavement and Seeding, beginning approximately at the Allen-Neosho County line, then northeast on US-169 on new alignment (State Funds).

Neosho—169-67 K 0619-02—8.110 miles Concrete Pavement and Seeding, beginning approximately 0.87 mile south of Earlton, then north on US-169 on new alignment (State Funds).

Neosho—169-67 K 0620-02—3.272 miles Concrete Pavement and Seeding, beginning approximately at the north junction of US-169 and K-39, then northeast on US-169 on new alignment (State Funds).

DISTRICT FIVE

Barber—4 C 1196-01—2.999 miles Bituminous Surfacing, beginning approximately 0.25 mile south of Hazelton, then south on county highway FAS-35 (Federal Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary

Doc. No. 001877

(Published in the KANSAS REGISTER, February 23, 1984.)

NOTICE OF BOND SALE
\$1,408,400.00
GENERAL OBLIGATION BONDS
SERIES A, 1984
OF

SEDGWICK COUNTY, STATE OF KANSAS

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, March 7, 1984, at 10:00 A.M. C.S.T. for the sale of \$1,408,400.00 par value of General Obligation Bridge Bonds, Series A, 1984 of the County, 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 Registered Bonds in the denominations of \$5,000.00 each or any integral multiple thereof except one Bond in the amount of \$3,400.00. All Bonds will be dated March 1, 1984. Series A, 1984 Bonds will mature serially in accordance with the following schedule:

Table with 2 columns: AMOUNT and MATURITY. Lists bond amounts from \$143,400.00 to \$145,000.00 and maturity dates from March 1, 1985 to March 1, 1994.

First interest payment date on all Bonds is March 1, 1985, and semiannually thereafter on September 1 and March 1 of each year until the principal sum is paid. The principal and premium, if any, on the Bonds shall be payable in lawful money of the United States of America in the principle Office of the Treasurer of the State of Kansas ("the Paying Agent and Bond Registrar") to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the interest payment dates (the "record dates").

Proposals will be received on Bonds bearing such rate or rates of interest not exceeding five (5) different

(continued)

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 (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed two and one-half percent (2½%). 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 for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on contract forms with the usual information thereof and should be addressed to: "Board of County Commissioners, Sedgwick County Courthouse, Wichita, Kansas 67203," plainly marked "Bond Bid." All bids must state the total interest cost of the bid 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 \$28,168.00 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 opinion will be furnished and paid for by the County. The purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the Bonds. Payment for the Bonds shall be made in immediately available funds. Delivery of said Bonds will be made to the successful bidder on or before April 15, 1984, at any bank in the State of Kansas, or Kansas City, Missouri, at the expense of the County. The bond opinion will be printed on the back of each Bond.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the County.

The County has applied for a Moody's Investors Service, Inc. and Standard & Poor's Corporation for ratings on these Bonds. Previous General Obligation Bond issues of the County have been rated "Aa" by Moody's Investors Service, Inc. The Series A, 1984 Bonds will be the first issue to be rated by Standard & Poor's Corporation.

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 best 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.

The assessed valuation of Sedgwick County, Kansas, for the year 1983 is \$1,584,124,068.00, including assessed valuation of motor vehicles, and assessed valuation of motor vehicle dealers' inventory.

The total bonded indebtedness of Sedgwick County, Kansas, at the date hereof, including this \$1,408,400.00 proposed issue of Bonds, is in the amount of \$25,300,147.00. The County has \$981,000.00 Temporary Notes outstanding, which are anticipated to be retired from additional general obligation bonds and sold at a later date.

DATED February 15, 1984.

JACK SPRATT  
TOM SCOTT  
DONALD E. GRAGG  
Commissioners  
DOROTHY K. WHITE  
County Clerk  
Sedgwick County, State of Kansas

Doc. No. 001886

(Published in the KANSAS REGISTER, February 23, 1984.)

**NOTICE OF BOND SALE**  
**\$1,261,623.00**  
**GENERAL OBLIGATION**  
**IMPROVEMENT BONDS**  
**SERIES A, 1984**  
**OF THE**  
**CRESTVIEW COUNTRY CLUB**  
**IMPROVEMENT DISTRICT OF**  
**SEDGWICK COUNTY, KANSAS**

The CRESTVIEW COUNTRY CLUB IMPROVEMENT DISTRICT OF SEDGWICK COUNTY, KANSAS will receive sealed bids at the OFFICE OF THE IMPROVEMENT DISTRICT Attorneys, Dresse, Jorgensen and Wood, P.A., 433 North Broadway, P.O. Box 2427, Wichita, Kansas, 67201, until 4:00 o'clock P.M., C.S.T., on

March 6, 1984

for \$1,261,263.00 par value GENERAL OBLIGATION IMPROVEMENT BONDS of the District, Series A, 1984, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Bonds will be dated as of March 1, 1984 and shall mature on March 1 in each of the years in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof, except one Bond of Series A, 1984 in the denomina-

(continued)

tion of \$6,623.00. Interest will be payable semiannually, commencing March 1, 1985, and will be payable semiannually thereafter on each MARCH 1 and SEPTEMBER 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof, upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar, as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the District.

The Series A 1984 Bonds will mature serially in accordance with the following schedule:

Maturity Date	Amount
3/1/85	\$ 6,623.00
3/1/85	70,000.00
3/1/86	80,000.00
3/1/87	85,000.00
3/1/88	85,000.00
3/1/89	85,000.00
3/1/90	85,000.00
3/1/91	85,000.00
3/1/92	85,000.00
3/1/93	85,000.00
3/1/94	85,000.00
3/1/95	85,000.00
3/1/96	85,000.00
3/1/97	85,000.00
3/1/98	85,000.00
3/1/99	85,000.00
	<u>\$1,261,623.00</u>

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different 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 shall be in an even multiple of one-eighth ( $\frac{1}{8}$ th) or one-twentieth ( $\frac{1}{20}$ th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent (2½%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 March 5, 1984, plus 2%, and no bid of less than par and accrued interest will 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 Improvement District, and shall be addressed to the Crestview Country Club Improvement District of Sedgwick County, Kansas, c/o Dresie, Jorgensen and Wood, P.A., 433 North Broadway, P.O. Box 2427, Wichita, Kansas, 67201, ATTENTION: GREY DRESIE, and shall be plainly marked BOND BID. All bids must state the total

interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the Improvement District 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, and shall be payable to TREASURER, CRESTVIEW COUNTRY CLUB IMPROVEMENT DISTRICT OF SEDGWICK COUNTY, 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 Improvement District as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the District; and the Bonds will be sold subject to the unqualified approving opinion of CURFMAN, HARRIS, STALLINGS, GRACE & SNOW, Bond Counsel of Wichita, Kansas, whose opinion will be paid for by the Improvement District. THE NUMBER, DENOMINATION OF BONDS, AND THE NAMES AND THE TAX I.D. OR SOCIAL SECURITY NUMBER OF EACH OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN March 16, 1984. In the absence of such information, the District will deliver the Bonds in the denomination of each maturity registered in the name of the successful bidder. 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 the delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before April 10, 1984 at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the District. Delivery elsewhere will be made at the expense of the purchaser.

Bids shall be conditioned upon the unqualified approving opinion of CURFMAN, HARRIS, STALLINGS, GRACE & SNOW, Bond Counsel, of Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid for by the District. Said legal opinion will state in part substantially that the Bonds will constitute a general obligation of the District, payable as to both principal and interest in part from the collection of special assessments which have been levied against benefitted property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes, which may be levied without limitation as to rate or

(continued)

amount upon all of the taxable tangible property within the territorial limits of the District; and that under existing law the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships.

It is anticipated that CUSIP identification numbers will be printed on the Bonds. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the Improvement District.

The Bonds will constitute general obligations of the Improvement District, payable as to both principal and interest from special assessments which will be levied against real property in the district benefitted by the improvements. The Bonds are being issued for the purpose of making improvements to the CRESTVIEW COUNTRY CLUB IMPROVEMENT DISTRICT OF SEDGWICK COUNTY, KANSAS. The purpose of the Series A, 1984 Bond Issue is to pay for the cost of the construction of sewer, water, street and drainage improvements within the said Improvement District.

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 best bidder. The Improvement District reserves the right to reject any and/or all of the bids, and to waive any 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 Improvement District; 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 for the Crestview Country Improvement District of Sedgwick County, Kansas for the year 1983 is \$6,002,209.00, and the outstanding bonded indebtedness, including this issue, is \$3,818,623.00. There are also outstanding Temporary Notes of the District in the amount of \$1,735,035.00, which will be retired at the time of the delivery of these Bonds from the proceeds of these Bonds and other funds now in possession of the District.

DATED February 13, 1984.

WARREN TOMLINSON, President  
Crestview Country Club Improvement  
District of Sedgwick County, Kansas

Doc. No. 001890

(Published in the KANSAS REGISTER, February 23, 1984.)

**NOTICE OF BOND SALE**  
**\$225,000.00**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF ONAGA, KANSAS**

The CITY OF ONAGA, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 112 WEST 4TH STREET, ONAGA, KANSAS, until 7:30 o'clock P.M., C.S.T., on  
**TUESDAY, MARCH 6, 1984**

for \$225,000.00 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1984 Bonds will be dated as of March 1, 1984, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$5,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing June 1, 1985, and each June 1 and December 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City. The Bonds will mature serially in accordance with the following schedule:

<i>Principal Amount</i>	<i>Maturity Date</i>
\$ 5,000.00	December 1, 1985
5,000.00	December 1, 1986
10,000.00	December 1, 1987
10,000.00	December 1, 1988
10,000.00	December 1, 1989
10,000.00	December 1, 1990
15,000.00	December 1, 1991
15,000.00	December 1, 1992
15,000.00	December 1, 1993
15,000.00	December 1, 1994
15,000.00	December 1, 1995
15,000.00	December 1, 1996
20,000.00	December 1, 1997
20,000.00	December 1, 1998
20,000.00	December 1, 1999
25,000.00	December 1, 2000

**REDEMPTION**

Bonds maturing December 1, 1995, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City on and/or after December 1, 1994, in whole at any time or in part in inverse order of maturity, and by lot within

(continued)

maturities, on any interest payment date, at the redemption price of 102% (expressed as a percentage of the par value of the principal amount thereof) plus accrued interest to the redemption date.

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

#### INTEREST RATE

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding six (6) different 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-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 (March 5, 1984), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

#### BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 112 WEST 4TH STREET, ONAGA, KANSAS 66521, ATTENTION: HAZEL F. WYSS, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net 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, and shall be payable to TREASURER, CITY OF ONAGA, 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 City as liquidated damages: The checks of unsuccessful bidders will be returned promptly.

#### AWARD OF BIDS

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 best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any 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 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.

#### DELIVERY OF THE BONDS

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN MARCH 13, 1984. 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. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before MARCH 20, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

#### LEGAL OPINION

Bids shall be conditioned upon the unqualified approving opinion of GAAR & BELL, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that 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 of the taxable tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

#### PURPOSE OF ISSUE

The Bonds are being issued for the purpose of the construction of a sewer treatment plant, the construction of pumping stations for the sewer system owned by the City, and the construction of main interceptor sewers in the City of Onaga, Kansas.

#### CUSIP IDENTIFICATION NUMBERS

CUSIP identification numbers will be printed on said Bonds. All expenses in relation to printing of

(continued)

CUSIP numbers on said Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

#### ASSESSED VALUATION

Assessed valuation figures for the City of Onaga, Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable Tangible	
Property .....	\$1,228,556.00
Tangible Valuation of Motor Vehicles .....	\$ 332,693.00
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	\$ 532.00
Assessed Valuation of Farm Machinery and Equipment (1982) .....	\$ -0-
Assessed Valuation of Business Aircraft (1982) ..	\$ 10,645.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations . . .	\$1,572,426.00

#### BONDED INDEBTEDNESS

The total general obligation bonded indebtedness of the City of Onaga, Kansas, at the date hereof, including this \$225,000.00 proposed issue of Bonds, is in the amount of \$255,000.00. The City will retire \$260,000.00 of outstanding Temporary Notes from the proceeds of the Bonds and other available funds.

#### OFFICIAL STATEMENT

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, Kansas 67202, the City's financial consultants.

DATED FEBRUARY 7, 1984.

CITY OF ONAGA, KANSAS  
By HAZEL F. WYSS, City Clerk

Doc. No. 001885

#### State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

#### NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

### DEPARTMENT OF EDUCATION ADMINISTRATIVE REGULATIONS

#### Article 1.—CERTIFICATE REGULATIONS

**91-1-26. Definition of terms.** (a) "Accredited experience" means teaching experience, under contract, in a school accredited by the state board or a comparable agency in another state while holding a certifi-

cate valid for the specific assignment. A minimum of ninety consecutive days of substitute teaching in the area of academic preparation and in the same position shall constitute accredited experience. Other substitute teaching experience shall not constitute accredited experience.

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

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

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

(e) "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 shall 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.

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

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

(h) "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.

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

(j) "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.

(k) "One year of teaching experience" means accredited experience that constitutes one-half time or more in one school year, while under contract.

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

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

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

(o) "Standards boards" means the professional teaching standards advisory board and the school administrator professional standards advisory board.

(p) "State board" means the state board of education.

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

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

(s) "Teacher education institution" means a college or university designated by the certificate applicant as the college or university upon whom the student will

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depend for the initial institutional recommendation. This designation shall be made only if:

(1) A minimum of eight 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 (s)(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.

(t) "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. Where credit is required in certificate regulations, it shall be interpreted to mean valid 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; amended May 1, 1984.)

**91-1-27. General requirements.** (a) Initial certification. The state board shall issue a certificate only to those applicants who hold a baccalaureate degree, and who have completed an approved program or are otherwise qualified for certification.

(b) Application procedures. Application for an initial certificate, a renewal, or a duplicate of the certificate shall be made by the person seeking the certificate. Application for certification shall be made on a form provided by the state department of education. The form shall be filled out completely, including all names under which the applicant has been known. The application shall be submitted by mail or in person, with the correct fee and an official transcript, when required, to the certification section, state department of education.

(c) Initial certification. Each applicant for an initial certificate shall have completed eight semester hours of recent college credit or one year of recent, approved experience. An applicant who holds an advanced degree may satisfy this requirement with six recent semester hours or one year of approved recent experience.

(d) Recommendation. All applications for initial certification shall be accompanied by a recommendation from the head of the college, department or school of education of the teacher education institution that a certificate be issued to the applicant. The state board, upon recommendation of the teacher education institution, may limit the area and level of service authorized by a certificate. Certificate applicants shall designate a college or university as a teacher education institution for initial certification purposes.

(e) Grade point average. An initial certificate shall not be issued to any applicant who does not have a minimum cumulative grade point average of 2.5 on a 4.0 grade point system. This subsection (e) shall be effective on and after September 1, 1985.

(f) Period of validity of certificates.

(1) A certificate shall be effective on the date the holder of the certificate completes the requirements

and submits the application that is necessary to entitle the holder to the certificate.

(2) A certificate may be renewed up to 18 months prior to its expiration date.

(3) A certificate shall expire on the birthday of the holder.

(4) All certificates issued prior to the effective date of this subsection, as amended on January 8, 1982, shall be valid until the birthday of the certificate holder that follows the expiration date specified on the certificate.

(g) Review committee. A review committee shall be established to review the qualifications of applicants who desire to be certified in the state of Kansas but whose training does not satisfy all the requirements for certification imposed by these regulations. The review committee shall be composed of seven members recommended by the Kansas professional teaching standards advisory board and approved by the state board. The review committee shall review cases referred to it by the commissioner of education. It shall make a written recommendation to the state board to either grant or deny the application for certification and shall state, in writing, the reasons for the recommendation given. The state board shall review the recommendation of the review committee, and shall grant or deny the application for certification. The applicant shall be notified, by mail, of the decision of the state board.

(h) Equivalency of college credit. The official submitting the teacher education institution recommendation may certify that the applicant has demonstrated proficiency equivalent to the stated semester hour requirement. The recommendation may be substituted for specific hour requirements or for subject and field requirements.

(i) Certification fee. The state board shall set the certification fee subject to K.S.A. 72-1387 and shall provide information regarding the current fee.

(j) Certificate registration. Each teacher or other certified person employed in a public school shall file a valid certificate in the office of the superintendent of the district in which the person is employed. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-30. Elementary, middle level, junior high, and secondary endorsements.** (a) Initial certification.

(1) Except as otherwise expressly provided in these regulations, each initial certificate shall be valid for three years.

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

(3) Each secondary endorsement or endorsements shall be extended to grades five and six, if the applicant's preparation includes: course work in child and adolescent psychology, teaching experience in one of the grades from five through nine in an elementary, middle or junior high school, and 15 semester hours in each field or subject to be taught. The teaching experience

(continued)



rience may be student teaching. Teachers of grades seven, eight or nine in an accredited junior high school or a six year high school shall have a minimum of 15 semester hours of credit in each field or subject to be taught.

(4) Any applicant who holds or is eligible for 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 program within three years. This plan shall be submitted with the application for endorsement; and

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

(5) Any applicant who holds or is eligible for 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 S.B.R. 91-1-30(a)(3).

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

(b) Renewal requirements.

(1) Credit that is completed after May 1, 1984, and that is to be used as a basis for certificate renewal shall be upper-division or graduate level credit. Credit other than upper-division or graduate level credit that is submitted as a basis for certificate renewal shall be approved by the applicant's district school administrator or building administrator. Applicants for renewal of certification based upon credit hours shall select credit hours which maintain or improve skills related to their employment as teachers, administrators or special services personnel in the schools. Renewal credit shall be appropriate to the endorsement or endorsements which appear on the certificate, to a new endorsement area, or to professional development.

(2) 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 hour survey course or other courses with equivalent content in the area of exceptional children.

(3) 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 hour survey course or other courses with equivalent content in the area of exceptional children.

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

(A) The experience was obtained within the term of the three-year certificate; and

(B) the person is recommended for renewal by the

administration of the school in which the person is employed.

(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 additional hours of recent credit or recent inservice education points as specified in S.B.R. 91-1-146a to 91-1-146d.

(6) (A) Any person holding an advanced degree may be granted two renewals of a five-year certificate if the person has completed three 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 additional hours of recent credit or recent inservice education points as specified in S.B.R. 91-1-146a to 91-1-146d.

(7) Any 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. This course shall include a supervised practicum.

(8) Any person having an initial certificate 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 year of recent, accredited experience since the issuance of the most recent three-year Kansas certificate;

(B) Six additional hours of recent credit or recent inservice education points as specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant holds an advanced degree; or

(C) Eight additional hours of recent credit or recent inservice education points as specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant does not hold an advanced degree.

(9) An endorsement or endorsements granted under the provisions of subsection (a)(4) of this regulation may be renewed for two additional one-year periods, 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.

(10) Part (9) of this subsection shall expire on May 1, 1985.

(11) (A) The following types of certificates, which were valid as of July 1, 1980, shall be treated as non-expiring: 123, 124, 125, 126, 127, 128, 133, 139, 140, 144, 145, 146, 147, 157, 158, 201, and 202.

(B) Those certificates listed above, which were not valid as of July 1, 1980, shall be renewed as non-expiring certificates by meeting the requirements cited in S.B.R. 91-1-30 (b)(4), (b)(5), or (b)(6)(B). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

(continued)

**91-1-31. Early childhood endorsement.** (a) Any early childhood endorsement shall be valid in pre-school programs offered by unified school districts or approved by state agencies other than the state board. Student teaching experience obtained in a child care center shall be accepted as fulfilling the student teaching requirement. The cooperating teacher shall hold a certificate that is valid at the early childhood level and issued by the state board. Each early childhood endorsement shall be valid for three years.

(b) Renewal requirements.

(1) Early childhood endorsements shall be renewed pursuant to S.B.R. 91-1-30(b) or S.B.R. 91-1-146(d).

(2) Accredited experience obtained in a child care center approved by a state agency other than the state board shall be accepted in fulfilling the experience requirement. (Authorized by, and implementing Kans. Const. Art. 6, Sect. 2; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-32. Administrator endorsements issued prior to May 1, 1984.** (a) Any initial endorsement for building administrator, vocational-technical administrator and district school administrator valid for one year and issued prior to May 1, 1984 shall be converted to a five-year administrator endorsement upon submitting an application and fee for renewal.

(b) Applicants holding or eligible for a valid five-year certificate shall be granted an initial five-year administrator endorsement upon completing an approved administrator program.

(c) Applicants not eligible for the initial five-year certificate shall be granted an initial three-year administrator endorsement upon completing an approved administrator program.

(d) Renewal requirements. Renewal requirements shall be the same as those in S.B.R. 91-1-30(b)(1) and S.B.R. 91-1-30(b)(6)(A), S.B.R. 91-1-30(b)(6)(B), or S.B.R. 91-1-146d. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

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

(1) Officially adopted state standards that are comparable to Kansas state standards for accrediting institutions of higher education; and

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

(b) Certificates from other states shall not be valid for teaching in Kansas.

(c) (1) If any out-of-state applicant has credentials from a state accredited teacher education institution that does not have state-approved programs as specified in subsection (a) of this regulation, a one-year

certificate shall be issued to that applicant, 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. The definition of teacher education institution cited in S.B.R. 91-1-26(s) (1) and (2) shall not apply to the recommendation process described in this regulation.

(2) One additional one-year certificate shall be issued upon the recommendation of the institution if evidence that progress has been made toward completing the deficiency plan is provided.

(d) Foreign exchange teachers. The state board may issue a certificate which is valid for one year to a person who participates in the foreign exchange teachers program. The applicant shall submit an application, fee and verification of participation in the foreign exchange program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

**91-1-60. Emergency substitute teachers.** (a) When teachers holding a valid certificate with appropriate elementary, secondary, K-12 or substitute endorsements are not available, school districts may:

(1) Use substitute teachers holding a valid Kansas certificate in any level, field or subject; or

(2) employ persons who have been certified by the state board as emergency substitute teachers, under the provisions of this regulation.

(b) The state board may issue an emergency substitute teacher certificate to any person who has:

(1) Completed a minimum of 60 semester hours of college credit; and

(2) been recommended for certification as an emergency substitute teacher by the district school administrator and the president of the local board of education.

(c) Any person issued a certificate under the provisions of this regulation shall not be permitted to serve as a substitute teacher for more than 30 days in one semester. When issued, a copy of each certificate shall be placed on file with the state board.

(d) The provisions of this regulation shall expire on June 30, 1985. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-64. School counselor.** (a) The school counselor endorsement shall be issued to any applicant who has completed a program under S.B.R. 91-1-131 and who presents evidence to the state department of education of:

(1) Two years of accredited experience; or

(2) one year of accredited experience and one year of supervised field experience in counseling.

(b) A one-year school counselor endorsement shall be issued to any applicant who has completed a program under S.B.R. 91-1-131 and who presents evidence to the state department of education:

(1) Of one year of accredited experience; and

(continued)

(2) that an arrangement has been established for a one year supervised field experience in counseling.

(c) (1) The renewal requirements of the school counselor endorsement issued under subsection (a) of this regulation shall be the same as those in S.B.R. 91-1-30(b).

(2) Renewal of a one-year school counselor endorsement issued under subsection (b) of this regulation shall be issued to any applicant who meets the provisions in subsection (a) of this regulation. (Authorized by, and implementing Kans. Const. Art. 6, Sect. 2; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-80. Professional education.** (a) The professional education component shall be based on those studies which include foundations of education, methods and materials of teaching, and supervised laboratory experiences designed to provide competencies required in the education professions.

(b) Any institution which provides a teacher education program shall have written objectives for the professional education component of that program. These objectives shall be available for inspection and review.

(c) The program of professional preparation for teaching shall provide for individualization of each student's program to develop:

(1) knowledge of the process of human growth and development, including all categories of exceptionalities, and the practical application of this knowledge to teaching;

(2) knowledge of research findings, teaching methods, materials, media, and technology appropriate to teaching with emphasis in a student's field or fields of specialization;

(3) the ability to teach effectively and to work ethically and constructively with pupils, teachers, administrators, and parents;

(4) an understanding of the foundations underlying the development and organization of education in the United States;

(5) an understanding of the purposes, administrative organization, and operation of the basic educational programs of the school;

(6) the ability and willingness to analyze the student's own teaching skills as a means of continually improving those skills; and

(7) on and after September 1, 1985, the ability to teach reading skills appropriate to the level of the student and to the subject content.

(d) Programs of professional study in education shall include studies in interpersonal relations and multicultural education.

(e) Programs of professional study in education shall make provisions throughout for observation and experience with school-age youth.

(f) Student teaching shall be conducted through cooperative programs in selected schools. The academic and professional education faculty shall supervise student teachers.

(g) Each institution shall have written contracts with school systems for mutually agreed upon activi-

ties, services, and compensation; roles and responsibilities; provisions for solving problems and the coordination of ongoing activities; and means for revisions to meet changing needs and conditions.

(h) Each school system and institution shall have an identifiable coordinator who channels or coordinates all contacts, operations, and activities which pertain to field experiences prior to and during the student teaching, internship, or apprenticeship program.

(i) Student teaching shall be:

(1) permitted only after a comprehensive, professional review of a student's record indicates that scholarship; performance in an area of specialization, competence in the professional sequence, performance in previous professional experiences, and personal characteristics qualify a student for the responsibilities of student teaching; and

(2) designed to provide comprehensive experience with expanding responsibilities, including the full range of activities of a teacher in a school situation.

(j) To assure adequate supervision, each full-time supervisor shall be responsible for not more than 24 student teachers. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-84a. Art.** (a) Each applicant for an art endorsement at the elementary, secondary or K-12 level of instruction shall have successfully completed a state approved art program and shall be recommended by a teacher education institution.

(b) Approved art programs shall enable students to:

(1) Demonstrate skill in producing art, using media in both two and three dimensions, by:

(A) demonstrating drawing skills using a variety of tools and materials;

(B) demonstrating ability to paint using a variety of techniques;

(C) demonstrating ability to produce prints using a variety of techniques such as planographic, intaglio, stencil and relief printing techniques;

(D) demonstrating ability to construct clay pieces using both hand and wheel thrown techniques;

(E) demonstrating ability to use a variety of metals in both forming and casting techniques for jewelry;

(F) demonstrating ability to use a variety of materials to create sculpture utilizing the five processes; carving, casting, construction, modeling, and assemblage;

(G) demonstrating ability to use fibers in both weaving and knotting techniques as well as applied design such as stitchery;

(H) demonstrating the use of film or photography as art media;

(I) demonstrating proficiency in at least one studio area;

(J) demonstrating awareness of contemporary art media and techniques; and

(K) demonstrating the use of flexible and original, or creative, solutions to visual problems in various media;

(continued)

(2) Demonstrate a working knowledge of the elements and principles of the visual arts by:

(A) defining and describing the elements and principles of art and how they were used historically as well as in contemporary art;

(B) demonstrating applications of the elements and principles of art in a variety of two and three dimensional media;

(C) demonstrating an understanding of color theory, pigment, and light;

(D) demonstrating an understanding of the expressive possibilities of the elements of art;

(E) demonstrating a knowledge of compositional devices used in art; and

(F) demonstrating ability to apply specific strategies which generate unique solutions to problems of visual organization;

(3) Demonstrate knowledge of art history and art appreciation by:

(A) integrating knowledge of Western art history with the other arts such as literature, drama and dance;

(B) demonstrating awareness of the visual arts in past and contemporary cultures throughout the world; and

(C) demonstrating an appreciation of a variety of art forms;

(4) Demonstrate an understanding of the developmental characteristics of student's art by:

(A) identifying and describing the broad developmental levels of student's art;

(B) identifying art media and methods that are appropriate for the developmental and emotional levels of students;

(C) demonstrating skill in using teaching techniques appropriate for students at each of the developmental levels;

(D) demonstrating an understanding of creativity as it applies to the teaching of art; and

(E) demonstrating skill in adjusting art media and techniques to the specific needs of gifted and handicapped students;

(5) Demonstrate ability to analyze and evaluate the art processes and products by:

(A) describing a variety of criteria such as formal elements and principles, individual expression and technical skills used in the evaluation of art;

(B) critically describing, analyzing and evaluating art; and

(C) demonstrating the ability to write and assess instructional objectives, expressive objectives, and goals at various levels of curriculum development for art education;

(6) Demonstrate knowledge of general art education abilities by:

(A) identifying and using various approaches to art instruction such as individual, small group and group methods;

(B) expressing a clear philosophy of art education;

(C) demonstrating, in classroom practices and curriculum, familiarity with current trends in art education;

(D) demonstrating ability to present art lessons in a classroom context;

(E) demonstrating skill in writing art curricula and lesson plans for all individually certified levels;

(F) demonstrating knowledge of various art resources which include community resources and hard and soft media such as films, books, and magazines;

(G) demonstrating awareness of current research in art education;

(H) demonstrating knowledge of the history of art education and its relationship to the school and community; and

(I) demonstrating teaching strategies designed to elicit creative behaviors;

(7) Demonstrate knowledge of the use and operation of art materials and equipment by:

(A) demonstrating an understanding of health hazards of using art materials in the classroom;

(B) demonstrating knowledge of the operation of major pieces of art equipment; and

(C) demonstrating knowledge of safety standards for the operation of equipment in the classroom such as buffing wheels, casting machines, and spray equipment;

(8) Understand state and local governmental processes as they apply to art education by:

(A) demonstrating knowledge of professional art organizations at the local, state, and national levels that are art advocates;

(B) developing strategies to promote the art education program; and

(C) identifying significant issues facing art education and selecting or developing creative problem solving strategies which resolve these in group and individual settings.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-90. Each elementary education program shall provide for:** (a) The study of human development and the social, emotional, physical, and health needs of children;

(b) The study of the sociological and behavioral sciences, with emphasis on the relation of children to their environment;

(c) The study of teaching methods and the use of materials to teach pupils the skills of reading, writing, speaking, and listening;

(d) A supervised practicum in the teaching of reading;

(e) The study of the subject areas normally found in an elementary school curriculum including art, health, mathematics, music, physical education, science, and social studies;

(f) The study of the use of methods, materials, and technology to teach skills in the subject areas normally found in an elementary school curriculum;

(g) The study of literature appropriate for children in the elementary grades;

(h) The study of and experiences in teaching techniques in individualized instruction, team teaching, and various methods of grouping within a self-contained classroom;

(i) The study of and experiences in identifying,

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teaching, or referral of children with special needs; and

(j) The study of and experiences in the skills required to work with parents and other adults. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984.)

**91-1-107a. Library media.** (a) Each applicant for a library media endorsement at the elementary, secondary or K-12 level of practice shall have successfully completed a state approved library media program with coursework beyond the baccalaureate degree, shall have a valid teaching certificate and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Recognize that the school library media program is an integral part of the educational process and recognize the manner in which it contributes to the achievement of school and district educational goals and objectives by:

(A) demonstrating an ability to analyze the information needs of the school community; and

(B) writing goals for the school library media program that are stated in terms of local, state, regional, and national guidelines, that reflect the community analysis and that include the media program as an integral part of the school's total educational program;

(2) Recognize that planning is a cooperative effort of district and school library media specialists working with educational staff, students, and other users of library media resources. Each student shall be able to list ways to plan with teachers, administrators, and other library media specialists for a sequential, curriculum-related program of library media instruction;

(3) Demonstrate communication skills necessary to interpret the role of the school library media program to students, teachers, administrators, and the community by:

(A) identifying the role, the users, and user needs of the school library media center; and

(B) identifying and exhibiting communication skills required for successful library media programs;

(4) Demonstrate managerial competencies required for fulfilling the responsibilities of the library media specialist by:

(A) developing policies and procedures for operating a school library media center; and

(B) writing job descriptions for library media specialist, aide, clerk, student, and volunteer;

(5) Demonstrate knowledge of facilities planning and design of school library media centers for optimum utilization. The student shall be able to design a library media center plan which shows adequate and appropriate types of space, equipment, furniture, storage, electrical resources, and safety regulations necessary to provide for maximum use and accessibility by users, including the handicapped;

(6) Demonstrate knowledge of long and short-range budget plans for the library media program by:

(A) designing, developing and writing budgetary proposals to support the school library media program,

utilizing funding from local, state, and national sources;

(B) developing budgets that include funding requests and allocations for the acquisition, maintenance, repair, and replacement of materials, equipment, and supplies to support maximum utilization of the school library media program; and

(C) identifying sources of grants and writing grant proposals.

(7) Recognize that evaluation is a continuous process to determine effectiveness of the school library media program in the context of the school and district educational goals and objectives. The student shall be able to design a plan for continuous evaluation of the effectiveness of the school media program in achieving stated objectives;

(8) Demonstrate ability to assist the administration in the promotion of staff development so that the staff and administration will be committed to using the school library media staff, center, and collection as an integral part of instruction. The student shall be able to identify ways the school library media center can assist teachers in curriculum and lesson planning;

(9) Demonstrate an awareness of existing legal framework dealing with the right of access to information by students and teachers by:

(A) demonstrating skills in preparing a selection policy which includes procedures to be used for challenged materials;

(B) explaining how community standards can influence intellectual freedom; and

(C) demonstrating awareness of copyright laws and the restrictions placed on producing, duplicating, and copying media by these laws;

(10) Recognize the interdependence of all types of libraries by:

(A) explaining use of library networking to meet needs for additional materials not a part of the school library media program; and

(B) demonstrating knowledge of area educational cooperatives and their resources;

(11) Demonstrate knowledge of the importance of the various technologies of instruction by:

(A) demonstrating an understanding of the role of technology, such as microcomputers, telecommunications, data bases, and information networks, in curriculum development; and

(B) recognizing the potential uses of new technology in education and its relationship to curriculum;

(12) Recognize that the school library media specialist acts as a co-designer of curriculum and teaching strategies at building and district levels by:

(A) demonstrating knowledge of curriculum at the level library media certification is sought;

(B) demonstrating knowledge of instructional design and curriculum development concepts so that the specialist can work with teachers in creating media for use in the curriculum; and

(C) designing and producing instructional units.

(13) Recognize that a school's media collection represents the essential informational base of the instructional program, and that this collection is based

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upon organization, collection development, utilization, and evaluation, by:

(A) demonstrating knowledge of methods of media organization;

(B) demonstrating knowledge of curriculum and applying this knowledge to the selection of all types of media;

(C) recognizing and utilizing bibliographic tools and other sources that provide information and current reviews of media;

(D) demonstrating knowledge of literature for children and young adults;

(E) demonstrating ability to write specifications for equipment based on the stated needs of the curriculum user;

(F) demonstrating an awareness of trends in publishing;

(G) demonstrating knowledge of publishing sources, producers, suppliers, and related technical terminology which is necessary in evaluating and selecting instructional equipment;

(H) identifying reading and interest levels of users of the school library media program;

(I) teaching skills necessary for retrieval of information and the utilization of materials and equipment in a sequential curriculum-related program of library media instruction that will further lifelong learning; and

(J) designing evaluation tools to assess utilization of materials and equipment;

(14) Recognize the essential contribution of media to the curriculum process by:

(A) operating commonly used production equipment;

(B) developing and producing media;

(C) teaching media production skills; and

(D) demonstrating effective use of locally produced and commercially produced media in teaching and learning strategies;

(15) Demonstrate an understanding of the principles of learning and research as they apply to educational technologies by:

(A) demonstrating knowledge of current learning theories; and

(B) demonstrating knowledge of research in educational technologies.

(16) Recognize the need for continued professional growth by:

(A) Recognizing the need for self-evaluation;

(B) demonstrating knowledge of sources for continuing education; and

(C) demonstrating knowledge of the importance of participation in the various professional organizations at the local, state, regional and national levels.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-108a. Mathematics.** (a) Each applicant for a mathematics endorsement at the secondary level of instruction shall have successfully completed a state approved mathematics program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of differential and integral calculus of single- and multi-variable functions by:

(A) demonstrating ability to construct graphs of single- and multi-variable functions;

(B) demonstrating ability to identify the properties of single- and multi-variable functions, such as, intervals of increasing or decreasing value, points of discontinuity, asymptotes, domain, range and extrema;

(C) demonstrating ability to compute limits of functions;

(D) demonstrating ability to identify continuous and discontinuous functions;

(E) demonstrating ability to define the derivative and the indefinite and definite integral;

(F) demonstrating ability to evaluate derivatives and integrals of single- and multi-variable functions;

(G) demonstrating ability to apply the techniques of differentiation and integration to solve problems in the natural sciences, business and the social sciences; and

(H) demonstrating ability to present a geometrical interpretation of limits, continuity, the derivative and the integral;

(2) Demonstrate knowledge of computer programming and applications using a high level programming language by:

(A) demonstrating the ability to recognize the uses and limitations of computers;

(B) demonstrating ability to identify and explain the general function of the fundamental components of a computer system;

(C) demonstrating ability to design and code computer programs in a programming language;

(D) demonstrating ability to design and select software for use in secondary mathematics education and integrate it into the mathematics curriculum;

(3) Demonstrate knowledge of algebraic structures by:

(A) demonstrating the ability to perform the vector operations of addition, dot product, scalar multiplication, and cross product;

(B) demonstrating ability to solve problems using vector concepts in the natural sciences, social sciences and business;

(C) demonstrating ability to perform the matrix operations of addition, multiplication and scalar multiplication;

(D) demonstrating ability to compute the inverse of a matrix;

(E) demonstrating ability to evaluate the determinant of a matrix;

(F) demonstrating ability to solve systems of linear equations using matrices;

(G) demonstrating ability to state the field properties of the real number system;

(H) demonstrating ability to use the field properties in proofs of theorems about real numbers;

(I) demonstrating ability to perform the functional operations of addition, subtraction, multiplication, division, composition, and inversion;

(continued)

(J) demonstrating ability to illustrate the concepts of group, ring, field, and vector space with a variety of examples;

(K) demonstrating ability to illustrate results about the principal algebraic structures with a variety of examples; and

(L) demonstrating ability to illustrate the concepts of homomorphism, kernel, quotient construction and to state applications of these concepts;

(4) Demonstrate knowledge of modern geometries by:

(A) demonstrating ability to explain the role of axiomatics in developing a geometric system;

(B) demonstrating ability to identify the undefined terms, axioms, and major theorems of euclidean geometry; and

(C) demonstrating ability to identify various methods of proof construction and to construct proofs using logical reasoning;

(D) demonstrating ability to evaluate the validity of a proof;

(E) demonstrating ability to contrast the axioms of non-euclidean geometries with euclidean geometry;

(F) demonstrating ability to compare selected theorems of a non-euclidean geometry with the corresponding euclidean geometry theorems;

(G) demonstrating ability to illustrate transformational geometry; and

(H) demonstrating ability to use a finite geometry to illustrate the parts of an axiomatic system;

(5) Demonstrate knowledge of probability and statistics by:

(A) demonstrating ability to calculate the total number of possible outcomes of a random experiment by using counting techniques involving permutations and combinations;

(B) demonstrating ability to state the probability axioms and calculate the probabilities of simple and compound events;

(C) demonstrating ability to define and calculate conditional probabilities;

(D) demonstrating ability to draw graphs to represent a set of data;

(E) demonstrating ability to calculate the mean, mode, median, percentiles, standard deviation, and range to summarize a set of data;

(F) demonstrating ability to define the normal distribution and binomial distribution;

(G) demonstrating ability to use the sample mean to estimate the population mean; and

(H) demonstrating ability to discuss uses and abuses of statistics in various fields;

(6) Demonstrate knowledge of modeling techniques in several areas of application by:

(A) demonstrating the ability to set up an appropriate mathematical model which represents or describes a practical problem from the natural sciences, social sciences, business or technology; and

(B) demonstrating ability to solve the mathematical model and interpret the solution as it applies or relates to the practical problem;

(7) Demonstrate knowledge of the historical development of mathematical ideas by:

(A) demonstrating the ability to trace the historical development of specific mathematical topics;

(B) demonstrating ability to identify the contribution to mathematics made by prominent mathematicians; and

(C) demonstrating ability to identify the contributions of various cultures to the development of mathematical principles and philosophies;

(8) Demonstrate knowledge of methods of teaching secondary mathematics by:

(A) demonstrating ability to organize and present mathematical ideas in various teaching styles;

(B) demonstrating ability to identify and construct evaluation instruments appropriate for assessing student learning of skills, concepts, facts, and problem solving;

(C) demonstrating ability to diagnose problem areas and prescribe remedial activities in mathematics for students at all levels of ability;

(D) demonstrating ability to identify instructional materials used in the teaching of mathematics;

(E) demonstrating ability to identify professional mathematics organizations and describe their contributions to the teaching of mathematics; and

(F) demonstrating ability to identify and apply current and emerging trends in secondary mathematics education.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-109a. Music.** (a) Each applicant for a music endorsement at the elementary, secondary or K-12 level of instruction shall have successfully completed a state approved music program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate the ability to perform with musical understanding and technical proficiency by:

(A) demonstrating performance ability on an instrument or in voice sufficient to interpret representative works of the past and present from the solo, small ensemble, and large ensemble literature;

(B) demonstrating ability to perform simple, written and improvised accompaniments on the piano or portable chord instruments and to transpose accompaniments to appropriate keys;

(C) demonstrating ability to perform improvisations and musical illustrations suitable for general music activities;

(D) demonstrating skill in singing effectively for instructional and illustrative purposes, and for leading group singing;

(E) demonstrating rehearsal skills and conducting techniques which elicit from ensembles musical performances which are appropriate to the compositions being performed, and which are appropriate to the fields and levels of music education for which the music educators are certified;

(F) demonstrating operation of contemporary audio-visual sound equipment;

(2) Demonstrate the ability to identify and demon-

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strate methods of organizing musical sounds through composition by:

(A) demonstrating an understanding of the elements of music through arranging and notating original compositions and improvising in a variety of styles; and

(B) demonstrating an ability to arrange and notate musical sounds for performance in school situations.

(3) Demonstrate the ability to describe and evaluate methods of perceiving musical sounds through analysis by:

(A) demonstrating an ability to identify and explain compositional devices employed in various styles of music, and to describe the means by which the sounds used in music are created and transmitted;

(B) demonstrating an ability to discuss the affective results of compositional devices; and

(C) demonstrating an ability to discuss music history and literature with emphasis on the relationship of music to other arts, humanities, and science in contemporary and past cultures;

(4) Demonstrate knowledge of music, the ability to articulate this knowledge, and the ability to apply professional education skills to music education by:

(A) demonstrating the ability to express a philosophy of music and education;

(B) demonstrating familiarity with contemporary educational thought, and the ability to apply knowledge of human development and learning in teaching music;

(C) demonstrating familiarity with contemporary instructional media and schemes of instructional organization;

(D) demonstrating skill in adjusting music selections and techniques to meet specific goals for gifted, handicapped, and normal students;

(E) demonstrating skill at instructing others in performance on instruments of Western art music culture, including woodwinds, brass, percussion, and orchestral strings, using appropriate repertoire;

(F) demonstrating skill at instructing others in performance of selections from music ethnic cultures using appropriate instruments, materials, and repertoire;

(G) demonstrating skill at instructing others in performance using electronic and electronically amplified equipment such as synthesizers, electronic keyboard laboratories, and microprocessors;

(H) demonstrating an understanding of current methods and materials appropriate to the instructional areas and levels within music education; and

(I) demonstrating skill in using evaluative techniques to assess the musical progress of students, and to assess the music curriculum objectives and procedures.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-110a. Adapted physical education.** (a) Each applicant for an adapted physical education endorsement at the elementary, middle or secondary level of instruction shall have successfully completed a state

approved adapted physical education program and the requirements of S.B.R. 91-1-110 for a physical education endorsement and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to demonstrate those skills which are necessary to teach adapted physical education to all exceptionalities by:

(1) demonstrating the ability to screen and assess physical education skills of individuals exhibiting various handicapping conditions;

(2) demonstrating the ability to write in behavioral terms and assess instructional objectives for adapted physical education;

(3) demonstrating the ability to reassess and revise the student's program as necessary;

(4) demonstrating the ability to analyze, adapt, and implement physical education curriculum in providing programs for a variety of handicapping conditions;

(5) demonstrating ability to adapt teaching methods, materials, and techniques for physical and motor fitness to the needs of the handicapped; and

(6) demonstrating the ability to use community and staff resources within the special education environment.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-111a School nurse.** (a) Each applicant for a school nurse endorsement at the elementary and secondary levels shall be licensed, in Kansas, as a registered professional nurse, shall have successfully completed a state approved school nurse program, and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate the ability to administer and coordinate school nursing services by:

(A) explaining school administrative hierarchy at local and state levels;

(B) explaining the philosophy for the provision of health services in the school setting;

(C) discussing principles of health care management in the school setting; and

(D) identifying the role of the nurse in relationship to other school personnel;

(2) Demonstrate the ability to perform health appraisal and screening techniques by:

(A) identifying, explaining and demonstrating screening techniques, such as, hearing, vision, and scoliosis screening techniques;

(B) identifying, explaining and demonstrating health appraisal techniques, such as health history and physical assessment;

(C) demonstrating the ability to evaluate health appraisal and screening results; and

(D) developing and interpreting health plans for nursing intervention after health appraisal and screening;

(3) Demonstrate the ability to apply the components necessary for mental health assessment by:

(A) describing basic mental health concepts in the

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areas of mental retardation, perceptual handicaps, emotional disorders, and learning problems;

(B) describing human adaptation to technological, cultural, and social changes;

(C) utilizing health guidance and counseling techniques, such as, communication and interviewing skills for nursing intervention;

(4) Recognize that the use of community resources is a component of the nursing services provided to families by:

(A) identifying city, county, state, federal and private agency resources available to assist families in meeting their needs;

(B) demonstrating the ability to utilize resources for referral and follow up with families;

(5) Demonstrate the ability to assist in the process of identification of and intervention with the exceptional child by:

(A) explaining nursing appraisal as it relates to the exceptional child; and

(B) demonstrating the ability to develop, implement and evaluate a plan for nursing intervention;

(6) Demonstrate the ability to utilize health guidance and counseling techniques with individuals and groups by:

(A) identifying health guidance and counseling techniques, such as establishing rapport, information exchange, active listening, feedback, and role playing;

(B) Explaining approaches used in health counseling, based upon the identified needs of individuals, small group or the family; and

(C) Demonstrating and evaluating the effectiveness of health and counseling techniques and evaluating the effectiveness of those techniques;

(7) Demonstrate the skills and knowledge necessary for participation in the development and implementation of health education curricula by:

(A) understanding the role and responsibility of the nurse in regard to school curriculum;

(B) assessing the need for health education through data collection and analysis;

(C) identifying strategies to implement health education; and

(D) evaluating the effectiveness of the nurse's role in health education;

(8) Demonstrate the ability to assess the health and safety environment of the school by:

(A) Demonstrating knowledge of health laws and standards as they relate to the school environment;

(B) Discussing health and safety standards in the school setting as they relate to the health of pupils and school personnel; and

(C) Collaborating in the evaluation of the health and safety status of the school environment;

(9) Demonstrate the ability to identify the school as a social institution by:

(A) discussing the role of the school as a major social institution; and

(B) explaining how community expectations affect the role and responsibility of the school;

(10) Demonstrate skill in applying knowledge of school nurse services through participation in a directed field experience. The students shall be able

to assume and perform the responsibilities of the school nurse in a school setting.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-127a. Supervisor.** (a) Each applicant for a supervisor endorsement at the elementary, middle or secondary level shall have successfully completed a state approved graduate degree program in the field or area of supervisory responsibility and two years of teaching experience and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of developments in the areas of supervisory practice, staff development and student testing by:

(A) demonstrating knowledge of the various evaluative, supervisory, and staff development procedures; and

(B) demonstrating knowledge of student testing and educational accountability systems;

(2) Demonstrate knowledge of principles, practices and evaluation strategies associated with curriculum development by:

(A) demonstrating knowledge of the philosophical, social, political and intellectual conditions that shape school programs; and

(B) demonstrating ability to cooperatively plan with teachers, administrators and others regarding the staffing, implementation, and evaluation requirements of a specific curricular or instructional strategy;

(3) Demonstrate knowledge of behavioral and management science theory and its application to supervisory practice in schools by:

(A) demonstrating a basic knowledge of the school as a social system with elements that influence pupil learning and teacher effectiveness; and

(B) demonstrating a knowledge of motivational research and its implications and the ability to initiate specific teacher and classroom improvement strategies;

(4) Demonstrate skill in applying knowledge of supervisory practice through participation in a directed field experience. The students shall be able to assume and perform directed supervisory responsibility for some aspect of the instructional or curricular program through a work experience in a school or school system.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-128a. Building administrator.** (a) Each applicant for a building level administrator endorsement at the elementary, middle or secondary level shall have earned a graduate degree, shall have successfully completed a state approved building administrator program and two years of teaching experience and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of philosophical, his-

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torical and social foundations of education. The student shall be able to articulate a personal philosophy of education which evidences an understanding of the philosophical, historical and social foundations of contemporary schools;

(2) Demonstrate knowledge of classroom instruction and strategies for improving instructional effectiveness by:

(A) demonstrating a basic understanding of developmental psychology sufficient to interpret human developmental patterns and their behavioral implications;

(B) demonstrating the application of learning theories and instructional theories to classroom settings; and

(C) demonstrating knowledge of assessment tools that may be used to determine the adequacy of an instructional approach;

(3) Demonstrate knowledge of the management skills necessary to conduct the legal and financial support services of school system operation by:

(A) demonstrating an understanding of basic constitutional issues related to students and school personnel;

(B) demonstrating ability to identify and apply legal concepts as they relate to student discipline, employment practices, and other powers, duties and liability concerns of the school system;

(C) demonstrating an understanding of the funding sources for school system operation; and

(D) demonstrating knowledge of the skills required to budget educational funds for program needs at the building level;

(4) Demonstrate knowledge of the management skills necessary for supervision of personnel at the building level by:

(A) demonstrating knowledge of effective leadership skills, including those related to the decision-making process, resolution of conflict, and the creation of an appropriate organizational climate;

(B) demonstrating knowledge of methods for selection, orientation, and placement of school personnel;

(C) recognizing individual differences in staff member characteristics;

(D) demonstrating knowledge of process and product approaches to evaluation;

(E) demonstrating knowledge of the responsibilities of the building administrator regarding staff development and its relationship to instructional improvement; and

(F) demonstrating ability to define and describe personnel problems and issues;

(5) Demonstrate knowledge of the building administrator's role in planning, implementing and evaluating curricular, co-curricular and pupil services programs by:

(A) demonstrating knowledge of the building administrator's role in providing instructional leadership in a school setting;

(B) demonstrating knowledge of the building administrator's role in the management of instructional and support services for the school; and

(C) demonstrating knowledge of the building ad-

ministrator's role in needs identification and prioritization and allocation of resources;

(6) Demonstrate knowledge of educational research and the skills required for its application by:

(A) describing the methodologies typically used in empirical investigation to formulate and execute a research design; and

(B) demonstrating the ability to read, understand and apply research findings;

(7) Demonstrate knowledge related to the assessment and maintenance of viable communication systems within the school, the school system and the community by:

(A) demonstrating knowledge of the skills required to monitor and assess group effectiveness;

(B) demonstrating an understanding of formal and informal communication patterns within the school and community; and

(C) demonstrating knowledge of various public organizations and agencies which impact on policy formation;

(8) Demonstrate skills in applying knowledge of administrative practice through participation in a directed field experience. The student shall demonstrate the ability to assume and perform directed administrative responsibility for general school building operations.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-129a. District school administrator.** (a) Each applicant for a district school administrator endorsement shall have successfully completed a state approved graduate degree program, requirements of S.B.R. 91-1-128(a) for a building administrator endorsement and two years of teaching experience and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of school system curriculum management by:

(A) demonstrating knowledge of the skills required to assess and evaluate the quality of existing educational programs;

(B) demonstrating knowledge of the skills required to assess curricular needs within a school system; and

(C) demonstrating knowledge of the skills required to direct the development and implementation of learning programs within a school system;

(2) Demonstrate knowledge of school system personnel administration by:

(A) demonstrating knowledge of the skills required to assess personnel needs of the school system;

(B) demonstrating knowledge of the skills required to recruit staff members appropriate to meet personnel needs at the system-wide level;

(C) demonstrating knowledge of the skills required to develop and implement system-wide policies and procedures for personnel evaluation;

(D) demonstrating knowledge of the skills required to design and implement a system-wide staff development program; and

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(E) demonstrating knowledge of the factors and strategies required to create and maintain effective employer-employee relationships;

(3) Demonstrate knowledge of the legal aspects of school system operation by:

(A) demonstrating knowledge of essential constitutional, statutory, judicial and political issues related to equity for students, school personnel, and patrons; and

(B) demonstrating knowledge of the responsibilities and powers of local school boards and the chief school officer in policy and procedure formulation;

(4) Demonstrate knowledge of finance and business management as it applies to school system administration by:

(A) demonstrating knowledge of the concepts of adequacy and equity in school finance as related to the development of state finance systems and trends in school finance and school business management;

(B) demonstrating knowledge of Kansas school financial systems and the budget developmental processes in local school systems; and

(C) demonstrating ability to plan and assess procedures for acquiring and allocating resources, monitoring and reporting expenditures, and maintaining control of school system resources;

(5) Demonstrate knowledge of supportive physical and human resources required to maintain school programs by:

(A) demonstrating the knowledge required to plan and maintain facilities that meet educational specifications;

(B) demonstrating the knowledge required in planning and implementing a safe, efficient pupil transportation system; and

(C) demonstrating ability to describe and assess ways of meeting the need for required and preferential supportive services for pupils;

(6) Demonstrate acquisition of relevant, desirable field-based experiences by providing evidence that the student's competencies have been formally assessed, and where indicated, reinforced through appropriate field-based experience.

(c) All persons holding a district school administrator endorsement in effect on the effective date of this regulation may continue to serve as a district school administrator or elementary and secondary building administrator.

(d) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

**91-1-140a. Reading specialist.** (a) Each applicant for a reading specialist endorsement at the elementary or secondary level of instruction shall have successfully completed a graduate level state approved program, two years of teaching experience and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate understanding of the learning process as it applies to learning to read by:

(A) identifying and explaining major principles of

learning and how they apply to the teaching of reading;

(B) describing the cognitive development of a learner and its implications for the teaching of reading;

(C) identifying and defining major areas of the reading curriculum such as language-based reading, content area reading, and developmental and remedial reading instruction; and

(D) stating instructional goals and objectives appropriate for children at various stages of reading development;

(2) Demonstrate understanding of the nature and development of language as it relates to reading and reading instruction by:

(A) describing the developmental stages of language acquisition;

(B) describing the interactive process of experience base and language growth;

(C) describing language capability as an underlying aspect of reading and reading instruction; and

(D) explaining the relationship of reading, as a means of communication, to the other language arts;

(3) Demonstrate understanding of appropriate selection and management of materials by:

(A) identifying and describing types of instructional materials and equipment;

(B) justifying selection of materials for use with individual children; and

(C) explaining strategies for management of reading materials;

(4) Demonstrate knowledge of materials and strategies used to motivate pupils to read widely by:

(A) demonstrating knowledge of a variety of books and other print media that can be used to encourage reading;

(B) describing strategies that promote enjoyment of reading;

(C) describing techniques for assessing pupils' reading attitudes and interest; and

(D) describing procedures for selecting enrichment reading materials for pupils on the basis of interest and ability;

(5) Demonstrate understanding of diagnostic principles and procedures by:

(A) demonstrating knowledge of methods for selection of appropriate instruments for use with a specific learner;

(B) demonstrating knowledge of the administration of formal and informal assessment instruments;

(C) demonstrating ability to identify appropriate referrals for additional testing as needed;

(D) demonstrating ability to synthesize and interpret available data; and

(E) demonstrating ability to communicate assessment results, including the ability to select appropriate format;

(6) Demonstrate understanding of instructional principles and procedures related to diagnosed needs of pupils by:

(A) describing instructional strategies typically employed in the teaching of word attack, vocabulary

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development, comprehension, study skills, and content area reading; and

(B) demonstrating knowledge of proper use of assessment data to make instructional recommendations;

(7) Demonstrate ability to carry out the diagnostic-remediation process with a pupil perceived to have reading difficulties by:

(A) demonstrating the ability to select and administer appropriate diagnostic instruments;

(B) demonstrating ability to score and interpret appropriate diagnostic instruments;

(C) demonstrating ability to synthesize and report diagnostic findings;

(D) demonstrating ability to prescribe appropriate instructional methods and materials based on diagnostic findings; and

(E) demonstrating ability to implement prescribed instructional methods and to use prescribed materials in a practicum setting.

(c) This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984.)

#### Article 5.—DRIVER AND TRAFFIC SAFETY EDUCATION COURSES

**91-5-1. Definitions.** (a) An "hour" means a class period of not less than 50 minutes.

(b) "State board" means the state board of education.

(c) "Driver education I" means a course designed to teach novice drivers the components of basic automobile operation.

(d) "Driver education II" means a course designed to provide drivers with the advanced skills needed to operate an automobile, truck, bus or motorcycle.

(e) "Competency based program" means a program as defined in K.S.A. 72-9401. (Authorized by K.S.A. 72-5017, 72-7514; implementing K.S.A. 8-272, 72-5017, 72-7513; effective May 1, 1980; amended T-84-2, Feb. 10, 1983; amended May 1, 1984.)

**91-5-14. Driver Education II.** All motorcycle and advanced driving skills programs shall be approved by the state board.

(a) (1) Motorcycle instruction shall be offered only to students who are 15 years of age or older who have completed an approved course in driver education, or who hold a valid motor vehicle operator's license. Each course shall include a minimum of 24 hours of instruction which shall include not less than eight hours of classroom instruction and an average of not less than six hours of on-street, behind-the-bar instruction per student. On-street driving instruction shall not exceed one hour per day, except that one instructional period in each program may be extended to a maximum of two hours.

(2) Instructors of an approved motorcycle course shall complete a 60 hour instructor's course, approved by the state board.

(3) Instructors shall maintain instructional proficiency by teaching at least one course in every two calendar years.

(4) Instruction proficiency renewal may be obtained by completing a 20 hour refresher course approved by the state board.

(5) Students shall successfully complete all phases of an approved motorcycle education course to be eligible for the division of vehicles' certification of completion.

(6) No program shall have more than 12 students per instructor for off-street instruction nor more than six students for on-street instruction.

(7) During on-street instruction, each student shall wear a bright orange or yellow riding vest inscribed with the words "student driver."

(8) All programs meeting the requirements for an approved course shall be eligible for reimbursement through the motorcycle safety fund.

(b) Advanced driving skill programs shall be offered only to students who are 16 years of age or older who hold a valid operator's license, or who have completed an approved basic driver education program or both. Each course shall include a minimum of 24 hours of instruction which shall include not less than eight hours of classroom instruction and an average of not less than six hours of behind-the-wheel instruction per student. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982; amended T-84-2, Feb. 10, 1983; amended May 1, 1984.)

#### Article 8.—ACCREDITING COMMUNITY COLLEGES; CRITERIA

**91-8-30. Approval of programs.** (a) As used in this rule and regulation, "program" means an instructional sequence or classes, or both, the completion of which qualifies a student to receive a degree or certificate, or to engage in a particular field of employment.

(b) Any program to be offered by a community college shall be approved by the state board before the program is actually offered by the community college. An application for approval of the program shall be made to the director of the postsecondary administration section, Kansas state department of education. Any program of instruction which is to be offered by the municipal university in vocational education for the purpose of granting an associate degree shall follow the community college program approval procedures.

(c) Applications shall be submitted by January 13 of the school year preceding the school year in which the program is to be offered, except that an "emergency program application" may be made on the first day of any month. "Emergency program application" means an application for the approval of a program which, because of immediate and documented local or state demand, is to be offered as soon as the program is approved.

(d) The application shall provide information which, in the judgment of the community college or the municipal university, establishes that:

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(1) There is a state, regional, or local need for the proposed program;

(2) the community college or the municipal university has the physical and human resources to deliver the program; and

(3) the delivery of the program is financially feasible for the state and the community college or the municipal university.

(e) Upon receipt of an application, the director of postsecondary education section shall review the application and determine whether the information establishes each of the factors listed in subsection (d).

(f) If the director determines that each of the factors is established, the director shall recommend the program for approval by the state board and shall notify the applicant, by mail, of the recommendation.

(g) If the director determines that the information provided does not establish one or more of the factors listed in subsection (d), the director shall notify the applicant, by mail, of the determination and shall include in the notice the reason or reasons for the determination. The director also shall advise the applicant of the right to request a review of the determination in accordance with K.A.R. 91-8-32.

(h) An applicant shall be sent notice under subsection (f) or (g) of this rule and regulation within 60 days of the date the application is received by the postsecondary administration section. (Authorized by K.S.A. 72-6508(b), 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983; amended May 1, 1984.)

**91-8-31. Approval of out-district courses.** (a) As used in this rule and regulation, "out-district course" means any class offered by a community college for credit at a location outside the community college district in which the community college is located or any class offered by the municipal university for credit at a location outside the municipal university's taxing district and which:

(1) carries credit applicable to regular on-campus programs;

(2) is commensurate in quality to on-campus courses; and

(3) is taught by faculty chosen on the same criteria as full-time, on-campus faculty are chosen.

(b) Out-district courses offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program shall not be approved for credit-hour state aid entitlement or out-district tuition.

(c) Each application for approval of an out-district course shall be made to the director of postsecondary administration section, Kansas state department of education. Upon receipt of an application, the director of postsecondary education shall review the application and determine whether the requirements outlined in subsection (a) have been met and whether:

(1) There is local or regional need for the program; and

(2) the proposed out-district course is in the region assigned to the applicant institution by the Kansas state board of education or, for the municipal univer-

sity, is in Shawnee County; or there is a documented need for the applicant institution to offer instruction outside this assigned region.

(d) If the director determines that each of the factors is established, the director shall return the approved request to the applicant, by United States mail, within 15 days of the date that the recommendation to approve the request is made.

(e) If the director determines that the information provided does not establish the factors listed in subsection (c) or if the proposed out-district course does not meet the standards established in subsection (a), the director shall notify the applicant, by United States mail, of the determination and shall include in the notice the reason or reasons for the determination. The director shall also advise the applicant of the right to request a review of the determination in accordance with K.A.R. 91-8-32.

(f) An applicant shall be sent notice under subsection (d) or (e) of this rule and regulation within 30 days of the date the application is received by the postsecondary administration section. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 13-13a26, 13-13a28, 72-7513; effective May 1, 1983; amended May 1, 1984.)

**91-8-32. Review of program or out-district course disapproval.** (a) Any community college or the municipal university may request a review by an appeal committee of any determination made under subsection (g) of K.A.R. 91-8-30 or under subsection (e) of K.A.R. 91-8-31. A request for review shall be made, in writing, within 15 days of the date that notification of the determination was mailed to the community college or the municipal university. The request for review shall be made to the assistant commissioner of the education services division.

(b) Within 10 days of the receipt of a request for review, the assistant commissioner shall appoint an appeal committee, consisting of the assistant commissioner and two other persons appointed by the assistant commissioner. The director of the postsecondary administration section shall not be a member of the appeal committee. The assistant commissioner shall be the chairperson of the appeal committee and shall be eligible to vote on all matters.

(c) Upon receipt of a request for review, the assistant commissioner shall fix a date, time and place for a hearing on the matter and shall notify the person who requested the review, by mail, and the director of the postsecondary administration section. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for a review was received by the assistant commissioner. Upon request of the assistant commissioner, the director of the postsecondary administration section, shall provide the assistant commissioner with the community college's or the municipal university's application for approval and a copy of the notice sent to the community college or the municipal university pursuant to K.A.R. 91-8-30(g) or K.A.R. 91-8-31(e).

(d) At the hearing of the appeal committee, the community college or municipal university and the

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director of the postsecondary administration section, or a designee of the director, shall be allowed to present information concerning the matter. Based upon information provided in the application for approval and at the hearing, the appeal committee shall determine whether each of the factors listed in K.A.R. 91-8-30(d) or K.A.R. 91-8-31(a) and (c) is established.

(e) If the appeal committee determines that each of the factors listed in K.A.R. 91-8-30(d) or K.A.R. 91-8-31(a) and (c) is established, the appeal committee shall recommend the program or out-district course for approval by the state board and shall notify the community college or the municipal university, by mail, of the recommendation.

(f) If the appeal committee determines that the information provided does not establish one or more of the factors listed in K.A.R. 91-8-30(c) or K.A.R. 91-8-31(a) and (c), the appeal committee shall notify the community college or the municipal university, by mail, of its determination and shall include in the notice the reason or reasons for its determination. The notice also shall advise the community college or the municipal university of the right to appeal the determination to the state board in accordance with K.A.R. 91-8-33.

(g) The community college or the municipal university shall be sent notice of the appeal committee's determination under subsection (e) or (f) of this rule and regulation within 45 days of the date the request for a review was received by the assistant commissioner. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 13-13a26, 13-13a28, 72-7513; effective May 1, 1983; amended May 1, 1984.)

**91-8-33. Review of appeal committee determination.** (a) If any community college or the municipal university disagrees with a determination of an appeal committee, that institution may request the state board to review the determination. The community college or the municipal university shall file a written request for review with the commissioner of education within 10 days from the date notification of the determination of the review committee was sent to the community college or the municipal university. Request forms shall be provided by the state department of education.

(b) If a review is requested, the commissioner shall cause the matter to be placed upon the agenda of the state board for the first regular meeting of the state board which is to be held more than 10 days after the request is received. The community college or the municipal university shall be notified, by mail, of the date and place of the meeting of the state board at which the matter will be considered.

(c) At the meeting of the state board, the community college or the municipal university, the director of the postsecondary administration section and the assistant commissioner of the education services division shall be allowed to present information concerning the matter. The assistant commissioner shall provide the state board with the application for approval submitted by the community college or the municipal university and the notices sent to the community college

or the municipal university under K.A.R. 91-8-30(g) or 91-8-31(e), and under 91-8-32(f).

(d) Based upon information provided at the meeting, the state board shall approve, approve with modification, or disapprove the proposed program or out-district course and shall direct that notification of the state board's decision be sent, by mail, to the chief administrator of the appealing community college or the municipal university, within 30 days of the state board's decision. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 13-13a26, 13-13a28, 72-7513; effective May 1, 1983; amended May 1, 1984.)

## Article 12.—SPECIAL EDUCATION

**91-12-22. Definitions.** (a) "Adapted physical education" means a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and limitations of children with disabilities who may not successfully engage in unrestricted participation in regular physical education.

(b) "Autism" means a severe and pervasive lifelong developmental disorder manifesting itself before 30 months of age. Children with autism exhibit chronic impairments in the ability to learn, communicate, and interact with others in their environment.

(c) "Categorical service unit" means a plan for the delivery of special education services under which exceptional children within one of the categorical areas of exceptionality are provided services in the same educational program.

(d) "Compulsory attendance for handicapped children" means required attendance in special education services if a determination has been made, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes, that a child is a school age handicapped child and that special education services are necessary for that child.

(e) "Consulting teacher plan" means a plan for the delivery of special education services under which a special teacher facilitates the maintenance of exceptional children in regular education by providing regular education teachers with assistance in educational diagnosis, prescriptive decisions and educational interventions. No more than one-third of the consulting teacher's time shall be devoted to direct instruction of students.

(f) "Deaf-blind" means the combination of auditory and visual impairments which causes such severe communication and other developmental and educational problems that the individual cannot be accommodated in special education programs solely for the hearing handicapped or the visually handicapped.

(g) "Developmental preschool" means a school, operated by a private nonprofit corporation or foundation, that serves handicapped children under school age.

(h) "Developmentally delayed" means children, from age birth to three years, having characteristics associated with one or more handicapping conditions who, because of their young age, cannot be accurately diagnosed as having a specific handicapping condition.

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(i) "Early childhood education for handicapped" means an organized program of purposeful, sequential activities which are appropriate to the developmental age of the handicapped, preschool age child.

(j) "Exceptional children" means those children who are mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, personally and socially maladjusted, physically impaired, other health impaired, severely multiply handicapped/deaf-blind, or visually impaired.

(k) "Handicapped children" means all exceptional children except those identified as gifted.

(l) "Hearing impairment" means a loss of auditory functions sufficiently severe to affect the ability to communicate with others or to develop communicative or learning skills.

(m) "Home-based plan" means a plan for the delivery of special education services to preschool age exceptional children under which a special teacher instructs the parent or parents of an exceptional child on the means of providing educational services to the child so that the parent or parents may provide appropriate services to the child on a daily basis. This plan shall be used only in programs for preschool age handicapped children.

(n) "Homebound instruction" means a plan for the delivery of educational services under which educational services are provided in the home of a child whose health problems are so serious that school attendance is impossible, or who is temporarily disabled by physical or mental illness.

(o) "Hospital instruction" means a plan for the delivery of educational services under which the educational services are provided to children confined to hospitals or convalescent homes for psychiatric or medical treatment.

(p) "Independent educational evaluation" means an evaluation conducted by a qualified examiner or examiners who are not employed by the local education agency responsible for the education of the child.

(q) "Individualized educational program (I.E.P.)" means a written statement developed annually for each exceptional child which describes the unique educational needs of the child and the manner in which these needs are to be met.

(r) "Intellectually gifted" means outstanding performance or potential for outstanding performance by virtue of superior intellectual abilities.

(s) "Interrelated service unit" means a plan for the delivery of special education services under which exceptional children with similar learning characteristics and needs, but from two or more categories of exceptionality, are provided services in the same educational program.

(t) "Itinerant teacher plan" means a plan for the delivery of special education services under which a special teacher provides direct service to exceptional children enrolled in the regular education classroom. The major role of the teacher shall be to provide specialized individual and small group instruction and to provide consultation to the regular education teacher or teachers.

(u) "Language and speech impairments" means communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following:

(1) "Language or speech deviation or impairment," which means basic communication system disorders, deviations, or general developmental needs in language, speech, fluency, or voice quality, which hinder academic learning, social adjustment, self-help skills, or communication skills;

(2) "voice deviation or impairment," which means abnormalities in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of vocal mechanism that interfere with communication or produce psycho-social maladjustment;

(3) "fluency deviation or impairment," which means disruptions in the normal flow of verbal expression that are not readily controllable by the individual and occur frequently or are markedly noticeable. These disruptions occur to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded;

(4) "articulation deviation or impairment," which means defective production of phonemes (speech sounds) that interferes with intelligibility of speech. Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes; and

(v) "Least restrictive environment" means that educational placement in which, to the maximum extent appropriate, exceptional children are placed in educational programs where they will benefit the most at the least distance away from regular education placement.

(w) "Local education agency" means any governmental agency authorized or required by state law to provide education to exceptional children, including each school district, special education cooperative, interlocal entity, state school, and state institution.

(x) "Mental retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which adversely affects educational performance and the ability to acquire the skills necessary for making decisions in actual life situations. Mental retardation includes dependency levels which are determined by the extent and type of support each retarded child needs to function in and to relate to the physical and social environment of the child. These dependency levels are:

(1) "Semi-independent dependency level," which means:

(A) Mild retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977; and

(B) functional capabilities which can be developed

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to aid the individual in interaction and decision making; and

(2) "semi-dependent dependency level," which means:

(A) Moderate retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977; and

(B) the ability to achieve independence in functional use of capabilities while accounting to an adult serving as an advocate.

(y) "Other health impaired" means limited strength, vitality, or alertness that interferes with participation in educational experiences.

(z) "Parent," as used in these regulations, means lawful custodian as defined in K.S.A. 72-962(1).

(aa) "Personal and social adjustment problems" means one or more marked behavior excesses or deficits, or both, which are chronic in nature, occur in several environments, and interfere with learning and social interactions in the educational setting.

(bb) "Physically impaired" means a physical disability of such severity as to adversely affect educational performance.

(cc) "Preschool age" means birth to school age for exceptional children. Services for preschool children are authorized but not mandated, and nothing in these rules and regulations shall be construed to prevent the use of local funds or state special educational categorical funds for preschool programs.

(dd) "Public expense" means paid or otherwise provided by a local education agency with no cost to the parent.

(ee) "Related services" means those services that are required to assist an exceptional child to benefit from special education. Related services include art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, speech and language services, and transportation.

(ff) "Religiously neutral location" means an area which, at a minimum, is free of religious symbols, contains material and equipment separate from that used in a sectarian facility if the location is part of a sectarian facility, and which is under the control of public employees who are not subject to supervision by sectarian school administrators.

(gg) "Residential school" means a facility which provides a total residential program of treatment and special education for exceptional children.

(hh) "Resource room plan" means a plan for the delivery of special education services under which exceptional children are enrolled in a regular education program, but go to a specially equipped room to receive special education services from a special teacher. The special resource room teacher shall be

responsible not only for the resource room, but also for maintaining communication with the regular classroom teacher or teachers of the exceptional children.

(ii) "School age" means from the age at which the local board of education provides educational services for non-exceptional children, to and including the school year in which the exceptional child reaches age 21 or completes a local curriculum in accordance with the state board of education standards, which ever event occurs first.

(jj) "School facility" means any setting in which instruction and school related activities occur.

(kk) "School psychological services" means special services which provide consultation with other school staff to plan individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests; the administration and interpretation of psychological and educational tests; the consultation with teachers and other school staff concerning child behavior, modes of learning and the development of a positive learning climate; and psychological counseling for children and parents.

(ll) "School social work" means special services which provide:

(1) Assistance to a school, parents and exceptional children in understanding and modifying social and cultural factors influencing educational performance;

(2) a liaison between a school and other community agencies to assist in the provision and coordination of services to individual children; and

(3) a liaison between the home, school and community for the prevention of learning problems.

(mm) School term and school day. (1) "School term" and "school day," for exceptional children of school age, means the period of time prescribed in K.S.A. 72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection. Shorter periods of time may be prescribed for exceptional children six years of age or younger, and, on an individual basis, for those children whose physical or emotional needs, or both, are such that a shorter period is advisable. Any period of time shorter than that prescribed by statute shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

(2) "School term," for preschool handicapped children, means 540 hours for a center based program or 215 hours for a home-based program, except as prescribed in this subsection. Any proportional combination of the two programs may be used. A lesser number of hours may be prescribed on an individual basis for those children whose physical or emotional needs, or both, are such that a lesser number of hours is advisable. Any number of hours less than those prescribed in this subsection shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

(nn) "Severely multiply handicapped" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities,

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severe emotional disturbance, chronic health conditions, or severe communication disorders.

(oo) "Special classroom plan" means a plan for the delivery of special education services under which exceptional children are assigned to a special education class, but may receive some academic instruction in regular education classes. The special classroom teacher shall be responsible for monitoring the progress of the exceptional children in regular education classes and for providing appropriate support.

(pp) "Special day school plan" means a plan for the delivery of special education services under which the children are sent to a special purpose school that provides any of the following:

- (1) Specialized curricula;
- (2) modified facilities and equipment; or
- (3) interdisciplinary, ancillary, medical, psychiatric, or social services for exceptional children, or some combination of these services.

(qq) "Special education action" means any act on the part of a local education agency by which a child is:

- (1) Excluded, reassigned, or transferred from regular school classes upon the basis that the child is an exceptional child and cannot benefit from these classes;

- (2) placed in, transferred to or from, or denied placement in special education services.

Special education action includes:

(A) Any initiation or refusal to initiate a comprehensive evaluation to determine eligibility for special education services; and

(B) any change in programming which alters the type or intensity of special education services offered an exceptional child.

(rr) "Special purpose school" means any school for exceptional children which is operated by a private nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, approved by the commissioner of education, are provided.

(ss) "Special teacher" means: (1) A teacher employed by a local education agency to provide special education services who is certified by the state board of education to instruct exceptional children;

(2) special education related services personnel certified by the state board of education;

(3) special education related services or instructional personnel who hold current certification from their respective licensing or registering agents appropriate for their special work;

(4) other related services or instructional personnel for which there is no licensing or registering agent who are employed to work with exceptional children. These individuals shall be approved on an individual basis by the special education administration section and shall be recommended for employment by their parent training institution; and

(5) any instructional or related services paraprofessional who works under the supervision of a special education professional in an accredited or approved special education program.

(tt) "Specific learning disability" means a disorder in the ability to learn effectively in respect to one's own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between general intellectual functioning and achievement in one or more of the following areas: Preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. Learning disabilities do not include learning problems which are due primarily to vision, hearing, or motor impairments; mental retardation; emotional disturbances; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

(uu) "State special education advisory council" means a lay and professional council consisting of nine members appointed by the state board of education. This council shall offer advice, consultation and recommendations to the state board on matters concerning special education services for exceptional children.

(vv) "Visual impairment" means limited vision that interferes with educational or developmental progress, or both.

(1) "Partially seeing" means a visual limitation which constitutes an educational handicap but does not prevent the use of print as the primary educational medium.

(2) "Blind" means a visual limitation which requires dependence on tactile and auditory media for learning.

(ww) "Vocational training" means instruction which prepares handicapped individuals for paid or unpaid employment, or which provides additional preparation for a career requiring other than a baccalaureate or advanced degree. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-37. Reimbursement and finances.** (a) Special education service unit reimbursement. (1) Special education reimbursement for any program or exceptional child shall be in addition to any other assistance to which the district is otherwise entitled.

(2) Each district maintaining a program less than full-time (1,080 clock hours) shall be reimbursed on a prorated basis.

(3) No reimbursement shall be made for staff employed less than half-time unless approved by the state special education administration section.

(4) The computation of reimbursement due a district for special purpose school contracts shall be based on the ratio of the number of children served to the average special class size for a given category of exceptionality, as determined annually by the state board.

(5) If any exceptional child is housed, maintained,

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and provided special education services at a state institution, the child shall not be counted by the local school district, but shall be counted by the institution for any entitlements or financial assistance.

(b) Transportation. (1) Pupil transportation. (A) Reimbursement for the actual expense of transporting any exceptional child to special education services provided in the school building normally attended by the child shall be claimed in accordance with the provisions of K.S.A. 72-7047 or any amendments to this statute.

(B) Any additional cost incurred in transporting any exceptional child to another facility where that child receives special education services shall be reimbursed as prescribed in K.S.A. 72-978. Reimbursement for the actual costs of providing transportation to other facilities for the purpose of diagnosis or evaluation may be claimed.

(C) Each school district which provides transportation shall submit an annual survey form and reimbursement request for transportation.

(D) Each district that enters into a transportation contract shall be responsible for making payment to the party providing the transportation.

(E) Transportation reimbursement shall be available to any district that actually provides transportation for exceptional children, if the special education services are provided through approved contractual agreements.

(2) Teacher transportation. Actual travel allowance to special teachers during the conduct of assigned duties directly related to providing special education and related services may be reimbursed as prescribed in K.S.A. 72-978.

(c) Expenses incurred to provide room and board or nonmedical care, or both, to any exceptional child shall be at no cost to the parents of the child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-39. Exceptional children attending private schools.** (a) Each local education agency shall: (1) Maintain administrative control and direction over special education services and related services provided by the local education agency to exceptional children attending private schools. In exercising administrative control, records and accounts for equipment shall be kept to ensure that equipment is used solely for the purposes of the specified program or project;

(2) ensure that state and federal funds for services to exceptional children in private schools are not used to pay the salaries of private school personnel;

(3) ensure that state and federal funds are not used either to construct private school facilities or to purchase equipment for private schools; and

(4) provide that projects and programs carried out at public expense do not separate children on the basis of school enrollment or religious affiliation.

(b) Special education services, including therapeutic and diagnostic psychological and speech and hearing services, may be provided in a sectarian facility, if the location is religiously neutral. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-40. Screening and evaluation.** (a) Screening; school age. Each local education agency shall implement systematic and on-going screening procedures which identify school age children who may require special education services. Screening is the first phase in the identification of exceptional children and shall not be used as a basis for placement or programming.

(1) Procedures shall include:

(A) Mandatory hearing and vision screening;

(B) an age appropriate developmental instrument or procedure designed to identify possible physical, intellectual, social or emotional, language or perceptual deviations; and

(C) any other instruments or procedures needed to supplement the above.

(b) Screening: preschool.

(1) Each local education agency shall implement screening procedures to identify preschool children who may need special education. These screening services shall be made available a minimum of once a year.

(2) At a minimum, preschool screening procedures shall use developmental or age-appropriate instruments or measures for all of the following: (A) Hearing screening, including testing of middle ear function and behavioral audiometry;

(B) vision screening, including behavioral and observational signs of vision problems in addition to basic vision screening;

(C) developmental screening which does not depend entirely on interview information, group tests, or intelligence testing. This screening shall include:

(i) communication skills;

(ii) gross and fine motor skills;

(iii) cognition;

(iv) social and emotional adjustment; and

(v) self-help skills.

(3) Each local education agency shall document activities to publicize preschool screening.

(4) After each preschool screening, each local education agency shall be responsible for:

(A) Recommending local and statewide resources to the parents and sending records to the recommended resources as appropriate;

(B) keeping records on each child screened; and

(C) sending summary data to the state department of education.

(c) No child enrolled in regular education shall be identified as exceptional until the multidisciplinary team has documented the following:

(1) That the child has been presented with learning experiences which are appropriate for the child's age and ability levels; and

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(2) that the child's potential for learning has not been achieved in that regular education environment.

(d) Comprehensive evaluation. Each local education agency shall initiate a comprehensive evaluation whenever screening, referral, or lack of progress indicates that a child may be exceptional. No child shall be placed in special education prior to the completion of this evaluation. The following procedures shall be implemented:

(1) All evaluation procedures shall be nondiscriminatory as prescribed in K.S.A. 72-963.

(A) When any child is from a home in which English is not the principal language, the local education agency shall determine the language best understood by the child. The comprehensive evaluation or access to special education services shall not be postponed solely because that child cannot communicate effectively in English.

(B) If any child has sensory, motor, or speaking impairments, tests shall assess whatever factor the test purports to measure rather than reflect that child's impaired communication skills.

(2) The comprehensive evaluation shall be multidisciplinary and multisourced. No child shall be placed in special education on the basis of a single evaluation procedure, instrument or measure.

(3) If any child is suspected of having specific learning disabilities, the provisions of K.A.R. 91-12-58 shall be followed.

(4) Any test or other evaluation material used as a part of any comprehensive evaluation shall have been validated for the specific purpose for which the test or other material is used and shall be administered in conformance with the instructions provided by the producer of the test or material.

(5) Any test used as a part of any comprehensive evaluation shall be administered by a professional holding current certification or licensure to administer and interpret that test. Public school psychological evaluations shall be carried out only by an approved school psychologist certified by the Kansas state department of education or by an appropriately trained psychologist certified by the Kansas behavioral sciences regulatory board and reported to the Kansas state department of education.

(6) The special education administrator of each local education agency shall certify that each child eligible for special education placement has had an appropriate and complete evaluation. For children who have a speech impairment as their only apparent exceptionality, a qualified speech and language clinician shall evaluate those children using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders. The speech and language clinician shall verify the absence of learning or behavioral problems through examination of the child's records or conferences with parents and teachers, or both. If referral for an additional evaluation by other professionals is not indicated, the comprehensive examination may then be considered to be complete.

(7) After any child has been assessed in all areas

related to a suspected disability, that child's evaluation team shall meet to determine whether the evaluation results indicate that the child needs special education services. The child's parents shall have the opportunity to attend this meeting or to have their opinions expressed by a member of the team. If an evaluation team recommends a child for special education services, the evaluation results shall be made available for use in developing the individualized education program. In no case shall the decision to place a child in special education be made solely by one person, even though this person may have considered the data collected by all members of the evaluation team.

(8) Each comprehensive evaluation shall be completed as soon as possible following the referral. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-43.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 1982 Supp. 72-963; K.S.A. 72-965; effective May 1, 1983; revoked May 1, 1984.)

**91-12-47. Local education agency due process hearing.** (a) The request for a due process hearing shall be made, in writing, to the local board of education, the state board or the secretary of social and rehabilitation services, as appropriate. If a request for a due process hearing is received, the provisions of K.S.A. 72-973 and K.S.A. 1982 Supp. 72-975 shall become operative and shall be followed.

(b) Responsibilities of the hearing officer prior to the hearing. The hearing officer shall be responsible for assuring that due process is afforded both parties to the hearing. The hearing officer shall:

(1) Verify, through personal or telephone contact, that the parent understands the parent has the right to have an independent evaluation of the child performed, and has the right to have access to school reports, files, and records relating to any proposed special education action;

(2) verify, through personal or telephone contact, that both the parent of the child and school officials understand the rights of parties in a due process hearing as specified in K.S.A. 72-973;

(3) make arrangements for an interpreter, if necessary. At all stages of the due process procedures, interpreters for deaf or non-English speaking parents or children shall be provided at public expense;

(4) at least 10 days prior to the hearing, notify each party, in writing, of the provisions of K.S.A. 72-973(a)(7);

(5) at least five days prior to the hearing, notify the parties, in writing, of the time and place of the hearing. K.S.A. 72-973 requires that the hearing be conducted at a time and place reasonably convenient to the parent;

(6) if necessary, request the clerk of the district court to issue subpoenas for the attendance of witnesses or the production of relevant records, or both;

(7) ascertain whether the exceptional child will attend or participate in the hearing. If any special edu-

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cation action is proposed for a person 18 years of age or older, and the person has not been adjudicated to be an incapacitated person, that person shall have the right to attend the hearing. If any special education action is proposed for a child, the parent of the child shall have the right to determine whether the child shall attend or participate in the hearing. The decision of the parent of the child shall be made a part of the record of the hearing;

(8) ascertain whether the hearing is to be open or closed as prescribed in K.S.A. 72-973(a). This determination shall be made a part of the record of the hearing; and

(9) preside at the hearing and conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony in accordance with the requirements of K.S.A. 72-973.

(c) A record of the hearing shall be made by mechanical or electronic recording or by an official court reporter.

(d) Decision of the hearing officer.

(1) The hearing officer or officers shall render a written decision in regard to the matter or matters considered at the hearing and the decision shall be rendered not more than ten days after conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include findings of fact, conclusions of law, and reasons for these findings and conclusions.

(2) The decision shall be sent, by restricted mail, to each of the parties or to their respective representatives, within 24 hours after the decision is rendered.

(3) After deletion of any personally identifiable information, a copy of the decision shall be sent to the state advisory council for special education. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-53. Language, speech and hearing impaired.** (a) The special education administration section, Kansas state department of education, and the bureau of maternal and child health, Kansas state department of health and environment, shall review and assure competency of persons assigned by a local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendment to this statute.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying speech, language and hearing impaired children, shall include an assessment of articulation, language, fluency, voice, and auditory acuity and perception, and an examination of the peripheral speech mechanism.

(c) Monitoring hearing aids.

(1) Each local education agency shall maintain a list of all children whom the agency is responsible to educate who wear hearing aids.

(2) Each local education agency shall adopt procedures for the regular and frequent monitoring of the

functioning of all hearing aids. Those procedures shall meet the following requirements:

(A) The aids shall be checked not less than once each week.

(B) Personnel shall be designated and trained to provide the listening check in any school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.

(C) Until any child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.

(D) Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.

(d) Paraprofessionals.

(1) Paraprofessionals employed in language or speech programs shall be assigned and shall function according to the requirements of K.A.R. 91-12-61, except that, if a paraprofessional is assigned to assist an itinerant speech or language clinician, supervision shall be provided not less than once each week. These language or speech clinicians shall develop a monitoring system for checking the reliability of the services being performed by each paraprofessional assigned to assist them.

(2) Paraprofessionals may be employed to conduct hearing screening evaluations. If such persons are employed, their competence shall be reviewed as prescribed in K.A.R. 91-12-61.

(e) Audiological diagnostic services. For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:

(1) hearing screening;

(2) pure tone and bone condition testing, with contralateral masking;

(3) speech discrimination and speech reception audiometry;

(4) site-of-lesion battery; and

(5) hearing aid evaluation or consultation, or both.

(f) Facilities.

(1) Itinerant and consulting language, speech, hearing conservation, and audiometric hearing screening programs may use mobile speech and hearing vans, if available space in schools and other centers does not meet the state approved standards. Speech and hearing vans shall be used only on a temporary basis, and the local education agency's local comprehensive plan shall provide for their replacement with permanent facilities. Any local edu-

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cation agency having a temporary facility shall submit annually to the education administration section a request for approval of that facility.

(2) If diagnostic audiological services are offered, a specially constructed, sound-treated suite, providing adequate attenuation of outside noise, shall be used. The maximum noise levels allowed shall be as prescribed in ANSI S3.1 of the "American National Standard Criteria for Background Noise in Audiometer Rooms," 1971 edition, which is incorporated here by reference.

(3) Any local education agency operating a demonstration program through a special grant shall provide observation areas or windows in the facility.

(g) Class size and caseload.

(1) The maximum class size and caseload for speech and language programs shall be as prescribed in table IV.

	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group (through indirect service.)	Individual or small group. Up to 3 students per session.	Individual or small group. Up to 5 students per session.	Up to 10 students per speech or language clinician. Up to 15 students per speech or language clinician and paraprofessional.
TIME PER DAY	Variable: Possible range 1/2 hr. (mild) to 3 to 4 hrs. per day.	1/2 to 1 hr. per day.	1 to 3 hrs. per day.	Full school day.
TIME PER WEEK	1 to 5 times per week.	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASELOAD MAXIMUMS	Up to 10-15 students severe. Up to 15-40 students mild to moderate.	Up to 25-55 students.	Up to 15-25 students.	Up to 15 students with paraprofessional. Up to 10 students without paraprofessional.

(2) The maximum class size for programs for hearing impaired children shall be as prescribed in table V. If paraprofessionals are employed as a part of any of the following special class program models, the maximum caseload may be increased by three students. The chronological age span shall not exceed three years, unless permission is obtained from the special education administration section.

TABLE V Class Size and Caseload for Programs for Hearing Impaired

Administrative Plan	Number of Students
Special Self-Contained Class—Preschool	6
Special Self-Contained Class—Primary	6
Special Self-Contained Class—Intermediate	8
Special Self-Contained Class—Secondary	8
Special Self-Contained Class—Elementary (two or more levels combined)	6
Special Self-Contained Class—Secondary (two or more levels combined)	8
Itinerant	15
Resource Room	As Needed
Diagnostic Assessment	As Needed
Parent/Infant	20 when parent and child are seen primarily on an individualized basis
Residential	The same maximums apply for delivery models listed above

Regular Class

No more than two hearing impaired students shall be assigned to the same regular classroom or regular classroom teacher.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-55. Personal and social adjustment.** (a) Screening and identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with personal and social adjustment problems:

(1) procedures designed to identify withdrawn or acting out children; and

(2) procedures for determining the need for a psychiatric evaluation. If this determination is made, the cost of the evaluation shall be provided at public expense.

(b) The curriculum of personal and social adjustment programs shall emphasize development of acceptable methods of coping with and adjusting to the environment in order that each child may function in progressively less restrictive educational environments.

(c) In addition to the requirements of K.A.R. 91-12-23, state approval of personal and social adjustment programs shall be contingent upon the following:

(1) Each consulting and itinerant teacher shall be fully endorsed to instruct children with personal and social adjustment problems, and shall be recommended by the parent training institution as having competencies in working with peers as well as children.

(2) Consulting teacher and itinerant teacher plans for delivering special education services shall not be used for moderately to severely handicapped children, or for children requiring crisis intervention.

(3) Consulting teacher and itinerant teacher plans for delivering special education services shall be used only to maintain mildly handicapped children in regular education, support the instructional staff in inter-related programs, or enhance the probability of successful reintegration of children into less restrictive programs.

(4) Children hospitalized for the treatment of emotional problems may receive instruction in the hospital setting for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with emotional problems shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with emotional disabilities shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a

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statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(d) Related services.

(1) The services of school psychologists certificated and endorsed by the state board or of certified clinical psychologists shall be available to all personal and social adjustment programs.

(2) The services of school social workers certificated and endorsed by the state board or of clinical social workers shall be available to all personal and social adjustment programs.

(e) Class size and caseload limitations for personal and social adjustment programs shall be as listed in Table VI.

TABLE VI  
Class Size & Caseload for Personal & Social Adjustment Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Consulting teacher	Not applicable No more than 1/4 time to be spent with students.
	Itinerant teacher	Based on student need.
	Resource Room	No more than 8 at any one time. Maximum caseload of 14 with a full-time paraprofessional. Number of paraprofessionals based on program and student needs.
	Self-contained	8—may be increased to 10 with a full-time paraprofessional. The maximum chronological age span shall be four years. Self-contained programs at the secondary level, which are departmentalized by curricular content area, shall contain no more than eight students at one time and no more than 30 children shall be assigned to one teacher.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-56. Physically and other health impaired.**

(a) If screening procedures indicate a physical or health impairment, the local education agency shall include the following as part of the comprehensive evaluation:

(1) Evaluations by therapists, nurses, physicians, and other qualified health providers to determine conclusively, whether a physical or health impairment exists; and

(2) a psycho-educational assessment to determine the extent to which the physical or other health impairment restricts or prevents meaningful and productive participation in general or special education environments.

(b) Identification of autistic children.

(1) In addition to the requirements of K.A.R. 91-12-40, the following criteria shall be met if a child is to be identified as autistic:

(A) Onset of autistic characteristics before 30 months of age;

(B) pervasive lack of responsiveness to other people and to the environment;

(C) gross deficits in speech and language development; and

(D) absence of delusions, hallucinations, loosening of associations, and incoherence as are typical in schizophrenia.

(2) Any local education agency may identify a child as autistic even though the child currently is not exhibiting all the characteristics of autism, if the child once exhibited all the characteristics of autism, and currently is unable to benefit from education without special education and related services.

(c) Administrative structures.

(1) The type of special education services provided to physically and other health impaired children shall be determined by the severity of the physical handicap or handicaps and any concomitant deficit or deficits. The individualized education program of each child shall state the regular or special education program or programs in which the child will be served.

(2) Homebound instruction shall not be used for autistic students, without prior approval by the special education administration section.

(d) Class size and caseload limitations.

(1) Class size and caseload limitations for physically and other health impaired children shall be determined upon the basis of the delivery model used, the extent of services needed and the distances that must be traveled to provide services.

(2) If any local education agency establishes a separate classroom for autistic children, the class size ratio shall be as prescribed in Table VII.

TABLE VII Class Size for Special Classes for Autistic Students

Number of Students	Teacher	Paraprofessionals
1	1	0
2-3	1	1
4-6	1	2

(e) Teachers assigned to autistic classrooms shall be approved on the basis of a special education endorsement most appropriate to the children's functional and chronological age levels. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-57. Severely multiply handicapped and deaf-blind.** (a) Children shall not be placed in an educational program for severely multiply handicapped on the basis of their one, most severe, disability, but on their unique learning characteristics and instructional needs.

(b) In addition to the requirements of K.A.R. 91-12-40, additional specialized assessments, such as, tests by medical personnel, physical or occupational therapists, or ophthalmologists, shall be sought to assist in the educational program planning as necessary. A multidisciplinary team shall conduct a systematic, in-depth appraisal of each child to assure that one dominant impairment, such as cerebral palsy, deafness or blindness, does not prevent the identification and assessment of other disabilities.

(c) Educational programs for severely multiply handicapped or deaf-blind children shall give special consideration to teaching basic self-help and survival

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training, and motor, social, communication, preacademic and prevocational and vocational training.

(d) Class size limitations are given in Table VIII.

TABLE VIII  
Class Size for Programs for Severely Multiply Handicapped and Deaf-Blind

Number of Students	Teacher	Paraprofessionals
1	1	0
2-4	1	1
5-8	1	2

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-58. Specific learning disabilities.** (a) Identification. In addition to the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying learning disabled children:

(1) If a specific learning disability is suspected, a teacher endorsed by the state board to teach learning disabled children shall be included on the multidisciplinary team. Each child's regular teacher or a regular teacher qualified to teach a child of that age also shall be included on the evaluation team.

(2) Any child whose intellectual functioning is more than two standard deviations below the mean of the standardized, individual test of intellectual functioning administered to the child shall not be identified as learning disabled. A total or full-scale score shall be used in applying the intellectual criterion. If the measured intellectual functioning of a child does not meet this criterion, but the results of the test are suspect and the child's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that supposition.

(3) In order for a child to be identified as having a specific learning disability, a significant discrepancy shall exist between intellectual ability and measured achievement in one of the following areas: preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. This discrepancy shall not be primarily attributable to emotional disabilities; mental retardation; vision, hearing, or motor impairments; environmental disadvantage; cultural difference; or a history of an inconsistent education program.

(4) At least one evaluation team member, other than the child's regular teacher, shall observe the child's academic performance in the regular classroom setting. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(5) In determining significant discrepancy, the team shall use a systematic method. This method shall include procedures that use a standard score comparison in which obtained achievement and intellectual functioning scores are converted to the same standard

score scale so they can be directly compared. The results of the comparison shall be considered in combination with other identification factors. The following methods shall be used to determine whether a significant discrepancy between current achievement and intellectual functioning exists:

(A) For children in fourth grade and above, the achievement discrepancy between predicted and actual achievement, considering regression towards the mean formula, shall be used. If the technical data necessary to account for the effects of regression are not available, the aptitude-achievement discrepancy model shall be used.

(B) For children in third grade and below, the aptitude-achievement discrepancy model shall be used.

(6) The discrepancy models indicated above shall be used with caution in evaluating children who are from minority groups or who are in third grade or below, due to the unreliability of achievement tests with this population.

(7) In cases where significant discrepancy criteria have not been met, but the multidisciplinary team believes there is a significant discrepancy, the team shall state, in writing, the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and its reasons for believing that a severe discrepancy is present that is not correctable without the provision of special education.

(8) The multidisciplinary team shall prepare a written report of the results of each evaluation which shall include the following:

(A) Whether the child has been provided with learning experiences in an environment which is appropriate for the child's age and ability levels, and that the child has failed to learn in that environment;

(B) whether the child has a specific learning disability as evidenced by a significant discrepancy between achievement and ability which is not correctable without special education and related services;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and

(F) any educationally-relevant medical findings.

(G) Each evaluation team member shall certify, in writing, whether the report reflects that member's conclusions. If it does not, the team member shall submit a separate, written statement presenting the member's conclusions. This statement shall be included in the team report.

(b) Class size and caseload limitations are given in Table IX.

TABLE IX  
Class Size and Caseload for Learning Disability Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Itinerant Teacher	18
	Shall not be assigned	Increase to 24 (2 for each

(continued)

to more than 5 attendance centers	paraprofessional up to 3 paraprofessionals)
Resource Room	18
	No more than 10 at one time. Increase to 22 (2 per each paraprofessional up to 2 paraprofessionals)
Self-Contained	10
	Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)
Developmental Classroom	10
	Same as self-contained

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

**91-12-60. Related services.** (a) The Kansas state department of education may authorize categorical special education reimbursement for art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, speech or language services, and transportation. Requests for reimbursement for any other related service shall be submitted to the special education administration section. Requests shall be approved or disapproved on an individual basis.

(b) Local education agencies shall not be responsible for the delivery of medical treatment, but shall be responsible for the provision of medical services for diagnostic or evaluation purposes which are necessary to the educational planning and programming for each exceptional child.

(c) Local education agencies shall be responsible for the provision of school health services, including procedures such as clean intermittent catheterization, which allow any child to be maintained in the least restrictive environment.

(d) School districts shall not be responsible for psychological, psychiatric, or social services required to treat generalized mental health problems. Psychotherapy is considered medical in nature, and its provision shall not be a responsibility of the public schools.

(e) The following related services shall be treated as a special education service if any child's individualized education program indicates that that child cannot continue to function in regular education without the service or services:

(1) Occupational therapy, physical therapy, paraprofessionals, or transportation when needed to maintain students in regular education; and

(2) interpreters for any deaf child who, without this service, would have to be educated in a more restrictive environment.

(f) Caseload and class size limitations for related services shall be as recommended by the licensing or certifying agency which provides the related services. (Authorized by K.S.A. 72-7514; implementing K.S.A.

72-965, K.S.A. 1983 Supp. 72-963; effective May 1, 1983; amended May 1, 1984.)

## Article 25.—COMMUNITY COLLEGES

**91-25-1a. Residence determination; out-district students; out-of-state and foreign students.** (a) Definitions:

(1) "Out-district student" means a student who is a resident of Kansas but who resides outside of a community college district, except as otherwise provided in K.S.A. 71-305 and 71-401. For the municipal university, "out-district student" means a student who is a resident of Kansas but who resides outside of the municipal university's taxing district.

(2) "Out-of-state or foreign student" means a student who is not a resident of Kansas and who does not come within the definitions provided in parts (3), (4), (5) or (6) of this subsection.

(3) "Students who are in any armed service of the United States" means servicemen and servicewomen stationed in the state of Kansas, on active duty, and their dependents. Any person incarcerated in any military disciplinary barracks shall not be deemed to be in the armed services of the United States.

(4) "Employees of community colleges" means employees, classified and unclassified, on regular payroll appointments for at least 40% of a full-time appointment, and their dependents. This definition shall not apply to seasonal or temporary or hourly appointments.

(5) "Persons having special domestic relation circumstances" means students living with a "person acting as parent" of the student, as defined in K.S.A. 1982 Supp. 72-1046, or students who live in a community college district as a result of placement in the district by a district court or by the secretary of social and rehabilitation services.

(6) "Persons who have lost their resident status" means students who were residents of the state of Kansas, but whose residence has changed, within six months prior to their most current enrollment at a community college, to a location outside the state of Kansas.

(7) "Release of out-district funds form" means a particular form prescribed by and available from the postsecondary administration section, state department of education.

(8) "Course of study or program" means an instructional sequence or classes or both, the completion of which qualifies a student to receive a degree or certificate, or to engage in a particular field of employment.

(b) The determination of residency for out-district tuition and student tuition purposes shall be made according to K.S.A. 71-402 and 71-406, and any amendments to these statutes. Significant factors which may be considered in determining intent to become a resident are payment of property taxes, purchase of license tags, location of employment, voting registration, and any other established ties with the community college district or a location in Kansas.

(continued)



For the municipal university significant factors which may be considered in determining intent to become a resident are payment of property taxes, purchase of license tags, location of employment, voting registration, and any other established ties with the municipal university district or a location in Kansas.

(c) Out-of-state and foreign students shall be charged not less than the tuition charged out-of-state and foreign students at Pittsburg state university. However, the following out-of-state students shall be admitted at the same rate of tuition as in-state students:

- (1) Students who are in any armed service of the United States;
- (2) employees of a community college;
- (3) persons having special domestic relation circumstances; and
- (4) persons who have lost their resident status. (Authorized by K.S.A. 13-13a27, K.S.A. 1983 Supp. 71-301, 71-302; implementing K.S.A. 13-13a26, 13-13a27, 71-403, 71-406, K.S.A. 1983 Supp. 71-301, 71-302; effective May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended May 1, 1984.)

**91-25-17. Out-district tuition for certain students.**

(a) The board of trustees of each community college shall designate a person who shall be responsible for identifying those students who are residents of another community college district or a municipal university district and the board of regents of the municipal university shall designate a person who shall be responsible for identifying those students who are residents of a community college district.

(b) The enrollment documents of each community college or of the municipal university shall include inquiries which enable the person designated by the board of trustees to identify those persons described in subsection (a) of this rule and regulation.

(c) A community college or the municipal university shall not be authorized to charge out-district tuition for any student described in subsection (a) of this rule and regulation, unless the community college or the municipal university:

- (1) Completes a release of out-district funds form for the student;
- (2) files the release of out-district funds form for the student with the postsecondary administration section, state department of education, within 30 days of the student's enrollment; and
- (3) receives written approval from the postsecondary administration section to charge out-district tuition for the student.

(d) Within 15 days of the receipt of a release of out-district funds form, the postsecondary administration section shall determine whether the course of study or program selected by the student, or a course of study or program substantially equivalent thereto, is offered in the community college of the community college district in which the student resides, or in the municipal university of the municipal university district in which the student resides. The determination shall be made upon the basis of information provided on the release of out-district funds form and the infor-

mation concerning programs offered at each community college or at Washburn University of Topeka that is on file in the postsecondary administration section pursuant to K.A.R. 91-8-30.

(e) The postsecondary administration section shall indicate its determination on the form and shall state on the form the reason or reasons for the determination. The form shall also include a statement directing the community college or the municipal university to charge out-district tuition for the student or advising the community college or the municipal university that out-district tuition shall not be charged for the student.

(f) The postsecondary administration section shall mail a copy of the form completed in accordance with subsection (e) to:

- (1) The president of the community college or the municipal university in which the student is enrolled;
- (2) the president of the community college or the municipal university of the district in which the student resides; and
- (3) the board of county commissioners of the county in which the student resides. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983; amended May 1, 1984.)

**91-25-18. Review of out-district tuition determinations.** (a) Any community college, municipal university or county may request a review, by an appeal committee, of any determination made pursuant to K.A.R. 91-25-17. A written request for review shall be made to the assistant commissioner of the education services division of the state department of education within 15 days of the date that the notice provided for in K.A.R. 91-25-17(e) was mailed to the community college, municipal university or county.

(b) Within 10 days of the receipt of a request for review, the assistant commissioner shall appoint an appeal committee, consisting of the assistant commissioner and two other persons appointed by the assistant commissioner. The director of the postsecondary administration section shall not be a member of the appeal committee. The assistant commissioner shall be the chairperson of the appeal committee and shall be eligible to vote on all matters.

(c) Upon receipt of a request for review, the assistant commissioner shall fix a date, time and place for a hearing on the matter, and shall notify, by mail, the county and each of the institutions that are interested in the matter. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for review was received by the assistant commissioner. The assistant commissioner also shall request the director of the postsecondary administration section to provide the assistant commissioner with the release of out-district funds form completed in accordance with K.A.R. 91-25-17(e) and a copy of the information concerning courses of study or programs upon which the determination of the postsecondary administration section was made.

(d) At the hearing of the appeal committee, the county and each of the institutions that have an inter-

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est in the matter, and the director of the postsecondary administration section, or a designee of the director, shall be allowed to present information concerning the matter. Based upon information provided in the release of out-district funds form, on information concerning courses of study and programs, and upon information provided at the hearing, the appeal committee shall determine whether the community college or the municipal university is authorized to charge out-district tuition for the student.

(e) Within 10 days of the hearing, the assistant commissioner shall prepare a written statement indicating the determination of the appeal committee and the reason or reasons for the determination. The statement also shall direct the community college or the municipal university to charge out-district tuition for the student or advise the community college or the municipal university that out-district tuition shall not be charged for the student.

(f) The assistant commissioner shall mail the statement prepared under subsection (e) to the persons and entities specified in subsection (f) of K.A.R. 91-25-17. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983; amended May 1, 1984.)

#### Article 27.—STANDARDS AND PROCEDURES FOR ACCREDITING AREA VOCATIONAL-TECHNICAL SCHOOLS AND AREA VOCATIONAL SCHOOLS

**91-27-1 to 91-27-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-5.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1979; revoked May 1, 1984.)

**91-27-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-7.** (Authorized by K.S.A. 72-7514; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-9.** (Authorized by K.S.A. 72-7514, effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-10.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

#### Article 28.—STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL PURPOSE SCHOOLS

**91-28-1 to 91-28-10.** (Authorized by K.S.A. 1978 Supp. 72-963; effective Feb. 15, 1977; amended May 1, 1979; revoked May 1, 1984.)

#### Article 31.—ACCREDITATION

**91-31-1. Definition of terms.** (a) "Accredited-advised" means failure of the school to meet one or more state board accrediting regulations.

(b) "Accredited-warned" means failure of the school to correct the previous year's deficiency, or failure to comply with Kansas statutes.

(c) "Board of education" means the board of education of any unified district or the governing body of any nonpublic school.

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

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

(f) "Lawful custodian" means a parent, stepparent, foster parent, guardian or other person who has legal custody of a child or who is liable by law to maintain, care for or support the child or who is related to the child.

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

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

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

(j) "Library media specialist" means a person who holds 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.

(k) "Principal" means a person having the administrative and supervisory responsibilities for a school or schools.

(l) "Program of studies" means those courses of instruction offered in a school during the year.

(m) "School" means an attendance facility under the control of a board of education.

(n) "School year" means the 12 month period ending June 30.

(o) "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.

(p) "State board" means the state board of education.

(q) "Superintendent" means the chief administrative officer appointed by the board of education of the

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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.

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

(s) "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.

(t) "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. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984.)

**91-31-2. Procedures for accrediting schools.** (a) Each board of education 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 school year in which the school requests accreditation. Accreditation shall be for one school year.

Each 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 any report may result in denial or loss of accreditation.

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

(c) The accreditation status of each school shall be determined on the basis of 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 any deficiencies exist, accredited-advised, accredited warned, or dropped from the accredited list by the state board. Each school shall report, each year, the progress made to correct any deficiencies cited the previous year. For any violation, the state board shall issue an accreditation advisement the first year. If there is continued noncompliance during the second school year, the state board shall issue an accreditation warning. If the deficiency is not corrected by the following school year, the state board shall drop the violating school or schools from the accredited list.

(1) Each school 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 shall issue an accreditation advisement the first year for any violation. If there is continued noncompliance during the second school year, the state board shall issue an accreditation warning. If the deficiency is not corrected by June 30 of the following school year, the state board shall drop from the accredited list any school or schools which remain in violation.

(2) The failure of any board of education to comply with the decision of the state board regarding approval of an 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 drop, 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) Responses from schools regarding the correction of deficiencies shall be filed with the state board no later than April 1, except for those deficiencies identified after April 1 as a result of investigating a complaint.

(g) The accreditation of each school shall be effective as of June 30 of the year in which granted and shall remain in force for one year unless 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. Each 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. Those high schools organized on a grades 10 through 12 plan may count units taught in grade nine. Each accredited high school 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 units requirement.

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

(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. Those high schools organized on a grades 10 through 12 plan may count units taught in grade nine. Each accredited high school 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 units requirement.

(B) When the unit is taught in more than one sec-

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tion, only one unit of credit shall be counted as a part of the 50 required units of credit.

On application from the board of education, any high school teaching less than 30 units of credit, as reported in 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 school year.

(i) Each elementary school, to be accredited, shall have a minimum enrollment of 10 pupils on September 15 of the current school year. 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) Except as provided by S.B.R. 91-31-2(d)(2) and S.B.R. 91-31-11, any school which has been accredited warned shall be dropped from the accredited list by the state board if the deficiency or deficiencies are not corrected by June 30 of the following school year.

(k) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board any 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 reasons why the school should be accredited. 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.

(l) Any school denied accreditation effective June 30 may, upon request by letter 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 letter shall be signed by the president and clerk of the board of education, shall provide evidence 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. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984.)

**91-31-5. Summer school programs.** Summer school programs shall be submitted for approval on forms provided by the state board and shall meet 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.

(f) Enrollees.

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

(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.

(i) Schools shall be accredited, or if any deficiencies exist, accredited-advised, accredited-warned, or dropped from the accredited list by the state board as provided by S.B.R. 91-31-2(d).

(j) 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.

(k) Responses from schools regarding the correction of deficiencies shall be filed with the state board no later than April 1 of the year following the year in which the reports were submitted, except for those

(continued)

deficiencies identified after this date as a result of investigating a complaint.

(l) The accreditation of a school shall be effective as of June 30 of the year following the year in which the forms are filed and shall remain in force for one year unless changed by action of the state board. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984.)

**91-31-12h. Graduation.** (a) (1) Each pupil shall be eligible for graduation upon completion of the following requirements:

(A) Four units of English language arts. Beginning with the 1988 graduating class, three units shall be in English. When, in the judgment of the high school principal, a pupil can profit more by taking another subject, the principal may waive up to one unit of this requirement;

(B) 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. Beginning with the 1988 graduating class, three units of social studies shall be required 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;

(C) one unit of science as a laboratory course. Beginning with the 1988 graduating class, two units of science shall be required, including one unit as a laboratory course;

(D) one unit of mathematics. Beginning with the 1988 graduating class, two units of mathematics shall be required;

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

(i) 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

(ii) 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; and

(F) eight units of elective courses.

(2) A total of 20 units of credit shall be required for the 1988 graduating class. A total of 17 units of credit shall be required for graduation for those students in classes which will graduate prior to 1988.

(3) Beginning with the 1984-85 school year, any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in 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 the minimum total units of credit required by (a)(2), or the equivalent.

The required 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; amended May 1, 1984.)

### Article 32.—REGULATIONS FOR ACCREDITING AREA VOCATIONAL-TECHNICAL SCHOOLS AND AREA VOCATIONAL SCHOOLS

**91-32-1. Definition of terms.** (a) "Accredited, advised" means an initial failure of the school to meet one or more state board accrediting regulations.

(b) "Accredited warned" means failure of the school to correct the deficiencies to comply with Kansas statutes or one or more state board accreditation regulations.

(c) "Administrative plan" means the administrative plan of the school according to goals, objectives and expected outcomes for each administrator.

(d) "Adult vocational education" means vocational education that is of short duration and intensive in nature, designed to provide training or retraining or upgrading of skills for employed, unemployed or underemployed persons.

(e) "Area school" and "school" mean any area vocational or area vocational-technical school, as provided by K.S.A. 72-4412(b) and (c).

(f) "Board" or "boards" and "governing board" mean the board of education of any school district, or the board of control of any type I area vocational or type II area vocational-technical school, or the board of trustees of any community college sponsoring an area vocational school.

(g) "Candidacy status" means state board recognition, in the accreditation process, of those area schools who have not completed an evaluation program as accredited with candidacy status.

(h) "Chief administrative officer" means the superintendent of schools of a unified school district, or the director of an area vocational-technical school, or the president of a community college.

(i) "Disadvantaged persons" means persons (other than handicapped persons) who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.

(j) "Early leaver" means any student who enrolls in, but does not complete, the scheduled program of an area school.

(k) "Full accreditation" means the area school has substantially met all state board accreditation requirements.

(l) "Handicapped" means any person who is men-

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tally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who, by reason of that impairment, require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational education program without special education assistance or who require a modified vocational education program.

(m) "Open door admission" means making vocational education available to secondary and postsecondary students regardless of sex, race, ethnic background, handicap, or disadvantage, including persons of limited English-speaking ability.

(n) "Participating agreements" means agreements any board may enter into with any other board or boards to jointly provide vocational education programs and services under K.S.A. 72-4421.

(o) "Postsecondary student" means any student enrolled in an area school and who is not currently enrolled in a public or nonpublic school.

(p) "Secondary student" means a student 16 years of age or older who is currently enrolled in either a public or nonpublic school and who also is enrolled in an area school program for high school credit as provided by K.S.A. 72-4480(b).

(q) "Special exemplary or innovative vocational programs" means state board approved programs of the following types:

(1) specialized types of vocational programs developed as models to create new ways to bridge the gap between education and employment;

(2) vocational education programs and services for disadvantaged persons that take the form of modified regular programs, special educational programs, and services which are supplementary to regular programs or special vocational programs that have been designed specifically for disadvantaged persons; and

(3) a vocational program especially designed to meet the unique needs of persons who are disadvantaged or handicapped, or both, who cannot succeed in a regular vocational program.

(r) "Special services for the disadvantaged or handicapped" means supplementary services designed to enable persons who are disadvantaged or handicapped, or both, to have access to a regular vocational program.

(s) "State accreditation official" means any person designated by the state board to perform the necessary functions for accrediting area schools.

(t) "State board" means the state board of education. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-2. Procedures for accrediting area schools.** Each area school applying for accreditation shall be judged on the basis of compliance with all applicable regulations and statutes. (a) Accreditation procedures. The governing board of any area school desiring accreditation shall, on forms provided by the state board, make application and a report in writing to the state board requesting accreditation according to state board regulations. The report shall indicate the degree

to which the area school is in compliance with state board regulations.

(b) Each area school shall either be accredited, given an "accredited-candidacy status," or if deficiencies exist, given an "accredited warned" status, or dropped from the accredited list by the state board.

(c) The accreditation status for each school shall be determined on the basis of the following information: data provided in official reports of the affected school, including the director'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 area school that may be requested by the state board.

(d) Each area school desiring candidacy status shall complete an application requesting candidacy status. Upon receipt of the application from the area school, an accreditation official representing the state board shall conduct an on-site visit of the area school and make a report and recommendations to the state board pertaining to candidacy status.

Thereafter, in accordance with its procedures, the state board shall take action on the application and report of the area school, as well as the report and recommendations of the accreditation official, and shall either grant or deny candidacy status for one year.

If the area school has not completed its evaluation for full accreditation at the end of the second school year following the granting of candidacy status, the area school shall be dropped from candidacy status.

(e) Each area school shall be responsible for making an annual report that is a complete and accurate reflection of any changes that might affect accreditation status and of its continued compliance with the regulations of the state board.

(f) Any area school with deficiencies shall be notified of those deficiencies by the state board. All official accreditation notices indicating deficiencies shall be mailed to the director of the affected area school.

(g) Any area school which has received and is currently holding candidacy status, upon application and compliance with accreditation rules and regulations, may be granted full accreditation status from the state board. That full accreditation status shall be effective for a five-year period and remain in effect during that period unless changed by special action of the state board. Special action of the state board shall result when the school is in noncompliance with accreditation rules and regulations.

(h) Appeal procedures.

(1) Appeal to Kansas commissioner of education. Following the review of the visiting team's evaluation report as provided by S.B.R. 91-32-6(c), the president and clerk of the governing board and the director of an area school shall be given written notice of any recommendations of the state accrediting official affecting the accreditation of the school. Upon the authorization of the governing board, the president, clerk and director may, within 15 days of receiving the notice,

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submit a written appeal setting out their objections to the recommendations and may request a hearing. The appeal shall be made to the commissioner of education or a designated representative who shall select a committee of three disinterested persons that are knowledgeable concerning the matters appealed. The commissioner or a designated representative, after being fully advised by the committee of three disinterested persons, shall then make a recommendation upholding or denying the recommendations of the state accrediting official, and shall give written notice of the decision to the officials of the governing board and the director of the area school of the decision. If the commissioner of education recommends denial of accreditation, the reasons for denial shall be given.

(2) Appeal and decision of the state board. The commissioner of education shall make a recommendation to the state board that it grant or deny accreditation to the area school. If accreditation is denied, the state board shall, as quickly as its procedures will permit, issue its order upholding or denying accreditation, and shall promptly notify the area school governing board of its decision. Notice shall be sent by restricted or certified mail to the president, clerk and director of the area school. The governing board of the area school may then promptly, and in no event longer than 30 days following notification, request a hearing before the state board to present its objections to the denial of accreditation and to request reconsideration of the state board's decision. The state board shall grant a hearing on the objections and permit the governing board to present its evidence and to make any statements and arguments it may have to support its position. The state board shall, as quickly as its procedures will permit, consider the evidence and arguments. After being fully advised of the particulars, the state board shall make its further order granting or denying accreditation to the area school. The order of the state board shall be sent by restricted or certified mail to the president and clerk of the area school governing board and to its director. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-3. Policies and organization. (a) Policies.**

(1) All orders, rules and regulations of the governing board, as well as any revisions, shall be in writing, codified and, upon request, shall be made available to the employees, patrons and students of the district. Policies shall not discriminate in the employment of staff or the selection of pupils on the basis of race, religion, color, national origin, or ancestry, physical handicap or sex.

(2) Personnel policies. Each governing board shall adopt personnel policies. The policies shall be on file and copies shall be available to pupils, instructors and patrons of the district.

(3) Suspension and expulsion of students. Each board's policy governing the suspension and expulsion of students shall conform to the provisions of K.S.A. 72-8901 *et seq.*, as amended.

(4) Evaluation policies for certified personnel. Each governing board shall adopt evaluation policies, as

prescribed by K.S.A. 72-9001, *et seq.*, as amended, and shall file these policies with the state board. All certified personnel shall be evaluated in accordance with these policies.

(5) School conduct policies. The governing board of each area vocational school and each area vocational-technical school shall adopt policies which govern the conduct of all persons employed by or attending those institutions and provide specific procedures for their enforcement.

The board shall submit these policies and amendments to them to its legal counsel for review and approval to assure compliance with city ordinances, state law and constitutional requirements. A copy of the policies, and any amendments, that include approval of the board's legal counsel shall be filed with the commissioner of education as provided by K.A.R. 91-15-1.

**(b) Organization.**

(1) Special, exemplary or innovative vocational education 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 director has submitted the proposed program in writing, and if 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 have been identified in advance and that they provide valid and objective data for assessing program 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 director in writing of approval or denial of the program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-4. Administration. (a) Director.** Each area school shall have the services of a director who shall be responsible for the operation of the area school with respect to its educational program, its faculty and student services program and the use of its facilities.

(b) Administrative plan. Each area school shall have a written administrative plan which states the goals, objectives and expected outcomes for each administrator. The goals, objectives and expected outcomes shall be in agreement with statewide educational goals, as adopted by the state board, and with recognized educational concepts and practices, and shall have broad-base community involvement in their formulation. Experimental or innovative programs, which shall be supported by written goals, objectives

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and expected outcomes, shall also be encouraged. The administrative plan for the school shall state specifically the amount of time that will be assigned for the improvement of instruction, including evaluation of the needs of the students and staff.

The plan shall indicate the amount and kinds of supportive services, available to the school, that supplement particular administrative responsibilities.

The administrative plan shall be approved by the governing board and be on file with the clerk of the board. Copies shall be provided for each administrator in the school and shall be made available to the state board on request.

(c) Certification. Each administrator shall hold a valid certificate with the appropriate endorsement for the administrator's assignment.

(d) School records and reports.

(1) Records and reports shall be maintained for the following components of the educational program:

- (A) student personnel;
- (B) staff;
- (C) instructional supplies and equipment, including inventories;
- (D) curriculum;
- (E) student activities;
- (F) instructional media;
- (G) guidance;
- (H) school plant;
- (I) administrative operation; and
- (J) job placement and follow-up studies of graduates.

(2) Permanent records of students, staff, and curriculum shall be accessible only to those persons who have a legitimate interest in them, shall be under assigned custodial care and shall be kept safe from theft and fire. Governing board policy shall provide for the right of privacy pursuant to K.S.A. 72-6214, including consent, due process, record management (security and access) and dissemination of personal data.

(3) All activity funds shall be in one central account.

(4) Each person responsible for the receipt and disbursement of money shall be bonded with a surety bond. The bond shall be in an amount fixed and paid by the governing board. These persons shall deposit all moneys collected in accordance with K.S.A. 9-1401 *et seq.*, as amended.

(5) Each area school shall maintain complete and accurate financial records and make reports as prescribed by law and the regulations of the state board.

(6) 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 an auditor of the state board.

(e) Admission requirements. The area school shall maintain an open-door admission, as defined by S.B.R. 91-32-1(m), for secondary and postsecondary students.

(f) Completion requirements. Completion of a program from an area school shall be certified by issuing the appropriate written recognition. That recognition shall indicate the program the student has completed.

(g) Flag display. Each area school shall display the

United States flag and the Kansas flag, as provided by K.S.A. 73-706 and 73-712.

(h) Health laws. All school personnel who are in regular contact with pupils shall submit a certification of health as provided by K.S.A. 72-5213, as amended.

(i) Safety. The Kansas fire safety and prevention code shall be observed as provided by K.S.A. 31-132 *et seq.*, as amended. Each area school 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.

(j) Transportation. Transportation of students shall comply with Kansas statutes and regulations published by the Kansas department of transportation. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-5. Staff.** (a) Vocational education programs. Each instructor shall hold a valid certificate with the appropriate endorsement for that instructor's assignment.

(b) Support personnel. Aides and other noncertified personnel may be employed to supervise noninstructional activities, as provided by K.S.A. 1982 Supp. 72-1106. These persons shall work under the supervision of certified personnel.

(c) Staff development. Each area school shall develop and implement a plan for staff development. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-6. Institutional purposes and objectives, curriculum and evaluation.** (a) Purposes.

(1) Each area school shall state, in writing, its purposes and objectives as approved by the governing board;

(2) Objectives shall be identified for the specific subject areas, the various occupational programs, and for student personnel services. They shall be expressed in terms of specific behaviors, skills, attitudes to be achieved, and shall be coherent and consistent with the major purposes of the school;

(3) Provision shall be made for periodic review and modification of the statement of purposes and objectives;

(4) Information from the craft advisory committees shall be considered when revising the purposes and objectives of the area school;

(5) The statement of purposes and objectives shall be available to the staff, the students, and to the community.

(b) Curriculum.

(1) The educational program shall be developed from the school's statement of purposes and objectives.

(2) Each area school's program shall be designed to meet the vocational education needs of its students. It may include learning experience through classroom, laboratory, field study and on-the-job learning experiences.

(3) The planning and design of each area school's vocational educational program shall provide opportunities for cooperative participation by patrons, stu-

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dents, faculty members, and the craft advisory committees.

(4) Provisions shall be made for students of different aptitudes, mental capacities, and interests, including the disadvantaged and handicapped.

(5) Each course and program shall be organized to prepare students with the skills and knowledge which are necessary for entry into an occupation, for advancement within an occupation, for upgrading their occupational skills, or for preparing them for additional specialized occupational and technical education.

(6) the content of each course in the curriculum shall be based on the skills and knowledge required in the occupation.

(7) Each program offered shall be based on periodic surveys of manpower needs.

(8) Adult occupational education shall provide courses which relate to local business and industrial needs. Adult education shall be designed to meet the needs of those unemployed, untrained, and underemployed adults who desire to retrain or upgrade their skills.

(c) Evaluation.

(1) Periodic evaluations.

(A) Comprehensive evaluation. An evaluation of each area school shall be carried out at least once in each five-year cycle. The evaluation may include an analysis of the management and utilization of existing facilities and resources, finances, instructional program, student services, and community services. The evaluation of each area school shall be on a self-study basis involving students, patrons, advisory committees and staff. The self-study shall be followed by an on-site team visitation and evaluation as provided in this regulation.

(B) Visiting team. The visiting team shall be appointed by the state board. Visiting team members shall be qualified evaluators, shall not be state board personnel and may include evaluators from out-of-state.

(C) Visiting team's report. The visiting team shall submit a written report to the director of the area school and to the state board. The report shall consider strengths, areas needing improvement, and, when appropriate, shall suggest means of improving specific areas, if any, where the institution or program may not be in compliance with accreditation regulations. The director of the area school shall be given the opportunity to comment upon the written team report and to file supplemental materials pertinent to the facts and conclusions.

(2) Continuous evaluations.

(A) Data collection systems. Each area school shall maintain a system of data collection. Data collected shall be utilized in program planning and shall be part of the continuous evaluation system. Data shall be collected pertaining to:

(i) The economic, educational, and social backgrounds and the mental and physical capabilities of the students;

(ii) employment needs;

(iii) the achievement levels of students;

(iv) the recommendations, and the suggestions of the craft advisory committees;

(v) follow-up studies of its graduates and those who leave for early employment;

(vi) early leavers, to determine reasons for their leaving the school;

(vii) the effectiveness of the preparation of students who have completed the program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-7. Site and building.** Each site and building of an area school shall meet the requirements of Kansas statutes and codes concerning school building construction, and fire and health safety, and shall be accessible to the handicapped. Whenever the state fire marshal issues an order to a board to close or correct the condition of any building or facility by repairing, remodeling or restoration, and when no proceedings of appeal have been instituted by the electors of the board, pursuant to the provisions of K.S.A. 1982 Supp. 72-8213(i) and (j), the board shall comply with the order by the following June 30. Failure to do so shall result in "accredited warned" status. 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. The board shall notify the state board immediately when an action is taken or an order is issued by the state fire marshal or the state department of health and environment which indicates unsafe facilities or site. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-32-8. Student personnel services.** (a) Interests and needs inventories. Based on assessed student needs and interests, the program of the area school shall initiate and maintain the following services:

(1) Student record service, providing for the right of privacy. Each area school shall have policies regarding consent, due process, record management, security and access and dissemination of personal data;

(2) an individual appraisal service;

(3) an admissions and registration service;

(4) a counseling service;

(5) a follow-up service; and

(6) a student placement service.

(b) Guidance services.

(1) Guidance services shall be under the direction of a certified vocational guidance counselor;

(2) The area school shall provide facilities ensuring privacy for counseling. Clerical help and materials for effective implementation of guidance and counseling services shall be provided.

(c) Special students. Instruction and services shall be provided for the disadvantaged and handicapped students.

(d) Placement services. Vocational counselors and instructors shall assist in the placement of students. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

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**91-32-9. Library media program.** (a) Facilities. Each area school shall provide library-media facilities, which may be centralized or decentralized, to support its educational program.

(b) Staffing. Library media services shall be under the direction of a certified librarian or certified vocational instructor.

(c) Collection. Each area school shall have either a central library media center collection or shall maintain classroom collections. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

### Article 33.—REGULATIONS FOR ACCREDITING SPECIAL PURPOSE SCHOOLS

**91-33-1. Definitions.** (a) "Accredited-advised" means an initial failure of a school to meet one or more state board accrediting regulations.

(b) "Accredited private nonprofit corporation" means a private nonprofit corporation accredited by the state education agency of the state in which it is situated. The state education agency of that other state shall have its accreditation procedures approved by the state board.

(c) "Accredited warned" means failure of an accredited school to comply with Kansas statutes or one or more state board accreditation regulations.

(d) "Administrator" means a person who is charged with administrative responsibilities and certified by the state board.

(e) "Annual survey" means an annual survey of each special purpose school which shows the total number of exceptional children served within the various categories of exceptionality in the state as provided by K.S.A. 72-917.

(f) "Comprehensive plan" means the plan, which each special purpose school shall submit by September 15 of each year, that states how the school will meet the needs of exceptional children in its programs. This plan shall follow the guidelines and provide the information requested by the state plan. The data necessary for the annual survey and end-of-year reports shall be included in the comprehensive plan of each special purpose school.

(g) "Daily program" means the schedule of classes taught by all teachers during the day.

(h) "Developmental preschool" means those schools, operated by private nonprofit corporations or foundations, that serve handicapped children under school age.

(i) "Governing body or board" means the governing body or board of a special purpose school.

(j) "Media" means printed and audiovisual forms of communication and their accompanying technology.

(k) "Media program" means the complete instructional program and other services furnished to students and teachers by a media center and its staff.

(l) "Program of studies" means those courses of instruction that are offered in any given school year.

(m) "Provisionally accredited" means a new special purpose school that has met state board accreditation

requirements and Kansas statutes on or before November 15 that is requesting initial accreditation.

(n) "Special education" means an educational program provided for exceptional children whose physical, mental, social, emotional or educational characteristics are sufficiently deviant to require an educational program that is markedly different from those usually taught in regular grades.

(o) "Special purpose school" means any school for exceptional children which is operated by a private nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, approved by the commissioner of education, are provided.

(p) "State board" means the state board of education.

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

(r) "Unit of organization" means graded or ungraded groups which are organized and conducted as an administrative unit for instructional purposes. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

### **91-33-2. Procedures for accrediting special purpose schools.** (a) Accreditation procedures.

(1) The governing body of each special purpose 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 it requests accreditation. Each special purpose school shall be accredited according to the special purpose school accreditation requirements.

Special purpose schools requesting accreditation shall file an annual special purpose school report, special education annual survey and comprehensive plan, and other reports required by the state board. The plan shall be filed no later than September 15 of each year. Intentional falsification of reports may result in denial or loss of accreditation.

(2) Special purpose schools shall meet the provisions of applicable Kansas statutes, the Kansas state plan for special education, and Kansas administrative regulations.

(3) Accreditation status for each school shall be determined by evaluation of the following information:

(A) data provided in official reports, including the local comprehensive plan;

(B) reports from state department of education specialists;

(C) reports from the state department of health and environment;

(D) the report or order of the state fire marshal; and

(E) any other official or special reports regarding the local school that may be requested by the state board.

(4) Schools shall be either accredited, or if deficiencies exist, "provisionally accredited," "accredited advised," "accredited warned," or dropped from the accredited list by the state board.

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(5) Special purpose schools desiring accreditation shall comply with the provisions of K.S.A. 72-9001 *et seq.* and file evaluation policies for all certified personnel, with any amendments, with the state board. Failure to file policies or any amendments, or any noncompliance with any of the policies that are filed, shall be considered a violation of Kansas statutes and, for the first year, any violation shall be cause for the state board to issue a warning. If there is continued noncompliance the second school year, the school shall be removed from the accredited list by the state board as of the following June 30.

(6) During the school year, but no later than March 15, any school with deficiencies shall be notified by the state board. All official accreditation notices indicating deficiencies shall be mailed to the administrator of the school.

(7) Each school shall be responsible for making reports from time to time during the school year, as required by state board regulations, that shall be complete and accurate, reflecting any changes that might affect accreditation status.

(8) Accreditation or nonaccreditation shall be effective as of June 30 and, unless changed by special action of the state board, shall remain in force until the following June 30. Accreditation action taken on June 30 shall pertain to the school year just completed.

(9) During the June state board meeting of each year, the commissioner of education shall recommend to the state board action to be taken regarding the accreditation of special purpose schools. In those cases where the commissioner intends to recommend nonaccreditation, the commissioner shall notify the governing body and the administrator of the school of that intention no later than May 15. The board of education shall be given an opportunity at the June meeting of the state board to present reasons why the school should be accredited.

(10) 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.

(11) Any special purpose school denied accreditation effective June 30 of any year, shall upon application, 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 for reinstatement to the accredited list shall be filed with the commissioner of education in sufficient time for it to be heard or considered by the state board at its regular August meeting and shall be signed by each member of the governing body of the school, indicating that all deficiencies have been corrected. All necessary forms for reinstatement shall be provided by the commissioner of education.

(12) Provisional accreditation. On or before November 15, prior to regular accreditation action taken

by the state board on the following June 30, any special purpose school may receive provisional accreditation status if the school makes application for accreditation and submits a special purpose school report which shall be evaluated and approved by the state board. Provisional accreditation status may be extended for no more than a three-year period and such school shall be evaluated each year to determine the degree to which progress has been made toward meeting regular accreditation status requirements.

(13) Out-of-state schools. Private nonprofit corporations located outside of the state of Kansas who offer special education programs and who are accredited by the state education agency in which they are situated shall be on the approved list of the state board in order to be recognized as out-of-state accredited special purpose schools.

(14) Other schools. Any special purpose school for exceptional children which cannot meet accreditation requirements as a special purpose school may join with accredited special purpose schools if the staff and program have been approved by the state board in accordance with Kansas administrative regulations for special education. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-33-3. Policies and organization.** (a) Policies. (1) All orders, rules and regulations of the governing board, and any revisions, shall be in writing and certified, and upon request shall be made available to the employees, patrons, and pupils of the school. Policies shall not discriminate in the employment of staff or the selection of pupils on the basis of race, religion, color, national origin or ancestry, physical handicap, or sex.

(2) School personnel policies. Personnel policies shall be adopted by the governing body and shall be available to pupils, teachers and parents.

(3) Evaluation policies for certified personnel. Evaluation policies shall be adopted as prescribed by K.S.A. 72-9001 *et seq.*, as amended, and filed with the state board.

(4) Admission, promotion and placement policies. The governing body shall adopt policies regarding admission, promotion, and placement of pupils. Policies shall meet the provisions of statutes and the requirements of Kansas administrative regulations. Policies shall be available to pupils, teachers, and parents.

(5) Rules governing suspension and expulsion of pupils. Each special purpose school's policies governing the suspension and expulsion of pupils shall conform to the provisions of K.S.A. 72-8901 *et seq.*, as amended, and the current Kansas state plan for special education.

(b) Organization.

(1) Any accredited special purpose school may provide services to public schools as provided by K.S.A. 72-933 and 72-966.

(2) Any accredited special purpose school may provide any combination of instructional levels from pre-school through maximum school age as provided by Kansas administrative regulations for special education.

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tion, shall be organized as an ungraded program, shall provide programs for students with a range of developmental skills and shall set identifiable goals for the students served. Any school which serves only preschool age exceptional children shall not be accredited as a special purpose school.

(3) Each special purpose school shall have a minimum of four staff members, including at least one full-time teacher. Paraprofessionals who are qualified to assist certified teachers in the instruction of children, as determined by regulations established by the state board, may be employed.

(4) The length of the school year shall be scheduled to be at least 180 days or be scheduled to be at least 1080 instructional hours as provided by K.S.A. 72-1106(a)(2).

(5) The length of the school day shall be at least six hours, as provided by K.S.A. 72-1106.

(6) Each special purpose school shall provide data, as requested by the local school district or cooperative, when completing the annual special education survey.

(c) Special, exemplary or innovative programs, waiver of regulations. Schools that have special, exemplary, or innovative education programs that do not meet all accreditation regulations may, prior to the beginning of the school term, submit a request to the special education administrative section for approval of one or more variations from state plan regulations. Such requests shall describe the nature of the variation and provide a rationale or justification for the variation. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-33-4. Administration.** (a) Principal or special school administrator. Each special purpose school shall have the services of a principal or special school administrator who shall be assigned and have the necessary time to perform administrative and supervisory responsibilities. These administrative and supervisory responsibilities may be performed by the special purpose school or through a cooperative arrangement with another accredited school.

(b) Assistant principal or assistant special school administrator or supervisors. In special purpose schools where the principal or special school administrator requires assistance due to the amount of administrative responsibilities, staffing patterns shall include the services of one or more assistant principals or assistant special school administrators or supervisors.

(c) Administrative regulations.

(1) Compulsory attendance. Each special purpose school shall conform to the provisions of K.S.A. 72-962(f), 72-977 and 72-1111, regarding compulsory attendance.

(2) Adherence to health laws. All special purpose 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.

(3) Display of flags. Special purpose schools shall fly the United States flag and a Kansas flag, as provided by K.S.A. 73-706 and 73-712.

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

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

(6) Pupil records. Accurate and complete records of attendance and activities shall be kept in a safe or fire resistant compartment. When any pupil transfers or is promoted to another school, the academic records of that pupil shall follow on request, except as provided by K.S.A. 72-5386. Pupil records shall be maintained in a manner that assures the right of privacy, pursuant to K.S.A. 72-6214, the federal *Family Educational Rights and Privacy Act of 1974*, and K.A.R. 91-12-43.

(7) Teacher records. An individual teacher record for each teacher, including a current college transcript or transcripts, certification, tenure, salary, retirement status, and other personnel data, shall be on file in an office as required by law and the policies of the governing board.

(8) Activity funds. All activity funds shall be in one central account.

(9) Surety bond. Each person responsible for the receipt and disbursement of money shall be bonded with a surety bond in an amount fixed by the governing body. That bond shall be approved and paid by the governing body.

(10) Auditing. In addition to persons authorized to make audits under K.S.A. 72-1122 *et seq.*, as amended, accounts shall also be subject to audit by auditors of the state board.

(11) Sales tax. A permanent record shall be maintained showing sales and admissions for which sales tax is paid. This record shall be maintained for the length of time required by Kansas statutes.

(12) Inventories. Inventories of all equipment, apparatuses, books, and supplies shall be on file. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-33-5. Staff.** (a) Principal or special school administrator. Each principal or special school administrator shall hold a valid certificate with an administrative endorsement.

(b) Teachers. Each teacher shall hold a valid certificate with the appropriate endorsement for that teacher's assignment. Certification status of the teacher shall determine the kind of credit awarded for a course.

(c) Supportive staff. Supportive personnel shall be assigned in accordance with the special education state plan.

(d) Paraprofessionals. Noncertified personnel may be assigned to assist certified teachers as provided by K.S.A. 72-962 and K.A.R. 91-12-61. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

(continued)

**91-33-6. Curriculum.** The curriculum of each special purpose school shall meet the provisions of statutes and Kansas administrative regulations. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-33-7. Library media center.** (a) Media services. Media services shall be an integral part of the total program of the school and shall provide:

(1) Media resources meeting the curricular objectives of the school;

(2) materials and equipment for both instructional activities and the personal enrichment of pupils; and

(3) media resources meeting the capabilities and learning styles of the pupils.

(b) Library media resources. Library media shall consist of materials and equipment that meet the objectives of the school and the needs of pupils and teachers. Classification and cataloging of library media resources shall include a shelf list and an alphabetically arranged catalog. Inventory and financial records shall be accurate and up-to-date. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

**91-33-8. Graduation.** (a) (1) Each pupil shall be eligible for graduation upon completion of the following requirements:

(A) Four units of English language arts. Beginning with the 1988 graduating class, three units shall be in English. When, in the judgment of the high school principal, a pupil can profit more by taking another subject, the principal may waive up to one unit of this requirement;

(B) 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. Beginning with the 1988 graduating class, three units of social studies shall be required 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;

(C) one unit of science as a laboratory course. Beginning with the 1988 graduating class, two units of science shall be required, including one unit as a laboratory course;

(D) one unit of mathematics. Beginning with the 1988 graduating class, two units of mathematics shall be required;

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

(i) 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

(ii) 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; and

(F) eight units of elective courses.

(2) A total of 20 units of credit shall be required for the 1988 graduating class. A total of 17 units of credit shall be required for graduation for those students in classes which will graduate prior to 1988.

(3) Beginning with the 1984-85 school year, any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in 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 the minimum total units of credit required by (a)(2), or the equivalent. The required 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; amended May 1, 1984.)

**91-33-9. Site and building.** Each site and building of a special purpose school shall meet the requirements of Kansas statutes and codes concerning school building construction, and fire and health safety, and shall be accessible to the physically handicapped. Whenever the state fire marshal issues an order to the governing body to close or correct the condition of any building or facility by repairing, remodeling or restoration, and when no proceedings of appeal have been instituted by the electors of the board, pursuant to the provisions of K.S.A. 1982 Supp. 72-8213(i) and (j), the governing body shall comply with the order by the following June 30. If the school fails to do so, it shall be given an accredited warned status on that date. 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 governing body to notify the state board immediately when an action is taken or an order is 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, 1984.)

DR. HAROLD L. BLACKBURN  
Commissioner of Education

Doc. No. 001764

(Published in the KANSAS REGISTER, February 23, 1984.)

### HOUSE BILL No. 2743

AN ACT concerning Sedgwick county; relating to the sale of certain property.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The board of county commissioners of Sedgwick county is hereby authorized to sell its IBM computer and data processing equipment, without submitting the proposed sale for approval by the electors of the county, if such sale is approved by the unanimous vote of the board. Notice of the sale shall be published at least once each week for three consecutive weeks in the official county newspaper. The sale shall be made to the highest bidder, except that the board shall have the right to reject any or all bids.

(b) The provisions of this act shall expire on May 31, 1984.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 1, 1984.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE February 15, 1984.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED February 17, 1984.

JOHN CARLIN  
*Governor.*

### STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 20th day of February, 1984.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

## KANSAS FACTS

### THE EXECUTIVE BRANCH

The Executive Branch includes the elected state officers provided for in the Kansas Constitution: Governor, Lieutenant Governor, Secretary of State, Attorney General, and the ten members of the State Board of Education. Other elected state officers are the Commissioner of Insurance and State Treasurer. All serve four-year terms.

All offices in the Executive Branch are either directly or indirectly controlled by one of the elective officers, or are special agencies created by the Legislature to function independently within state government.

The Executive Branch offices exist to enforce or carry out the laws enacted by the Legislative Branch.

The structure of the Executive Branch has evolved over the years to its present form. Governors and legislatures have made changes as necessary through executive re-organization orders, constitutional amendments, and legislation.

Major state agencies are now headed by cabinet-level secretaries. In recent years, the efficiency of

state government has been increased by combining similar agencies and abolishing antiquated, unnecessary ones.

In 1978, the Legislature adopted a "Sunset Law," which automatically abolishes specified state agencies at certain times. When an agency is due to be abolished, it may only be continued by receiving renewed statutory authority. The Legislature has the power to abolish any state agency (except constitutional offices) at any time.

Kansas was the third state in the country to establish a position of Ombudsman for Corrections. The Ombudsman serves as a liaison between the Department of Corrections and the inmates of the correctional institutions. He investigates complaints and works with corrections authorities to resolve problems.

A Public Disclosure Commission administers recent laws which mandate strict ethics in government.

The Legislative Division of Post Audit was created to audit each state agency periodically to review the legality, efficiency and appropriateness of the agency's operations. Post Audit is responsible to the Legislature and reports its findings and recommendations to that body.

The Crime Victims Reparations Board, created in 1978, provides compensation to certain victims of crime.

### THE JUDICIAL BRANCH

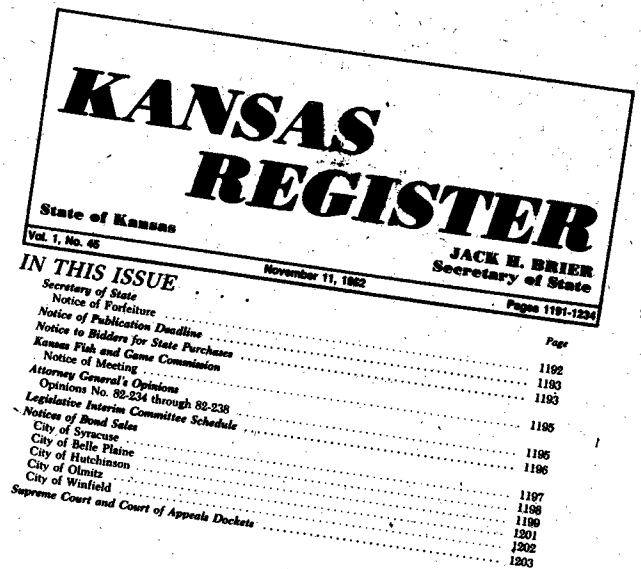
The state's Judicial Branch, which interprets state laws, is headed by the Supreme Court, with a chief justice and six justices. The Supreme Court is the highest court in Kansas. The Court of Appeals is a middle court between the Supreme Court and the district Courts. The Court of Appeals has a chief judge and six judges, and there are 31 district courts throughout Kansas presided over by 70 judges. Each judicial district also has associate district judges and/or district magistrate judges, as prescribed by law.

Supreme Court justices and Court of Appeals judges are appointed by the Governor. Each time a vacancy exists the Supreme Court Nominating Commission submits names of several qualified nominees for the Governor to pick from. The justices stand for retention by public vote every six years, and the judges do the same every four years. The justices and judges must retire at age 70 or as soon thereafter as they finish serving their term.

District judges, associate district judges, and district magistrate judges are elected locally. Most are selected on a non-partisan ballot, although some districts have opted for partisan elections.

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