

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 7, No. 13

March 31, 1988

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## IN THIS ISSUE . . .

Page

<b>State Economic Opportunity Office</b>	
Request for Proposals.....	494
<b>Ford County, Kansas</b>	
Notice of Hearing Concerning Repayment of Bondholders.....	494
<b>Office of the Governor</b>	
Executive Order No. 88-108.....	495
<b>Attorney General</b>	
Opinions No. 88-38 through 88-40.....	495
<b>Social and Rehabilitation Services</b>	
Notice of Meeting.....	496
<b>Behavioral Sciences Regulatory Board</b>	
Notice of Hearing on Proposed Administrative Regulations.....	496
<b>State Banking Board</b>	
Notice of Meeting.....	497
<b>Legislative Bills Introduced March 17-23.....</b>	497
<b>Kansas Citizens' Committee on Alcohol and Other Drug Abuse</b>	
Notice of Meeting.....	498
<b>Department of Transportation</b>	
Notice to Contractors.....	498
<b>Wichita State University</b>	
Notice to Bidders.....	499
<b>Notice to Bidders for State Purchases.....</b>	499
<b>Department of Health and Environment</b>	
Notice Concerning Kansas Water Pollution Control Permit.....	501
Notice of Intent to Deny Hazardous Waste Delisting Petition.....	502
<b>Department of Commerce</b>	
Notice Concerning 1988 Small Cities CDBG Program.....	502
<b>Notice of Bond Redemption</b>	
Sedgwick County.....	503
City of Kansas City.....	504
Reno County.....	505
City of Chapman.....	505, 506
Johnson County.....	506
<b>Notice of Bond Sale</b>	
City of Haysville.....	507
Crawford County.....	510
City of Anthony.....	512
<b>Permanent Administrative Regulations</b>	
Department of Human Resources—Division of Workers' Compensation.....	514
Department of Education.....	517

State of Kansas  
**SOCIAL AND REHABILITATION SERVICES**  
**STATE ECONOMIC OPPORTUNITY OFFICE**  
 REQUEST FOR PROPOSALS

In accordance with the Department of Energy regulations dated January 1, 1986, Part VI, Sections 440.14 and 440.15, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, is accepting applications until 5 p.m. April 15 for the purpose of identifying a program operator for the northern portion of Wyandotte County. Applicants should be either a public or private nonprofit organization. The Weatherization Assistance Program provides weatherization services at no cost to eligible low income, elderly and handicapped persons.

Requests for proposals will be available to interested organizations upon receipt of a written request. Written requests should be made to the State Economic Opportunity Office, Biddle Building, 1st Floor, 2700 S.W. 6th, Topeka 66606, (913) 296-4989, no later than April 7. Questions may be directed to Jim Spano, Program Operations Coordinator.

LOIS A. MARTIN, Administrator  
 State Economic Opportunity Office

Doc. No. 006334

(Published in the *Kansas Register*, March 31, 1988.)

**FORD COUNTY, KANSAS**

**Notice of Hearing Concerning  
 Repayment of Bondholders**

Notice is hereby given to all bondholders pursuant to an order issued by the Ford County, Kansas District Court that a hearing will be held before the Ford County District Court to consider the approval of certain proposals made by Curtis Machine Company, Inc. for repayment of bondholders for Series 1972 and 1976A industrial revenue bonds issued by the city of Dodge City, Kansas.

The hearing will be held at 1:30 p.m. Friday, April 29, before Honorable Don C. Smith, Ford County District Court Judge, in the County Courthouse in Dodge City. Copies of the proposals to be considered by the court at the hearing may be obtained from the undersigned or from the clerk of the Ford County District Court, Ford County Courthouse, Central & Spruce, Dodge City, (316) 225-4091.

Any objections to the approval of the proposals must be made in writing and be received by the clerk of the Ford County District Court on or before April 18, 1988. In the event no timely objections are received, the court may enter an order approving the proposals without further notice to the bondholders. Said written objections must refer to the case heading and case number as set forth on the cover sheet of the proposals.

W. Thomas Gilman  
 Redmond, Redmond & Nazar  
 331 E. Douglas  
 Wichita, KS 67202  
 (316) 262-8361

Doc. No. 006366

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PUBLISHED BY  
 BILL GRAVES  
 Secretary of State  
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 Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

## OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 88-108

ESTABLISHING THE COORDINATING  
COUNCIL FOR CRIMINAL JUSTICE

WHEREAS, actions of the legislative, judicial, and executive branches of government have impact on criminal justice in Kansas; and

WHEREAS, improved coordination among the three branches will benefit criminal justice and the people of Kansas; and

WHEREAS, improved coordination of organizational elements that form an integral part of the criminal justice system can assist in analyzing criminal justice problems and identifying alternative solutions; and

WHEREAS, protection of the public and rehabilitation of offenders in an efficient and cost-effective manner are principal objectives of criminal justice in Kansas;

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive, I hereby establish the Coordinating Council for Criminal Justice. Members of the Council shall serve without compensation and shall not utilize designees or substitutes. The Department of Corrections shall provide staff to the Council.

The secretary of corrections shall serve as chairperson of the Council. The Governor's chief counsel, the chairperson of the Kansas Parole Board, and the secretary of social and rehabilitation services and an individual named by the Governor also shall be Council members.

The chairperson of the Council shall request the Attorney General and the Chief Justice of the Kansas Supreme Court to be members. The chairperson shall also request the President and the Minority Leader of the Kansas Senate and the Speaker and Minority Leader of the Kansas House to designate one member each from their respective bodies to serve on the Council.

The Council shall be charged with analyzing problems in criminal justice, identifying alternative solutions, and making recommendations for improvements in criminal law, sentencing, prosecution, community and correctional placement, programs, release procedures and related matters.

The expanded Council provided for by this Order shall be in lieu of the Council provided for by Executive Order No. 88-106, which is hereby rescinded. This document shall be filed with the Secretary of State as Executive Order No. 88-108 and shall become effective immediately.

Dated March 21, 1988.

MIKE HAYDEN

Governor

Attest: BILL GRAVES

Secretary of State

Doc. No. 006370

State of Kansas

## ATTORNEY GENERAL

Opinion No. 88-38

Elections—Nominations; Terms of Office; Vacancies—Vacancies in the Office of Judge of the District Court. James B. O'Connor, District Magistrate Judge, Seneca, March 17, 1988.

Persons elected to judge of the district court in November 1986 due to a vacancy in office were elected to a four year term to expire January 1991. Cited herein: K.S.A. 1987 Supp. 20-301a; K.S.A. 25-313; 25-314; 25-3904; 25-3906; L. 1985, ch. 119, § 1; L. 1976, ch. 145, § 138; Kan. Const., Art. 3, § 6. RLN

Opinion No. 88-39

Townships and Township Officers—Hospitals and Health Care Facilities; Hospitals—Selection of Hospital Board Members. Richard N. Raleigh, City Attorney, Medicine Lodge, March 17, 1988.

The method of selecting board members of hospital districts established under the provisions of K.S.A. 80-2101 *et seq.* (act repealed L. 1984, ch. 374) may be changed pursuant to K.S.A. 1987 Supp. 80-2508. Cited herein: K.S.A. 80-2101 *et seq.* (act repealed L. 1984, ch. 374); 80-2501; 80-2502; 80-2504; 80-2507; K.S.A. 1987 Supp. 80-2508. RLN

Opinion No. 88-40

Taxation—Collection and Cancellation of Taxes—Voluntary Transfer of Personal Property Before Tax Paid. William B. Elliott, Graham County Attorney, Hill City, March 17, 1988.

By its terms, K.S.A. 1987 Supp. 79-2020 establishes a tax lien against personal property only when that property is transferred after the date it is assessed and before the tax thereon is paid. Property on which taxes are current which is transferred prior to assessment is not subject to the provisions of K.S.A. 1987 Supp. 79-2020. K.S.A. 1987 Supp. 8-173 requires only that the person applying for registration be current in the payment of his or her personal property taxes levied for the preceding year; it does not make the applicant responsible for taxes levied against another. Cited herein: K.S.A. 1987 Supp. 8-173; 79-2020; K.S.A. 79-2109; 79-2110. JLM

ROBERT T. STEPHAN  
Attorney General

Doc. No. 006373

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, April 12, in the SRS Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes reports from SRS commissioners; adoption of proposed temporary administrative regulations to become effective May 1, 1988; and other items as necessary.

Certain of the proposed temporary administrative regulations presented at the March 1 open meeting are being further amended as follows:

**Article 6—Medical Assistance Program—****Clients' Eligibility for Participation**

**30-6-56. Transfer of property.** This regulation is being further amended to provide that a division of resources between a husband and wife pursuant to 1988 SB No. 264 shall not affect eligibility under the transfer of property provisions.

**30-6-106. General rules for consideration of resources, including real property, personal property, and income.** This regulation is being further amended for SSI to provide that the separate share of resources of the applicant's or recipient's spouse resulting from a division of resources between a husband and wife pursuant to 1988 SB No. 264 shall not be considered available to the applicant or recipient except as provided by the rules regarding the consideration of combined income and resources where both spouses are applicants or recipients and one or both enter a care situation.

**30-6-113. Income exempt as applicable income.** This regulation is being further amended for SSI to exempt income that is allocated and expended by a person in an institutional living arrangement or a home and community based services care arrangement for the support of the person's spouse pursuant to 1988 SB No. 264.

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

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

Doc. No. 006367

## State of Kansas

**BEHAVIORAL SCIENCES  
REGULATORY BOARD****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 10 a.m. Tuesday, April 19, in Room 858-S, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed temporary and permanent rules and regulations of the Behavioral Sciences Regulatory Board.

All interested parties may submit written comments prior to the hearing to the Behavioral Sciences Regulatory Board, Room 855-S, Landon State Office Building, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to orally express their views in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to speak, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Behavioral Sciences Regulatory Board as the basis for making changes to the proposed regulations.

Copies of the regulations and the complete fiscal impact statements may be obtained by writing to the board office.

The following is a brief summary of the board's proposed regulations:

**Social Work Regulation**

**K.A.R. 102-2-8. Supervision.** This permanent regulation is amended to require a written agreement between the licensed social work supervisor and licensed social work supervisee.

**Fiscal Impact:** None to either the board or the licensees.

**Professional Counselors**

**K.A.R. 102-3-1, and K.A.R. 102-3-3 through 102-3-13** are new temporary and permanent regulations establishing requirements for registration and renewal of registration for professional counselors and defining unprofessional conduct.

**Fiscal Impact:** Any applicant who does not qualify for registration shall be prevented from using the title "professional counselor," "registered professional counselor," or "registered counselor." The fiscal impact of this restriction is unknown. Any registered person who is found guilty of a violation of professional conduct may have the registration revoked or suspended. The registrant may incur financial loss, the extent to which is unknown.

MARY ANN GABEL  
Executive Secretary

Doc. No. 006383



## State of Kansas

STATE BANK COMMISSIONER  
STATE BANKING BOARD

## NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, April 18, in the conference room of the State Banking Department, Suite 300, 700 Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. NEWTON MALE  
State Bank Commissioner

Doc. No. 006376

## State of Kansas

## LEGISLATURE

## LEGISLATIVE BILLS INTRODUCED

The following numbers and titles of bills and resolutions have been recently introduced in the 1988 Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096.

## Bills introduced March 17-23:

## House Bills

**HB 3100**, by Committee on Taxation: An act concerning school districts; authorizing the development and implementation of building-based education plans; providing for grants of state moneys therefor to selected school districts.

**HB 3101**, by Committee on Federal and State Affairs: An act concerning easements; relating to the creation of certain conservation easements; amending K.S.A. 1987 Supp. 58-3803, 58-3804 and 58-3805 and repealing the existing sections.

**HB 3102**, by Committee on Federal and State Affairs: An act concerning fire safety and prevention; relating to requiring automatic fire extinguishing systems in certain buildings; amending K.S.A. 31-133 and repealing the existing section.

**HB 3103**, by Committee on Appropriations: An act concerning the department of revenue; relating to the collection of delinquent taxes; authorizing the acquisition of an automated collections system; providing certain exemptions.

**HB 3104**, by Committee on Appropriations: An act concerning motor vehicles; relating to vehicle identification numbers and checks thereof; increasing certain fees; amending K.S.A. 1987 Supp. 8-116a and repealing the existing section.

**HB 3105**, by Committee on Appropriations: An act relating to the Kansas Statutes Annotated; concerning materials to be included therein; amending K.S.A. 77-132 and 77-133 and repealing the existing sections.

**HB 3106**, by Committee on Appropriations: An act concerning crime victims reparations; relating to certain transfers to the crime victims reparations fund; prescribing powers, duties and functions with respect thereto for the state treasurer and the director of accounts and reports; amending K.S.A. 1987 Supp. 74-7317 and repealing the existing section.

**HB 3107**, by Committee on Appropriations: An act concerning crime victims reparations; establishing the crime victims grants and gifts fund; prescribing disposition of moneys credited thereto; providing for certain contributions to such fund to be subtracted from income for Kansas income taxation; amending K.S.A. 1987 Supp. 74-7317 and 79-32, 117 and repealing the existing sections.

**HB 3108**, by Committee on Appropriations: An act providing for the consolidation of certain area vocational schools and area vocational-technical schools with certain community colleges; amending K.S.A. 1987 Supp. 72-4412 and repealing the existing section; also repealing K.S.A. 72-4416a.

## Senate Bills

**SB 735**, by Committee on Federal and State Affairs: An act concerning debt collection practices; prohibiting certain acts providing enforcement powers and duties for the attorney general; providing penalties for violations; authorizing private lawsuits for damages.

**SB 736**, by Committee on Ways and Means: An act concerning the transfer of certain balances in motor carrier license fees fund to state highway fund; amending K.S.A. 66-1, 142 and repealing the existing section.

**SB 737**, by Committee on Ways and Means: An act concerning the employment security law; relating to the definition of wages; amending K.S.A. 1987 Supp. 44-703 and repealing the existing section.

**SB 738**, by Committee on Ways and Means: An act relating to sales taxation; concerning the definition, taxation and exemption of certain sales of property and services; amending K.S.A. 1987 Supp. 12-190, 79-3602, 79-3603, 79-3606 and 79-3642 and repealing the existing sections.

**SB 739**, by Committee on Ways and Means: An act relating to Kansas, Inc.; concerning the funding of activities; amending K.S.A. 1987 Supp. 74-8009 and repealing the existing section.

**SB 740**, by Committee on Ways and Means: An act concerning the construction defects recovery fund; relating to certain expenditures therefrom; amending K.S.A. 1987 Supp. 75-7385 and repealing the existing section.

**SB 741**, by Committee on Ways and Means: An act concerning the health care provider insurance availability act; relating to full-time physician facility employed by the university of Kansas medical center; amending K.S.A. 40-3402 and 40-3414 and K.S.A. 1987 Supp. 40-3401, 40-3403 and 40-3404 and repealing the existing sections.

**SB 742**, by Committee on Ways and Means: An act authorizing certain state agencies to contract with and provide financial assistance to individuals enrolled in schools of nursing in exchange for such individuals agreeing to employment by such state agencies as provided in such contracts.

**SB 743**, by Committee on Ways and Means: An act repealing K.S.A. 74-3308a and 74-3308b; concerning acquisition of land under fish and wildlife coordination act.

**SB 744**, by Committee on Ways and Means: An act concerning the recruitment and moving expenses of certain state personnel; relating to the payment of certain expenses; amending K.S.A. 75-3218 and repealing the existing section; also repealing K.S.A. 75-3219 and 75-3224.

**SB 745**, by Committee on Ways and Means: An act concerning land belonging to the state; relating to the granting of easements; amending K.S.A. 75-2131 and repealing the existing section.

**SB 746**, by Committee on Federal and State Affairs: An act concerning certain educational benefits for certain dependents of deceased or disabled law enforcement officers.

## House Resolutions

**HCR 5057**, by Representatives Braden and Barkis: A concurrent resolution designating March 1988 as "Developmental Disabilities Awareness Month" in Kansas.

**HCR 5058**, by Representatives Braden and Barkis: A concurrent resolution establishing a special Joint Legislative Committee on Problems in Prison Overcrowding.

**HR 6052**, by Representative Fry: A resolution congratulating and commending Donald and Jo Keesling on their being named Kansas Master Farmer-Master Homemaker for 1987.

**HR 6053**, by Committee on Agriculture and Small Business: A resolution proclaiming March 18, 1988, as "Agriculture Day."

**HR 6054**, by Representative Mollenkamp: A resolution congratulating and commending Hill City on its Centennial Anniversary.

**HR 6055**, by Representative Ott: A resolution declaring "Kansas Sunflower Honey Wheat Bread" as an official bread of Kansas.

**HR 6056**, by Representative Empson: A resolution congratulating and commending the Independence High School girls' basketball team and Coach Ron Schwatken for winning the 1988 Class 5A State Basketball Championship in Kansas.

**HR 6057**, by Representative Freeman: A resolution congratulating and commending the Lebo High School boys' basketball team and Coach Greg Raleigh for winning the 1988 Class 2A State Basketball Championship in Kansas.

**HR 6058**, by Representatives Branson, Charlton, D. Miller and Solbach: A resolution congratulating and commending the University of Kansas Pom-Pon Squad on placing second at the National Cheerleaders Association Collegiate Cheerleader and Pom-Pon Championship.

**HR 6059**, by Representatives Branson, Charlton, D. Miller and Solbach: A resolution congratulating and commending the University of Kansas Cheerleading Squad on placing sixth at the National Cheerleaders Association Collegiate Cheerleader and Pom-Pon Championship.

**HR 6060**, by Representative Laird: A resolution congratulating and commending the Shawnee Heights High School boys' basketball team and Coach Bob Bodenheimer for winning the 1988 Class 5A State Basketball Championship in Kansas.

**HR 6061**, by Representatives Larkin and Eckert: A resolution congratulating and commending the Nemaha Valley High School boys' basketball team and Coach Dennis Getzlaff for winning the 1988 Class 3A State Basketball Championship in Kansas.

**HR 6062**, by Representative Allen: A resolution honoring Leroy G. Fox, upon his retirement as County Librarian for Johnson County.

**HR 6063**, by Representatives Adam and Sallee: A resolution congratulating and commending the Atchison High School boys' basketball team and Coach Chic Downing for winning the 1988 Class 4A State Basketball Championship in Kansas.

**HR 6064**, by Representative Larkin: A resolution memorializing the Congress of the United States to exempt farmers from being required to pay the federal diesel tax.

**HR 6065**, by Representative Mollenkamp: A resolution congratulating and commending the City of Palco on its Centennial Anniversary.

**HR 6066**, by Representative Neufeld: A resolution congratulating and commending the Minneola High School boys' basketball team and Coach Bob Bartkoski for placing third in the 1988 Class 1A State Basketball Championship in Kansas.

**HR 6067**, by Representative Neufeld: A resolution congratulating and commending the Copeland High School boys' basketball team and Coach Russ McKinstry for placing second in the 1988 Class 1A State Basketball Championship in Kansas.

**HR 6068**, by Representative Neufeld: A resolution congratulating and commending the Spearville High School girls' basketball team and Coach Brian Hogan for winning the 1988 Class 2A State Basketball Championship in Kansas.

**HR 6069**, by Representatives Graeber and Jenkins: A resolution congratulating and commending the Leavenworth High School girls' basketball team and Coach Stuart Ordman for winning the 1988 Class 6A State Basketball Championship in Kansas.

## Senate Resolutions

**SR 1835**, by Committee on Agriculture: A resolution proclaiming March 18, 1988, as "Agriculture Day."

**SR 1836**, by Senator Montgomery: A resolution honoring Byron Guise of Marysville, Kansas.

**SR 1837**, by Senator Karr: A resolution recognizing the importance of the National TRIO Program.

**SR 1838**, by Senator Vidricksen: A resolution declaring "Kansas Sunflower Honey Wheat Bread" as an official bread of Kansas.

**SR 1839**, by Senator Theissen: A resolution congratulating and commending the Independence High School girls' basketball team and Coach Ron Schwatken for winning the 1988 Class 5A State Basketball Championship in Kansas.

**SR 1840**, by Senator Montgomery: A resolution congratulating and commending the Nemaha Valley High School boys' basketball team and Coach Dennis Getzlaff for winning the 1988 Class 3A State basketball championship in Kansas.

**SR 1841**, by Senator D. Kerr: A resolution congratulating and commending the Hutchinson Community College basketball team and Coach Dave Farrar for winning the 1988 National Junior College Athletic Association Basketball Tournament.

**SR 1842**, by Senator Reilly: A resolution congratulating and commending *The Leavenworth Times* on its 131st anniversary of service to the public.

**SR 1843**, by Senator Morris: A resolution remembering those who died, and honoring the survivors of the Japanese attack on Pearl Harbor, Hawaii, December 7, 1941.

**SR 1844**, by Senators Langworthy, Allen, Bogina, Bond and Burke: A resolution honoring Leroy G. Fox upon his retirement as County Librarian for Johnson County.

**SR 1845**, by Senator Talkington: A resolution in memory of Eugene "Gene" Whitaker.

**SR 1846**, by Senator Talkington: A resolution in memory of Howard L. Brown.

**SR 1847**, by Committee on Agriculture: A resolution urging the Secretary of Transportation of the United States, James H. Burnley IV, to withdraw the proposed rule concerning reclassification of anhydrous ammonia.

**SR 1848**, by Senators Allen and Talkington: A resolution congratulating and commending Glenda Sue Watkins of Paola, Kansas, on being named 1988 Kansas Teacher of the Year.

Doc. No. 006374

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**  
**KANSAS CITIZENS' COMMITTEE ON**  
**ALCOHOL AND OTHER DRUG ABUSE**

**NOTICE OF MEETING**

The Kansas Citizens' Committee on Alcohol and Other Drug Abuse will meet from 8:30 a.m. to 3:30 p.m. Friday, April 8, at the Park Inn South, 3802 S. Topeka Blvd., Topeka.

The agenda includes selection of new officers and nominations for membership. Also, items concerning the alcohol and drug abuse field will be presented.

ANDREW O'DONOVAN  
 Commissioner of Alcohol  
 and Drug Abuse Services

Doc. No. 006368

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

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, until 10 a.m. C.S.T. April 21, 1988 and then publicly opened:

**DISTRICT ONE—Northeast**

**Doniphan—36-22 K-2881-01—U.S. 36, 1 mile east of the Brown-Doniphan county line east and southeast, 9.0 miles, grading and bridge. (State Funds)**

**Doniphan—120-22 K-2906-01—K-120, from the south city limits of Highland south to new U.S. 36, 0.8 mile, grading and surfacing. (State Funds)**

**Douglas—40-23 K-3043-01—U.S. 40, from Monterey Way east to Iowa Street in Lawrence, 1.5 miles, grading and surfacing. (Federal Funds)**

**Johnson—56-46 K-2418-05—U.S. 56, Sycamore to 400 feet east of Moonlight, 2.3 miles, grading and surfacing. (Federal Funds)**

**Johnson—46 C-1703-01—County road, 1.0 mile north and 6.3 miles east of Spring Hill, then east, 0.2 mile, bridge replacement. (Federal Funds)**

**Nemaha—63-66 K-1829-05—Stilling basin at Nemaha Lake spillway. (Federal Funds)**

**Shawnee—89 U-1131-01—10th Street at Quincy and Jackson in Topeka, traffic signal. (Federal Funds)**

**Shawnee—75A-89 U-1148-01—U.S. 75A (Topeka Boulevard) and 8th Street in Topeka, traffic signal. (Federal Funds)**

**Wyandotte—105 C-1528-01—County road, 3.0 miles east and 0.5 mile south of the Leavenworth County line, then south, 0.1 mile, bridge replacement. (Federal Funds)**

**Wyandotte—105 U-1153-01—K-32 and I-70 westbound ramps and 38th Street in Kansas City, traffic signal. (Federal Funds)**

**DISTRICT TWO—Northcentral**

**Dickinson—70-21 M-1512-01—I-70, 2.3 miles east of**

**K-43 east to the Dickinson-Geary county line, 6.2 miles, pavement patching. (State Funds)**

**Ellsworth—14-27 K-3027-01—K-14, Main Street to 2nd Street in Ellsworth, 0.1 mile, grading and surfacing. (State Funds)**

**Geary—70-31 M-1511-01—I-70, from the Geary-Dickinson county line east, 12.7 miles, pavement patching. (State Funds)**

**Marion—77-57 K-2959-01—U.S. 77, Cottonwood River bridge 27, 2.1 miles north of U.S. 50, bridge repair. (State Funds)**

**McPherson—59 C-2435-01—County road, 11.0 miles north of Canton, then north, 3.9 miles, surfacing. (Federal Funds)**

**Salina—4-85 X-1293-02—Union Pacific Railroad crossing of K-4 south of Salina, grading and surfacing. (Federal Funds)**

**DISTRICT THREE—Northwest**

**Russell—281-84 K-2903-01—U.S. 281, from U.S. 40A north to 8th Street in Russell, 0.5 mile, grading and surfacing. (Federal Funds)**

**Russell—84 C-1810-01—County road, 2.2 miles west of Russell at the junction of I-70, then north, 1.2 miles, surfacing. (Federal Funds)**

**Sheridan—24-90 K-2960-01—U.S. 24, South Fork Solomon River bridges 5, 7 and 9 east of K-23, bridge repair. (State Funds)**

**DISTRICT FOUR—Southeast**

**Bourbon—6 C-2550-01—County road, 10.6 miles south of Fort Scott on the Missouri-Kansas state line, then south, 0.2 mile, bridge replacement. (Federal Funds)**

**Crawford—19 U-1138-01—Intersection of K-126 and U.S. 69A in Pittsburg, traffic signal. (Federal Funds)**

**Labette—160-50 K-3036-01—U.S. 160, Kay Lane to bowling alley in Parsons, 0.3 mile, grading and surfacing. (State Funds)**

**Labette—50 C-1872-01—County road, 8.8 miles west of Parsons, then south, 0.2 mile, bridge replacement. (Federal Funds)**

**Miami—169-61 M-1502-01—Junction of U.S. 169 and K-68, slide repair. (State Funds)**

**Miami—61C-1837-01—County road, from Hillsdale, then west, 0.413 mile, grading and bituminous surfacing. (Federal Funds)**

**Montgomery—160-63 M-1514-01—U.S. 160, 0.3 mile north of the south junction of U.S. 160 and U.S. 169, north 3.0 miles, pavement patching. (State Funds)**

**Montgomery—169-63 M-1513-01—U.S. 169, south junction of U.S. 169 and K-96 north of the south junction of U.S. 160, 1.0 mile, pavement patching. (State Funds)**

**DISTRICT FIVE—Southcentral**

**Barton—5 C-2208-01—County road, 3.4 miles north and 0.5 mile east of Hoisington, then east, bridge replacement. (Federal Funds)**

**Barton—5 C-2454-01—County road, 2.5 miles east of Albert, then north, 0.2 mile, bridge repair. (Federal Funds)**

**Barton—5 C-2455-01—County road, 5.0 miles south and 0.1 mile west of Albert, then west, bridge repair. (Federal Funds)**

**Butler—8 C-2347-01**—County road, 3.0 miles southwest of Augusta, then south and west, 4.8 miles, surfacing. (Federal Funds)

**Butler—8 C-2493-01**—County road, 2.5 miles south and 1.0 mile west of Potwin, then west, 0.3 mile, bridge replacement. (Federal Funds)

**Cowley—160-18 X-1304-02**—U.S. 160, Atchison, Topeka and Santa Fe Railway crossing, east of Oxford, grading and surfacing. (Federal Funds)

**Pawnee—73 C-2521-01**—County road, 5.0 miles west of Larned, then south, 0.2 mile, bridge replacement. (Federal Funds)

**Pratt—76 C-2080-01**—County road, from Coats, then north, 4.0 miles, surfacing. (Federal Funds)

**Sedgwick—87 C-1720-01**—County road, 4.7 miles south of Andale, then west, 10.0 miles, surfacing. (Federal Funds)

#### DISTRICT SIX—Southwest

**Clark—13 C-1648-01**—County road, 0.5 mile east and 9.0 miles north of Ashland, then north, 0.4 mile, bridge replacement. (Federal Funds)

**Finney—156-28 U-1126-01—K-156** (Kansas Avenue), Main and 8th in Garden City, intersections. (Federal Funds)

**Hodgeman—283-42 K-3030-01**—U.S. 283, Main Street in Jetmore, 1.0 mile, replace curb and gutter. (State Funds)

**Ness—68 C-1593-01**—County road, 2.0 miles north of the junction of K-96 at Beeler, then north, 1.3 miles, grading. (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 because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006359

#### State of Kansas

### WICHITA STATE UNIVERSITY

#### NOTICE TO BIDDERS

Sealed proposals for the fabrication of the following equipment will be received by the Wichita State University Purchasing Office, 1845 N. Fairmount, 201 Jardine Hall, Wichita 67208-1595, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested offerers may call (316) 689-3080 for additional information.

Thursday, April 14, 1988

BOT 1210-041488H

Horizontal cure/Bonding Autoclave

GARY D. LINK  
Director of Purchasing

Doc. No. 006371

#### State of Kansas

### DEPARTMENT OF ADMINISTRATION DIVISION OF PURCHASES

#### NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, April 11, 1988

#27607

University of Kansas Medical Center—DIAGNOSTIC  
RADIOPAQUE MATERIAL

#27799

Department of Human Resources—JANITORIAL  
SERVICES, McPherson

#73354

University of Kansas—STUDENT CHAIRS

#73361

Department of Transportation—WOOD SIGN  
POSTS, Salina

#73386

University of Kansas Medical Center—FURNISH  
AND INSTALL EPOXY SEAMLESS FLOORING  
AND COVE BASE

#73430

Emporia State University—FURNISH AND  
INSTALL TRANSFORMER

Tuesday, April 12, 1988

#27114

University of Kansas Medical Center—RUBELLA  
EIA KIT

#27524

University of Kansas—JUNE (1988) MEAT  
PRODUCTS

#27721

University of Kansas Medical Center—NURSERY  
STOCK

(continued)

#27798

University of Kansas Medical Center—  
DISHWASHING SUPPLIES

#73375

Department of Transportation—PREASSEMBLED  
RADIO EQUIPMENT SHELTERS, various locations

#73376

Kansas State Historical Society—FURNISH AND  
INSTALL GLASS AND OAK HAND RAIL

#73377

Kansas State University—PUMPING SYSTEM

Wednesday, April 13, 1988

#A-5854

Department of Transportation—REROOF  
(COMPLETE REPLACEMENT) SUB AREA  
BUILDING, McPherson

#27062

University of Kansas Medical Center—  
PHOTOGRAPHIC FILM PROCESSING AND  
PRINTING

#73383

Emporia State University—VEHICLES

#73384

Department of Transportation—FIELD AND PAGE  
LEVEL BOOKS

#73385

Wichita State University—PORTABLE RECORDING  
SYSTEM

#73390

Kansas State University—LATHE

#73393

Kansas Soldiers' Home—BLACK PIPE, VALVES  
AND ACCESSORIES

#73394

Department of Corrections—STEEL, Lansing

#73396

Pittsburg State University—FURNISH AND  
INSTALL CEILING TILE AND GRID

#73397

Department of Transportation—MICROWAVE  
FREQUENCY COUNTER, various locations

Thursday, April 14, 1988

#73403

University of Kansas—STACKING CHAIRS

#73404

Wichita State University—VIDEO PROJECTION  
SYSTEMS

#73405

Kansas State University—PLAIN PAPER COPIER

#73406

Kansas State Reception and Diagnostic Center—  
WALK-IN COOLER

#73407

Department of Revenue—MAIL OPENING  
EQUIPMENT

#73419

Department of Corrections—DENIM, Hutchinson

#73420

University of Kansas Medical Center—AUTOMATIC  
STITCHER/FOLDER

Friday, April 15, 1988

#27106

University of Kansas Medical Center—DRY ICE

#27796

Department of Corrections—ALCOHOL AND  
DRUG ABUSE INTERMEDIATE TREATMENT  
PROGRAM

#27797

Department of Corrections—ADULT EDUCATION  
PROGRAM

#73433

Department of Administration, Central Motor Pool—  
VEHICLES

#73434

Kansas State University—LAB EQUIPMENT

#73435

Kansas State University—IR SPECTRO-  
PHOTOMETERS

#73436

Kansas State University—DISTILLATION  
EQUIPMENT

#73437

Kansas State University—CALORIMETER

#73438

Kansas State University—SPECIALTY GLASSWARE

#73439

Kansas State University—BETACAM SP STUDIO  
RECORDER

#73449

Department of Transportation—AGGREGATE,  
various locations

#73450

Kansas State University—NETWORK ANALYZER

#73451

Department of Transportation—PHOTOGRAPHIC  
MATERIALS

#73452

Osawatomie State Hospital—CARGO VAN

Tuesday, April 19, 1988

#27629

Statewide—LASER PRINTER EP CARTRIDGES  
(BDS/HEWLETT PACKARD/QMS)

#73421

Kansas State University—EQUINOX DATA PBX  
AND COMPONENTS

Thursday, April 21, 1988

#27489

Statewide—MICROCOMPUTER

Friday, April 29, 1988

#73471

Department of Wildlife and Parks—LEASE OF  
LAND, FINNEY WILDLIFE AREA

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 006378

State of Kansas

**DEPARTMENT OF HEALTH AND ENVIRONMENT**

**NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Flatrock Mobile Home Park c/o Glenn N. Greenlee Route 4, Box 201C Emporia, KS 66801 Lyon County, Kansas	Intermittent Stream to Cottonwood River	Secondary Wastewater Treatment Facility
Kansas Permit No. C-NE24-T004      Federal Permit No. KS-0119806		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Shawnee Hills Mobile Homes c/o Shawnee Hills General Partnership Attn: Jerry Horworth 2135 Potomac Topeka, KS 66611 Shawnee County, Kansas	Shunganunga Creek via Unnamed Tributary	Secondary Wastewater Treatment Facility
Kansas Permit No. C-KS72-0011      Federal Permit No. KS-0119903		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council c/o City Clerk 116 W. Main P.O. Box 273 Solomon, KS 67480 Dickinson County, Kansas	Solomon River	Secondary Wastewater Treatment Facility
Kansas Permit No. M-S039-0001      Federal Permit No. KS-0085979		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Unified School District #288 Central Heights School Route 1 Richmond, KS 66080 Franklin County, Kansas	Marais des Cygnes River via Pottawatomie Creek via Sac Branch Creek via North Fork Sac Branch Creek	Secondary Wastewater Treatment Facility
Kansas Permit No. M-MC43-0002      Federal Permit No. KS-0078891		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Unified School District #450 Shawnee Heights Jr.-Sr. High School 4401 S.E. Shawnee Heights Road Tecumseh, KS 66542-9799 Shawnee County, Kansas	Whetsone Creek to Lake Jivaro	Secondary Wastewater Treatment Facility
Kansas Permit No. M-KS72-0014      Federal Permit No. KS-0078956		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to April 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-17/21) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

**STANLEY C. GRANT, Ph.D.**  
Secretary of Health and Environment

Doc. No. 006375

## State of Kansas

**DEPARTMENT OF COMMERCE****NOTICE CONCERNING 1988 KANSAS  
SMALL CITIES CDBG PROGRAM**

The "Final Statement of Community Development Objectives and Planned Use of Funds" for the Kansas Small Cities Community Development Block Grant (CDBG) Program for 1988 has been submitted to the U.S. Department of Housing and Urban Development.

Copies of the final statement are available upon request to the Kansas Department of Commerce, Small Cities CDBG Program offices, 400 W. 8th, Suite 500, Topeka 66603, (913) 296-3004.

HARLAND E. PRIDDLE  
Secretary of Commerce

Doc. No. 006384

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF INTENT TO DENY HAZARDOUS  
WASTE DELISTING PETITION**

The Kansas Department of Health and Environment (KDHE) is announcing its intent to deny approval of a hazardous waste delisting petition currently held by Texaco Refining and Marketing, Inc., El Dorado.

On July 14, 1982, Texaco Refining and Marketing, Inc. filed a delisting petition to exclude from regulation listed hazardous wastes generated at its El Dorado facility. The petitioned wastes consisted of petroleum refinery wastes API separator sludge, DAF float, slop oil emulsions, tank bottoms and other sludges. These wastes are identified by the EPA Waste Codes K048, K049, K050, K051 and K052.

The petition was filed according to the procedures outlined in the 40 Code of Federal Regulations (CFR), Sections 260.20 and 260.22, as adopted by K.A.R. 28-31-3. Analytical data to support the petitions were also submitted. KDHE reviewed the petitions and the data and found that the wastes did not exhibit any of the hazardous waste characteristics for chromium or lead.

Approval of Texaco's petition was granted on October 21, 1982. The approval allowed Texaco to manage these wastes as non-hazardous, but required annual testing for chromium and lead to ensure that the wastes remained non-hazardous. Texaco elected to manage the wastes in an on-site surface impoundment and in an on-site land treatment facility.

On November 8, 1984, the Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) became law. Section 3001(f) of HSWA modified the requirements for filing delisting petitions. The modifications required consideration of factors, in addition to those for which the waste was originally listed, and required public notice and comment before making delisting decisions final.

On March 14, 1985, KDHE notified Texaco of the modified delisting requirements and requested additional process information and waste testing. The additional test-

ing required analyses for 12 heavy metals, including chromium and lead, and testing for 55 organic compounds. Four separate samples of the waste were tested. Texaco submitted process information and the analytical testing results to KDHE on October 9, 1985. Additional process information was submitted on July 13, 1987.

The procedures used to evaluate Texaco's analytical results were those developed by the U.S. Environmental Protection Agency (EPA) for the federal delisting program. These procedures are outlined in the February 26, 1985, November 27, 1985, and October 13, 1986, *Federal Registers*. The EPA procedures utilize a groundwater model to predict hazardous waste constituent concentrations in a water well located directly down gradient from the waste disposal site. The predicted concentrations are compared to established drinking water standards and cancer risk standards. If any of the predicted concentrations exceed the established standards, the delisting petition is denied and the waste must be managed as hazardous waste.

If the standards are not exceeded, groundwater monitoring wells must be installed at the disposal site and actual groundwater data collected for at least one year before the petition may be approved.

Application of the EPA models to Texaco's analytical results predicted that the established standards would be exceeded for chromium, lead, mercury, selenium, benzene, benzo(a)anthracene, benzo(a)pyrene and phenanthrene. Therefore, KDHE has made the tentative decision to deny Texaco's previously granted petition and require that the wastes be managed as hazardous waste in accordance with K.S.A. 65-3430 *et seq.* and K.A.R. 28-31-1 through 28-31-13.

Public notice of this decision is being made in accordance with 40 CFR 260.20 as adopted by K.A.R. 28-31-3. The administrative record on this action is available for public review and comment from March 31 to April 29 from 8 a.m. to 4:30 p.m. Monday through Friday at the KDHE central office, Building 730, Forbes Field, Topeka; at the KDHE South Central district office, 3244 E. Douglas, Wichita; and at the U.S. EPA Region VII Office, 726 Minnesota Ave., Kansas City, Kansas.

Comments or requests for additional information should be directed to John Paul Goetz, Chief, Hazardous Waste Section, Bureau of Waste Management, at the KDHE central office in Topeka, (913) 296-1607. Comments must be submitted by April 29.

If comments or requests are received which indicate public interest in this action, a public hearing may be held.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006377

(Published in the Kansas Register, March 31, 1988.)

**Notice of Redemption**  
**SEDGWICK COUNTY, KANSAS**  
**Single Family Mortgage Revenue Bonds**  
**(Multiple Originators and Servicers)**  
**1981 Series A**

NOTICE IS HEREBY GIVEN that \$1,335,000 principal amount of the Bonds as listed below, are called for redemption on May 1, 1988, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

**COUPON BONDS AT \$5000**

The serial numbers of the Coupon Bonds to be redeemed bearing CUSIP No. 815618 and Suffix, are as follows:

<b>BA0</b>	<b>BD4</b>	<b>BJ1</b>	836	<b>BL6</b>	2518	2905	3538	4205	4557	5035	5649	6221	6550	6796
286	481	660	867	2236	2526	3009	3545	4222	4558	5133	5661	6222	6565	6936
291	497	663	871	2282	2555	3182	3549	4317	4713	5141	5833	6311	6571	6970
<b>BB8</b>	505	720	895	2366	2569	3222	3567	4341	4729	5217	5841	6334	6638	6971
339	<b>BE2</b>	741	907	2433	2577	3245	3666	4346	4755	5346	5842	6347	6649	6984
354	749	908	2447	2585	3263	3670	4366	4802	5369	5850	6348	6665	6992	
<b>BC6</b>	558	764	919	2455	2673	3277	3946	4286	4819	5370	5854	6369	6667	7031
366	577	771	920	2461	2686	3351	3966	4406	4905	5375	5907	6455	6670	7038
403	588	817	956	2475	2706	3429	4089	4409	4933	5482	5995	6481	6671	
428	599	827	983	2515	2818	3441	4127	4529	4986	5602	6003	6517	6693	
					2839	3491	4163	4533	5031	5625	6219	6543	6754	

The serial numbers of the Registered Bonds to be redeemed in whole or in part bearing CUSIP No. 815678BL6 and the principal amounts to be redeemed are as follows:

<u>Bond Numbers</u>	<u>Total Principal</u>	<u>Amount Called</u>	<u>Bond Numbers</u>	<u>Total Principal</u>	<u>Amount Called</u>
R-65	\$ 10,000	\$ 5,000	R-83	\$5,000	\$5,000
R-71	35,000	20,000	R-84	5,000	5,000
R-72	1,055,000	550,000	R-109	5,000	5,000

COUPON BONDS with the November 1, 1988 and all subsequent coupons attached and all Registered Bonds should be presented to the Paying Agent or Co-Paying Agents at the following addresses:

**Continental Illinois National Bank  
 and Trust Company of Chicago  
 Attention: Collection Division  
 231 South LaSalle Street-16th Floor  
 Chicago, Illinois 60697**

**Southwest National Bank of Wichita  
 P.O. Box 1401  
 Wichita, Kansas 67201**

**Morgan Guaranty Trust Company of New York  
 23 Wall Street  
 New York, New York 10015**

Coupons for May 1, 1988 should be detached and presented in the usual manner.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their securities for collection.

**Continental Illinois National Bank  
 and Trust Company of Chicago, Trustee  
 for Sedgwick County, Kansas.**

Dated: March 31, 1988



(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF REDEMPTION**  
**Kansas City, Kansas**  
**Single Family Mortgage Revenue Bonds**  
**1980 Series A**

Notice is hereby given that pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$1,870,000 principal amount of the bonds are called for redemption May 1, 1988, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, March 31, 1988 in the *Kansas Register* and *Credit Markets*.

The serial numbers of the bearer bonds to be redeemed are as follows:

NOTE: Coupons due May 1, 1988 should be presented in the normal manner. Coupons due November 1, 1988 and all subsequent coupons must be attached to bonds called for redemption.

Due May 1, 1989: 442, 461, 488, 498  
 CUSIP 484770-BE

Due May 1, 1990: 543, 552, 592, 601  
 CUSIP 484770-BF

Due May 1, 1991: 621, 643, 666, 689, 698  
 CUSIP 484770-BG

Due May 1, 1992: 733, 738, 773, 779, 815  
 CUSIP 484770-BH

Due May 1, 1993: 829, 844, 862, 874, 882, 923  
 CUSIP 484770-BJ

Due May 1, 1994: 954, 958, 981, 1002, 1048, 1068  
 CUSIP 484770-BK

Due May 1, 1995: 1099, 1104, 1106, 1142, 1143, 1222  
 CUSIP 484770-BM

Due May 1, 1996: 1234, 1246, 1264, 1273, 1293, 1323, 1335, 1368  
 CUSIP 484770-BN

Due May 1, 1999: 1431, 1442, 1448, 1450, 1485, 1578, 1604, 1609, 1642, 1654, 1673, 1702, 1723, 1765, 1773, 1779, 1816, 1857, 1879, 1883, 1891, 1943, 1961, 1977  
 CUSIP 484770-BP

**Due May 1, 2012**  
**CUSIP 484770-BL**

1984	3099	3926	5000	6039	6835
2078	3115	3940	5024	6047	6852
2080	3118	3980	5038	6052	6868
2082	3123	3988	5054	6076	6909
2092	3125	3994	5182	6100	6918
2110	3140	4062	5240	6125	6919
2137	3188	4063	5247	6131	6938
2183	3189	4100	5267	6151	6950
2188	3209	4113	5277	6193	6984
2269	3245	4129	5278	6199	7011
2305	3247	4161	5292	6212	7045
2339	3286	4191	5303	6236	7085
2349	3309	4194	5304	6278	7129
2356	3313	4208	5313	6298	7142
2402	3318	4248	5331	6303	7146
2409	3337	4253	5341	6319	7150
2419	3403	4322	5343	6345	7152
2423	3419	4328	5348	6366	7173
2433	3426	4342	5354	6403	7174
2439	3449	4359	5420	6408	7201
2444	3461	4373	5427	6426	7226
2470	3485	4389	5437	6440	7237
2490	3499	4446	5459	6470	7261
2529	3506	4455	5544	6472	7284
2589	3545	4457	5571	6482	7298

2602	3561	4475	5575	6490	7326
2609	3565	4489	5583	6491	7328
2685	3577	4527	5615	6552	7368
2710	3584	4547	5640	6565	7410
2718	3590	4556	5655	6571	7431
2738	3592	4600	5677	6607	7435
2750	3596	4609	5678	6608	7445
2755	3648	4636	5695	6680	7459
2772	3674	4664	5698	6684	7470
2777	3680	4716	5700	6721	7521
2785	3731	4722	5707	6729	7527
2787	3755	4751	5710	6735	7528
2815	3766	4768	5766	6739	7539
2826	3778	4808	5771	6757	7562
2827	3786	4900	5772	6774	7577
2843	3821	4908	5808	6775	7581
2896	3823	4928	5809	6823	7583
2915	3843	4929	5947		
2978	3862	4940	5990		
3004	3876	4952	6002		
3017	3898	4990	6008		
3086	3916	4994	6010		

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

Due May 1, 1995:  
 CUSIP 484770-BM

Registered Bond Number	Amount Called
R120	5,000

Due May 1, 1999:  
 CUSIP 484770-BP

Registered Bond Number	Amount Called
R164	5,000
R182	10,000
R207	10,000

Due May 1, 2012:  
 CUSIP 484770-BL

Registered Bond Number	Amount Called
R145	5,000
R174	5,000
R188	5,000
R191	10,000
R192	10,000
R193	5,000
R194	10,000
R195	10,000
R196	15,000
R197	5,000
R198	10,000
R201	5,000
R202	10,000
R203	25,000
R204	5,000
R205	5,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers when presenting their securities for collection.

Notice is hereby given that on and after May 1, 1988, interest on the bonds shall cease to accrue.

Security Bank of Kansas City  
 Kansas City, Kansas, Trustee

Doc. No. 006379



(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF REDEMPTION**

**City of Chapman, Kansas  
Industrial Revenue Bonds  
Series A 1969**

(Chapman Adult Care Homes, Inc.)

Notice is hereby given that pursuant to Section 4 of the Ordinance No. 459 of the city of Chapman, Kansas, First National Bank and Trust Company of Salina, as trustee and paying agent, will redeem on May 1, 1988 for the city \$100,000 principal amount of the Series A 1969 industrial revenue bonds of the city of Chapman (Chapman Adult Care Homes, Inc.), at a price equal to the principal amount thereof plus accrued interest thereon to May 1, 1988, plus a premium of 6 percent.

All bonds are to be redeemed and are listed as follows:

Bond Number	Amount
38 through 57, inclusive	\$5,000

On May 1, 1988, the bonds described above will be due and payable at the First National Bank & Trust Co., 101 N. Santa Fe, P.O. Box 800, Salina, KS 67402-0800.

Bonds should be surrendered with all unmatured interest coupons attached. After May 1, 1988, interest on the aforesaid bonds will cease to accrue.

First National Bank and Trust Co.  
Trustee and Paying Agent

Doc. No. 006381

(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF REDEMPTION**

**Reno County, Kansas  
Single Family Mortgage Revenue Bonds  
1979 Series A**

**Serial Bonds Due November 1988-1999  
Term Bonds Due November 1, 2010**

Notice is hereby given that \$550,000 principal amount of the bonds, as listed below, are called for redemption on May 1, 1988 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the coupon bonds to be redeemed in full, bearing CUSIP No. 759753 and Suffix:

AJ5	AP1	822	1238	1621	2119	2820	3405
234	532			1760	2150	2879	3421
	584	AT3	AW6	1762	2203	2902	3539
AK2		881	1260	1775	2304	2929	3557
303	AQ9	886	1268	1777	2335	2979	3574
	607	896	1319	1803	2450	3016	3676
AL0	674		1342	1824	2492	3018	3702
332		AU0	1385	1865	2559	3028	3704
357	AR7	994	1401	1882	2583	3034	3717
	692	1054	1411	1946	2599	3041	3726
AM8	695	1078	1442	1972	2600	3122	3815
394	771		1480	2019	2638	3164	3820
436		AV8	1488	2086	2640	3180	
	AS5	1117	1492	2093	2680	3358	
AN6	778	1137	1515	2109	2722	3382	
500	817	1139	1599	2115	2733	3403	

The serial numbers of the registered bonds to be redeemed in part are:

Bond Number	Par Value	CUSIP Number	Amount Called
R36	\$ 10,000	759753AL0	\$ 5,000
R49	25,000	759753AQ9	5,000
R276	25,000	759753AU0	5,000
R82	35,000	759753AV8	5,000
R40	45,000	759753AW6	5,000
R86	45,000	759753AW6	5,000
R96	100,000	759753AW6	10,000
R343	25,000	759753AW6	5,000
R363	5,000	759753AW6	5,000

On May 1, 1988, all bonds designated for redemption will become due and payable upon presentation thereof to one of the offices of the paying agents.

Coupon bonds with the current coupon and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Illinois National Bank  
and Trust Company of Chicago  
Attention: Corporate Trust Operations  
30 N. LaSalle St., 16th Floor  
Chicago, IL 60697

Marine Midland Bank, N.A.  
140 Broadway—12th Floor  
Coupon Paying Department  
New York, NY 10010

Kansas State Bank  
and Trust Company  
Attention: Trust Department  
123 N. Market  
P.O. Box 427  
Wichita, KS 67201

The registered bonds should be presented to the principal paying agent, Continental Illinois National Bank and Trust Company.

Interest on the bonds called for redemption will cease to accrue on May 1, 1988.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated March 25, 1988.

By Continental Illinois National Bank  
and Trust Company of Chicago, Trustee

Doc. No. 006365

(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF REDEMPTION**

**City of Chapman, Kansas  
Industrial Revenue Bonds  
Series B 1969**

**(Chapman Adult Care Homes, Inc.)**

Notice is hereby given that pursuant to Section 4 of the Ordinance No. 459 of the city of Chapman, Kansas, First National Bank and Trust Company of Salina, as trustee and paying agent, will redeem on May 1, 1988 for the city \$100,000 principal amount of the Series B 1969 industrial revenue bonds of the city of Chapman (Chapman Adult Care Homes, Inc.), at a price equal to the principal amount thereof plus accrued interest thereon to May 1, 1988.

The Series B bonds to be redeemed are listed as follows:

Bond Number	Amount
1 through 100, inclusive	\$1,000

On May 1, 1988, the bonds described above will be due and payable at the First National Bank & Trust Co., 101 N. Santa Fe, P.O. Box 800, Salina, KS 67402-0800.

Bonds should be surrendered with all unmatured interest coupons attached. After May 1, 1988, interest on the aforesaid bonds will cease to accrue.

**First National Bank and Trust Co.  
Trustee and Paying Agent**

Doc. No. 006382

(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF REDEMPTION**

**Johnson County, Kansas  
Single Family Mortgage Revenue Bonds  
1980 Series A**

Notice is hereby given that pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$4,135,000 principal amount of the bonds are called for redemption May 1, 1988, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, March 31, 1988 in the *Kansas Register* and *Credit Markets*.

The serial numbers of the bearer bonds to be redeemed are as follows:

NOTE: Coupons due May 1, 1988 should be presented in the normal manner. Coupons due November 1, 1988 and all subsequent coupons must be attached to bonds called for redemption.

Due May 1, 1989: 969, 972, 982, 1022, 1052, 1098, 1118, 1132, 1151

CUSIP 478747-AJ

Due May 1, 1990: 1177, 1178, 1215, 1245, 1267, 1277, 1318, 1330, 1354, 1370

CUSIP 478747-AK

Due May 1, 1991: 1399, 1449, 1454, 1468, 1491, 1522, 1532, 1544, 1592, 1598

CUSIP 478747-AL

Due May 1, 1992: 1638, 1654, 1694, 1704, 1708, 1749, 1790, 1792, 1808, 1819, 1890, 1891

CUSIP 478747-AM

Due May 1, 1993: 1940, 1956, 1984, 1989, 2020, 2042, 2061, 2117, 2157, 2170, 2190

CUSIP 478747-AN

Due May 1, 1994: 2221, 2245, 2256, 2273, 2319, 2322, 2344, 2398, 2413, 2427, 2451, 2480, 2518, 2524, 2525

CUSIP 478747-AP

Due May 1, 1995: 2611, 2618, 2624, 2637, 2657, 2683, 2705, 2893, 2899, 2902, 2911, 2925, 2929, 2951

CUSIP 478747-AQ

Due May 1, 1996: 2953, 2977, 2996, 3008, 3041, 3094, 3141, 3158, 3170, 3189, 3199, 3213, 3243, 3267, 3287, 3337, 3374, 3384, 3386

CUSIP 478747-AR

Due May 1, 1999: 3392, 3403, 3431, 3435, 3440, 3469, 3484, 3519, 3539, 3544, 3561, 3586, 3647, 3648, 3658, 3702, 3728, 3732, 3779, 3781, 3798, 3821, 3887, 3899, 3962, 3973, 3981, 4023, 4025, 4026, 4050, 4062, 4092, 4126, 4152, 4177, 4194, 4214, 4243, 4260, 4297, 4344, 4369, 4385, 4448, 4449, 4485, 4502, 4532, 4549, 4597, 4602, 4604, 4638, 4666, 4681, 4692, 4745, 4774, 4798, 4805, 4806, 4811, 4858, 4903, 4918, 4922, 4988

CUSIP 478747-AU

**Due May 1, 2011**

**CUSIP 478747-AV**

5210	7886	10647	13373	15839	18363
5327	8041	10660	13408	15847	18374
5462	8083	10784	13410	15896	18376
5487	8244	10862	13483	16019	18436
5491	8253	10908	13624	16089	18469
5492	8311	10914	13626	16113	18483
5514	8323	11034	13663	16169	18619
5639	8410	11038	13692	16206	18643
5687	8430	11094	13707	16217	18749
5795	8436	11131	13806	16288	18809
5813	8598	11135	13817	16305	18819
5830	8711	11204	14004	16335	18902
5831	8715	11220	14038	16805	18939
5976	8793	11252	14175	16809	18945
5981	8938	11280	14197	16825	18972
6043	8977	11285	14212	16847	19030
6046	8991	11287	14217	16929	19034
6202	9038	11348	14230	16939	19130
6216	9086	11591	14352	17100	19140
6304	9091	11659	14395	17210	19176
6368	9119	11721	14430	17214	19187
6537	9154	11723	14431	17281	19239
6572	9176	11728	14443	17290	19244
6596	9192	11745	14482	17315	19574
6598	9211	11761	14547	17328	19655
6599	9244	11982	14593	17336	19912
6737	9262	12252	14710	7432	19940
6778	9441	12395	14734	17433	19963
6779	9649	12611	14739	17504	20012
6793	9806	12626	14746	17610	20047
6799	9812	12629	14788	17643	20068
6877	9856	12777	14815	17651	20080
6911	9859	12782	14877	17693	20106
6913	9887	12796	14931	17716	20114
6983	9980	12902	14957	17725	
7139	10179	12986	14959	17731	
7147	10181	12999	14976	17734	
7259	10190	13034	14978	17889	
7298	10274	13052	14985	18024	
7503	10278	13138	15039	18026	
7519	10344	13148	15051	18043	
7560	10429	13159	15069	18069	
7567	10444	13174	15140	18168	
7581	10470	13176	15239	18195	
7783	10477	13217	15403	18200	
7838	10604	13243	15828	18313	
7855	10633	13273	15834	18349	

The numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

(Published in the *Kansas Register*, March 31, 1988.)

Due May 1, 1991:  
CUSIP 478747-AL

Registered Bond Number	Amount Called
R545	5,000

Due May 1, 1993:  
CUSIP 478747-AN

Registered Bond Number	Amount Called
R513	5,000
R523	5,000

Due May 1, 1995:  
CUSIP 478747-AQ

Registered Bond Number	Amount Called
R530	5,000
R531	5,000

Due May 1, 1999:  
CUSIP 478747-AU

Registered Bond Number	Amount Called
R102	5,000
R389	5,000

Due May 1, 2011:  
CUSIP 478747-AV

Registered Bond Number	Amount Called
R269	5,000
R282	5,000
R320	5,000
R329	10,000
R344	10,000
R391	5,000
R418	135,000
R419	790,000
R420	785,000
R459	10,000
R461	5,000
R468	25,000
R472	5,000
R477	10,000
R481	5,000
R485	5,000
R490	10,000
R546	15,000
R547	5,000
R548	10,000
R549	15,000
R550	10,000
R551	15,000
R552	5,000
R553	5,000
R554	5,000
R555	5,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers when presenting their securities for collection.

Notice is hereby given that on and after May 1, 1988, interest on the bonds hereby called for redemption shall cease to accrue.

Security Bank of Kansas City  
Kansas City, Kansas, Trustee

**NOTICE OF BOND SALE**  
**\$520,000**

**General Obligation Bonds**  
**Series A, 1988**  
**of the**  
**City of Haysville, Kansas**  
**(general obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, city clerk of the city of Haysville, Kansas, on behalf of the governing body at the City Hall, Haysville, until 7 p.m. C.D.T. on Monday, April 11, 1988, for the purchase of \$520,000 principal amount of general obligation bonds, Series A, 1988, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1988, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1988	\$50,000
1989	50,000
1990	50,000
1991	50,000
1992	50,000
1993	50,000
1994	55,000
1995	55,000
1996	55,000
1997	55,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on May 1 and November 1 in each year, beginning on November 1, 1988.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

(continued)

### Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

### Authority, Purpose and Security

The bonds are being issued pursuant to Article 12, Section 5 of the Kansas Constitution, K.S.A. 12-626 to 12-629, inclusive, and K.S.A. 12-836 *et seq.*, as amended, for the purpose of paying the cost of acquiring certain computer equipment, constructing pumping stations for the sewer system and improving the waterworks system of the city. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified can not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, 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 also specify the average annual net interest rate to the city on the basis of such bid.

### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$10,400 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be

determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 7 p.m. on the date of sale will be returned to the bidder unopened.

### Bid Forms

All bids must be made on forms which may be procured from the city clerk or the financial adviser. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7 p.m. C.D.T. on Monday, April 11, 1988.

### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

### Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 26, 1988 at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including 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 must be made in federal reserve funds, immediately subject to use by the city.

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners must be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the successful bidder.

The reoffering prices to the public by the original purchaser must be furnished to the city at least one week prior to the closing date. A certificate stating that at least

10 percent of the bonds of each maturity has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at such reoffering prices must be furnished to the city by the original purchaser at closing.

**Official Statement**

The city has prepared an official statement dated April 1, 1988; copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the city, for the year 1987, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$12,981,845
Tangible valuation of motor vehicles .....	\$ 5,030,217
Equalized assessed tangible valuation for computation of bonded debt limitations .....	\$18,012,062

The total general obligation indebtedness of the city (including temporary improvement notes) as of the date of the bonds, including the bonds being sold, is \$2,096,000. Temporary improvement notes in the principal amount of \$381,000 will be retired out of proceeds of the bonds.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Opinion of Bond Counsel**

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning

of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

**Related Federal Tax Matters**

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or from the financial adviser, Stern Brothers & Co., Suite 810, One Main Place, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 265-8622.

Dated March 14, 1988.

CITY OF HAYSVILLE, KANSAS  
 By V. Faye Mallory, City Clerk  
 City Hall  
 Haysville, KS 67060  
 (316) 524-3243

Doc. No. 006369

(Published in the *Kansas Register*, March 31, 1988.)

**NOTICE OF BOND SALE**  
**\$1,685,000**  
**Crawford County, Kansas**  
**General Obligation Bridge Bonds**  
**Series A, 1988**

**Sealed Bids**

Sealed bids for the purchase of \$1,685,000 principal amount of general obligation bridge bonds, Series A, 1988, of the county hereinafter described, will be received by the undersigned, county clerk of Crawford County, Kansas, on behalf of the governing body of the county of Crawford County Courthouse until 10 a.m. C.D.T. on Tuesday, April 12, 1988. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1988, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1990	\$250,000
1991	175,000
1992	150,000
1993	150,000
1994	160,000
1995	165,000
1996	180,000
1997	220,000
1998	235,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1989.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The county will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

**Redemption of Bonds Prior to Maturity**

At the option of the county, bonds maturing on November 1, 1996 and thereafter will be subject to redemption and payment prior to maturity on November 1, 1995, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the county is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 1.5 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

**Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium



bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the county shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to finance certain bridge repair or reconstruction of the county in accordance with K.S.A. 68-1103 *et seq.*, as amended and supplemented. The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt ob-

ligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

#### Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to May 12, 1988, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar not later than 5 p.m. C.D.T. on April 29, 1988. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 5 p.m. C.D.T. on April 22, 1988, a certificate acceptable to the county's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$33,700 payable to the order of the county to secure the county from any loss resulting

from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the county. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the county as and for liquidated damages.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

#### Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Crawford County Courthouse and must be received by the undersigned prior to 10 a.m. C.D.T. on Tuesday, April 12, 1988.

#### Official Statement

Upon the sale of the bonds, the county will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the county's preliminary official statement relating to the bonds may be obtained from the county clerk or the county's financial adviser, United Securities, Inc., 444 Board of Trade Center, 120 S. Market, Wichita, KS 67202, (316) 265-9421. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the successful bidder's expense.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1987 is \$81,777,863. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$3,850,000. The financial adviser will not be submitting

a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated March 25, 1988.

CRAWFORD COUNTY, KANSAS

Bette Lessen

County Clerk

Crawford County Courthouse

Girard, KS 66743

(316) 724-6115

Doc. No. 006372

(Published in the *Kansas Register*, March 31, 1988.)

### NOTICE OF BOND SALE

\$274,213.20

General Obligation Street, Sidewalk,

Curb and Gutter Bonds

Series 1988

City of Anthony, Kansas

#### Sealed Bids

Sealed bids will be received by the city clerk of the city of Anthony, Kansas, at the City Hall, 124 S. Bluff, P.O. Box 504, Anthony, until 7 p.m. C.D.T. on Tuesday, April 12, 1988, for the purchase of \$274,213.20 special assessment general obligation bonds, Series 1988. All bids properly received will be opened, read and tabulated for action thereon at a meeting of the city commissioners to be held at said time, date and place.

#### Details of the Bonds

The bonds will be issued in the form of full registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,213.20. The bonds will be dated April 1, 1988, and will become due on September 1 of each year serially as follows.

Amount	Year
\$19,213.20	1989
20,000	1990
25,000	1991
25,000	1992
25,000	1993
30,000	1994
30,000	1995
30,000	1996
35,000	1997
35,000	1998

Interest on the bonds will become due on March 1, 1989 and semiannually thereafter on March 1 and September 1 in each year. Principal of the bonds will be payable at maturity upon presentation at the principal office the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

#### Authority, Purpose and Security

The bonds have been authorized for the purpose of making improvements to downtown Anthony, Kansas. The bonds will constitute general obligations of the city and will be payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable



tangible property, real and personal, within the territorial limits of the city.

#### Bid Forms

All bids must be submitted on the official bid form which may be obtained from the undersigned at the address shown below. No additions or alterations in said form shall be made and any erasures may cause rejection of a bid. The board reserves the right to waive irregularities.

#### Conditions of Bids

Bids will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The same rate shall apply to all bonds of the same maturity. The difference between the highest and lowest rates specified in any bid shall not exceed 3 percent. No bid shall be for less than the principal amount of the bonds and accrued interest. No bids involving supplemental interest payments will be considered.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn upon a bank located in the United States payable to the city in the amount of \$5,484.26, which is 2 percent of the par amount of the issue, as evidence of good faith, to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. All checks of the unsuccessful bidders will be returned immediately upon the award of the bonds. If a bid is accepted, the check delivered to the city on account of such bid or the proceeds thereof will be held by the city until the successful bidder has complied with all the terms of this notice and of such bid, at which time the amount of said check will be credited to the account of the successful bidder in the final settlement. If a bid is accepted but the city shall fail to deliver the bonds to the successful bidder in accordance with the terms of this notice and of such bid, said check or the proceeds thereof will be delivered to the successful bidder. If a bid is accepted and the successful bidder defaults in the performance of any of the terms and conditions of this notice and such bid, then the proceeds of said check shall be retained and accepted by the city as and for liquidated damages.

#### Submission of Bids

Bids accompanied by the good faith check may be mailed to the undersigned at the address given below or delivered in sealed envelopes addressed to the undersigned at the place for opening bids described above. Each bid must be marked "Bid for the Purchase of Bonds" and must be received by the undersigned no later than 7 p.m. C.D.T. on April 12, 1988.

#### Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

#### Basis of Award

Each bid shall specify the total interest cost during the life of the bonds on the basis of the rate or rates of interest specified in such bid; the premium, if any; the net interest cost on the basis of such bid; and the average annual net interest rate on the basis of such bid. The net interest cost will be determined by subtracting the amount of the premium, if any, from the total interest cost. The city shall be entitled to rely on such calculation of net interest cost in awarding the bonds. If there is any discrepancy between the net interest cost and the average annual net interest rate specified in the bid, the specified net interest cost shall govern and the interest rates on the bid will be adjusted accordingly. The commissioners reserve the right to waive irregularities or to reject any or all bids.

#### Delivery and Payment

The bonds, duly prepared, executed and registered, will be delivered without cost to the successful bidder within 21 days after the date of the sale in Kansas City, Missouri. Delivery will be made at such other location as may be approved by the city, provided that the successful bidder will reimburse the city for the expense of such delivery. Payment shall be made in Federal Reserve funds or other immediately available funds not later than 1 p.m. central time on the day of delivery.

#### List of Registered Owners

Before the close of business on the fifth business day prior to the date of delivery of the bonds, the successful bidder must deliver to the bond registrar the information regarding registered owners of the bonds and the denominations in which the bonds are to be delivered. In the absence of such information, one bond will be issued for each maturity date in the full amount maturing on such date and the bonds will be registered in the name of the successful bidder.

#### Legal Opinion and Transcript

The sale and issuance of the bonds will be subject to the legal opinion of William Timmerman, Wichita, Kansas, whose final approving opinion will be furnished and paid for by the city and will be printed on the bonds. The successful bidder will be furnished a certified transcript of proceedings evidencing the authorization and issuance of the bonds, which will include a certificate that no litigation is pending or threatened at the time of delivery of the bonds affecting the validity or security of the bonds.

#### Tax Exemption

In the opinion of bond counsel, under existing statutes, regulations, ruling and court decisions, including the Internal Revenue Code of 1986, interest on the bonds is not includable in gross income for purposes of federal income taxation. In rendering its opinion, bond counsel will state that it has assumed the city's present and continuing compliance with covenants in the proceedings of the city authorizing the issuance of the bonds and other documents. Interest on the bonds is not an item of tax preference for purposes of the individual or corporate alternative minimum tax, except that interest on the bonds may be subject indirectly to a corporate alternative minimum tax as pre-tax book income in taxable years

(continued)

beginning after December 31, 1986. In addition, interest on the bonds held by certain foreign corporations may be subject to the branch profits tax under the code in taxable years beginning after December 31, 1986. The city has designated the bonds as "qualified tax-exempt obligations" under Section 265 of the code relating to interest deductions for banks and thrift institutions.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds shall be paid by the city.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1987 is as follows:

Assessed valuation of taxable tangible property .....	\$6,305,010
Tangible valuation of motor vehicles .....	<u>1,887,290</u>
Assessed tangible valuation for computation of bonded debt limitation .....	\$8,192,300

The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$726,264.60, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$282,051.40 that will be retired out of the proceeds of the bonds.

#### Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial adviser, Zahner and Company, 127 W. 10th, Kansas City, MO 64105, (816) 221-4311. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the bidder's expense.

#### Additional Information

Additional information may be obtained from the undersigned or from Jeff Sharp, Zahner and Company, Kansas City, Missouri, financial adviser, (816) 221-4311.

Dated March 30, 1988.

Don Heidrick  
City Clerk  
City of Anthony  
124 S. Bluff  
P.O. Box 504  
Anthony, KS 67003  
(316) 842-5434

Doc. No. 006386

### State of Kansas

## DEPARTMENT OF HUMAN RESOURCES DIVISION OF WORKERS' COMPENSATION

### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

#### Article 2.—FEES

**51-2-5. Special local administrative law judge fees and expenses.** (a) (1) A fee of \$30.00 shall be assessed for each settlement hearing which is heard as part of a regular settlement docket.

(2) A fee of \$35.00 shall be assessed for each settlement hearing heard as an individual setting.

(3) A fee of \$50.00 shall be assessed for each preliminary hearing including a preliminary award or for a full hearing.

(4) A fee of \$50.00 per hour shall be assessed for preparing and rendering a final award. The total fee shall not exceed \$150.00.

(b) If a special local administrative law judge incurs expenses conducting hearings outside the judge's home community, the expenses shall be assessed as costs proportionately among the cases generating the expenses. (Authorized by K.S.A. 44-551, 44-573; implementing K.S.A. 44-551; effective, T-84-16, July 26, 1983; amended, T-88-20, July 1, 1987; effective May 1, 1988.)

#### Article 7.—MEASUREMENT OF DISABILITY

**51-7-3. Computation of compensation.** (a)(1) If a worker suffers a loss to a member, and in addition suffers other injuries contributing to the temporary total disability, compensation for the temporary total disability shall not be deductible from the scheduled amount for those weeks of temporary total disability attributable to the other injuries.

(2) The weekly compensation rate for temporary total compensation shall be computed by multiplying .6667 times the worker's gross average weekly wage. This figure shall be subject to the statutory maximum set in K.S.A. 44-510c.

(b) If a healing period of 10% of the schedule or partial schedule is granted, not exceeding 15 weeks, it shall be added to the weeks on the schedule or partial schedule prior to the following computations being made.

(1) If a loss of use occurs to a scheduled member of the body, compensation shall be computed as follows:

(A) deduct the number of weeks of temporary total compensation from the schedule;

(B) multiply the difference by the percent of loss or use to the member; and

(C) multiply the result by the applicable weekly temporary total compensation rate.

(2) If a loss of use occurs in opposite upper extremities as a result of a repetitive use condition, whether occurring simultaneously or otherwise, compensation shall be computed as follows:

(A) for each scheduled member, deduct the number of weeks of temporary total compensation attributable to that extremity from the schedule;

(B) multiply the difference by the percent of loss of use to the member;

(C) multiply the result by the weekly temporary total compensation rate;

(D) increase the determined compensation for each extremity by 20%; and

(E) add the total for the right extremity to the total for the left extremity to obtain the total compensation for the injury.

(3) If part of a finger, thumb or toe is amputated, compensation shall be calculated as follows:

(A) multiply the percent of loss, as governed by K.S.A. 44-510d, by the weeks on the full schedule for that member;

(B) deduct the temporary total compensation; and

(C) multiply the remainder by the weekly temporary total compensation rate.

(4) If a scheduled member other than a part of a finger, thumb or toe is amputated, compensation shall be computed by multiplying the number of weeks on the schedule by the worker's weekly temporary total compensation rate. The temporary total compensation previously paid shall be deducted from the total amount allowed for the member.

(C) The weekly compensation rate for a permanent disability to the body as a whole shall be computed by:

(1) multiplying the worker's gross average weekly wage, computed pursuant to K.S.A. 44-511 by the worker's percent of disability; and

(2) multiplying this figure by .6667.

(d)(1) An injury involving the metacarpals shall be considered an injury to the hand. An injury involving the metatarsals shall be considered an injury to the foot.

(2) If the injury results in the loss of use of one or more fingers and also a loss of use of the hand, the compensation payable for the injury shall be on the schedule for the hand. Any percentage of permanent partial loss of use of the hand shall be at least sufficient to equal the compensation payable for the injuries to the finger or fingers alone.

(3) An injury involving the hip joint and an injury involving the shoulder joint shall be computed on the basis of a disability to the body as a whole.

(4) An injury at the joint on a scheduled member shall be considered a loss to the next higher schedule.

(5) If the tip of a finger, thumb or toe is amputated, the amputation does not go through the bone and it is determined that a disability exists, the disability rating shall be based on a computation of a partial loss of use of the entire finger. (Authorized by K.S.A. 44-510d, 44-573; implementing K.S.A. 44-510d, as amended by 1987 HB 2186, Sec. 6; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-88-20, July 1, 1987; amended May 1, 1988.)

## Article 9.—MEDICAL AND HOSPITAL

**51-9-7. Fees for medical and hospital services.** (a) Costs for medical services rendered pursuant to the workers compensation act shall be in conformity with reasonable and customary charges in the particular community in which the services are rendered.

(b) Hospital charges shall be reimbursed on the basis of reasonable and customary charges in the particular community in which the services are rendered.

(c) Charges for medical records and testimony provided under the workers compensation act shall be reimbursed on the basis of reasonable and customary charges in the particular community in which they are provided.

(d) Any dispute that arises which cannot otherwise be resolved shall, on request be heard and determined by the director. (Authorized by K.S.A. 44-510, 44-573; implementing K.S.A. 44-510, as amended by HB 2186, Sec. 3; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; amended, T-88-20, July 1, 1987; amended May 1, 1988.)

## Article 15.—SECOND INJURY FUND

**51-15-2. Workers' compensation fund.** (a) Insurance carriers and self-insureds shall not withhold compensation to an injured employee during negotiations with the workers' compensation fund but shall pay compensation due under the act and then seek reimbursement for any compensation paid.

(b) The first full hearing provision of K.S.A. 44-567, shall not include a proceeding involving a preliminary hearing pursuant to K.S.A. 44-534a.

(c) The workers' compensation fund shall be entitled to a hearing on the question of its liability imposed by the provisions of K.S.A. 44-532a. The administrative law judge may award compensation pursuant to K.S.A. 44-532a against the workers' compensation fund following a preliminary hearing if the fund was properly impleaded and given the statutory notice of the hearing.

(d) "First full hearing," as used in K.S.A. 44-567(c), means the first hearing before an administrative law judge, other than a preliminary hearing provided by K.S.A. 44-534a, at which pre-trial stipulations are taken and testimony is presented. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-566, 44-566a, 44-569, 44-569a and K.S.A. 44-534a, as amended by 1987 HB 2186, Sec. 12; effective, E-74-31, July 1, 1974; effective May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1982; amended, T-88-20, July 1, 1987; amended May 1, 1988.)

## Article 24.—REHABILITATION

**51-24-3. Definitions.** As used in K.A.R. 51-24-1, *et seq.*: (a) "Vendor" means a vocational rehabilitation facility, institution, agency or employer program provided for by K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1.

(continued)

(b) "Vocational rehabilitation counselor" or "counselor" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(a) and who has received a certification of qualification from the director.

(c) "Vocational rehabilitation evaluator" or "evaluator" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(b) and who has received a certification of qualification from the director.

(d) "Job placement specialist" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(c) and who has received a certification of qualification from the director.

(e) "Training facility" means a private agency, facility or employer rehabilitation service program which has filed with the director the necessary evidence for the director to deem that agency, facility or employer rehabilitation service program qualified to perform rehabilitation education or training.

(f) "Director" means the director of the Kansas division of workers' compensation. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988.)

**51-24-4. Qualifications and duties of vendor.** Any person, firm, or corporation proposing to qualify as a vendor in vocational rehabilitation cases under the Kansas workers compensation act, shall file an application with the director. The application shall be updated as changes occur which may affect the standing of the applicant to become or remain qualified and shall include:

(a) a statement that the person, firm or corporation will maintain an office in the state of Kansas or in the metropolitan Kansas City area, staffed with personnel capable of responding to written or telephone inquiries relating to cases referred to that vendor;

(b) the addresses and telephone numbers of the offices within and without the state of Kansas from which vocational rehabilitation services will be performed for cases under the Kansas workers compensation act;

(c) a listing of each person employed to perform services as a medical manager, counselor, evaluator or job placement specialist for cases referred to that vendor and an indication of each person's discipline;

(d) a statement that the person, firm or corporation will employ or contract with persons qualified to perform work as medical manager, counselor, evaluator or job placement specialist as necessary to carry out the purpose of the referral;

(e) a statement that the person, firm or corporation will be responsible for the appropriateness and timeliness of the delivery of service by each medical manager, counselor, evaluator and job placement specialist employed or under contract to carry out the purpose of the referral;

(f) a statement indicating whether the person, firm or corporation wants to be included in the list of

vendors qualified and requesting to receive referrals from employers or the director;

(g) a statement that the person, firm or corporation will report to the vocational rehabilitation administrator each referral received from an employer or insurance carrier and the date of the referral;

(h) a statement that the person, firm or corporation will report the status of each evaluation 30 days after the referral and will report the status of each evaluation and plan on each occasion changes occur which affect the status of the evaluation or plan. The report shall be in a form prescribed by the director. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988.)

**51-24-5. Qualifications for counselor, evaluator, and job placement specialist.** (a) Each person seeking to qualify as a vocational rehabilitation counselor for cases under the Kansas workers compensation act shall:

(1) furnish proof to the director that the person has:

(A) a masters degree from a nationally accredited program in rehabilitation counselor education; or

(B)(i) a masters degree based on a curriculum and coursework designed to fully prepare a person to practice vocational rehabilitation counseling; and

(ii) one year of experience as a vocational rehabilitation counselor or completion of a nationally accredited rehabilitation counselor internship program from a college or university; or

(C) a masters degree with at least 32 postgraduate hours including all of the following courses:

(i) medical aspects of disability

(ii) counseling theories

(iii) individual and group appraisal

(iv) career information service

(v) evaluation techniques in rehabilitation

(vi) placement process in rehabilitation

(vii) psychological aspects of disability

(viii) case management in rehabilitation

(ix) utilization of community resources

(x) survey of rehabilitation

(xi) supervised practicum in rehabilitation; or

(D) a bachelors degree in rehabilitation services and three years of experience as a vocational rehabilitation counselor; and

(2) furnish the director with the addresses and telephone numbers of that persons offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(b) Each person seeking to qualify as a vocational rehabilitation evaluator shall:

(1) furnish proof to the director that the person has:

(A) a masters or doctoral degree in vocational evaluation, rehabilitation counseling, work adjustment, counseling and guidance, psychology or counselor education and one year of experience as a vocational evaluator; or

(B) a bachelors degree in vocational rehabilitation evaluation, psychology, special education or rehabilitation services and three years of experience as a vocational evaluator under the supervision of a masters degree vocational evaluator; and

(2) furnish the director with the addresses and telephone numbers of that person's offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(c) Each person seeking to qualify as a vocational rehabilitation job placement specialist shall:

(1) furnish proof to the director that the person has:

(A) a bachelors degree in vocational rehabilitation, vocational counseling, sociology, psychology, rehabilitation services or social work, and one year of experience as a job placement specialist of disabled individuals; or

(B) at least two years of college level education and three years of experience as a job placement specialist of disabled individuals; and

(2) furnish the director with the addresses and telephone numbers of the person's offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(d) Each person employed by or working under contract as a counselor, evaluator or job placement specialist for the Kansas department of rehabilitation services shall be considered qualified in that person's discipline while working for that agency. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988.)

**51-24-6. Qualification of private training facility.** Before a private training facility begins providing vocational rehabilitation training or education to persons under the Kansas workers compensation act, the vendor formulating the training plan shall file with the vocational rehabilitation administrator a sufficient description of the course work and qualifications of the individuals performing the training or education to satisfy the vocational rehabilitation administrator that the training is adequate and appropriate to fulfill the goal of the plan. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988.)

**51-24-7. Qualification of medical or physical rehabilitation services.** Each facility, institution, agency or employer program seeking to qualify to provide medical or physical rehabilitation to persons under the Kansas workers compensation act shall be supervised by a physician with a speciality or sub-speciality in the area of medicine which deals with the type of injury or

disability it intends to treat. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988.)

DENNIS R. TAYLOR  
Secretary of Human Resources

Doc. No. 006315

State of Kansas

## DEPARTMENT OF EDUCATION

### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

#### Article 1.—CERTIFICATE REGULATIONS

**91-1-27. General requirements.** (a) Initial certification. A certificate shall be issued to those applicants who hold a baccalaureate degree and have completed an approved program, or to those who 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 who does not hold an advanced degree shall have completed eight semester hours of recent college credit or one year of recent, approved or accredited experience. An applicant who holds an advanced degree shall have completed six semester hours of recent college credit or one year of recent approved or accredited experience.

(d) Recommendation. Each application 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. Any applicant applying for certification in Kansas based on completion of a state-approved program who has not held a certificate prior to September 1, 1985, in Kansas or any other state, shall have a minimum cumulative grade point average of 2.5 on a 4.0 grade point system.

(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.

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(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.

(g) 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.

(h) 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.

(i) 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 and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1984; amended June 1, 1988.)

**91-1-23. Certification review committee.** (a) A certification review committee is hereby established to review the qualifications of applicants who desire to be certified in the state of Kansas but who do not satisfy all the requirements for certification as specified in these regulations.

(b) The certification review committee shall be composed of one chief school administrator, one chairperson of a department of education of a teacher education institution, one building administrator and four classroom teachers. Each member shall be recommended by the teaching and school administration professional standards advisory board, and shall be appointed by the state board.

(c) The certification review committee shall review cases referred to it by the commissioner of education. The certification review committee shall make a written recommendation to the state board to either approve 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 certification review committee, and shall approve or deny the applications for certification. The applicant shall be notified, in writing, of the decision of the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1986; amended May 1, 1987; amended June 1, 1988.)

**91-1-33. Director of special education.** (a) Each applicant for endorsement as director of special education shall have completed: (1) A state-approved director of special education program;

(2) a state-approved program in a special education subject area;

(3) a state-approved district school administrator program; and

(4) (A) a state-approved building administrator program, including two years teaching experience; or

(B) a state-approved special education supervisor/coordinator program, including two years teaching

experience in a recognized special education area. In addition, each applicant for endorsement as a director of special education shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire the ability to:

(1) Develop a written comprehensive plan for the provision of special education and related services; and

(2) perform special education and related services program administrative operations in a supervised practicum placement.

(c) Renewal requirements. (1) Director of special education endorsements originally issued prior to July 1, 1980, shall require for renewal: (A) Three years of recent accredited or approved experience during the validity of the last certificate held by the applicant; or

(B) six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(2) Director of special education endorsements originally issued on or after July 1, 1980, shall require for renewal:

(A) Six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d; or

(B) two renewals may be granted on verification of three years of recent, accredited or approved experience during the validity of the last certificate held by the applicant.

(3) Individuals holding director of special education endorsement shall not be required to complete a two-hour survey course in the area of exceptional children for renewal of certification. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1986; amended June 1, 1988.)

**91-1-44. Distributive education instructors.** (a) Applicants for this endorsement shall meet the following requirements:

(1) Hold a valid certificate issued by the state board;

(2) have a major in business, including credit in marketing, accounting, small business management or applied retailing, and visual merchandising, or show competency through approved examination;

(3) have credit in professional vocational education courses, including:

(A) Principles and philosophy of vocational education;

(B) methods of individual training (job analysis);

(C) organization and administration of vocational education;

(D) coordination techniques (not required of instructors of related subjects); and

(E) methods and materials in vocational education; and

(4) have two years or 4,000 hours approved work experience in the distributive field. The instructor of related subjects may satisfy the experience require-



ments with one year or 2,000 hours of approved experience.

(b) Instructors of postsecondary programs. Applicants for this endorsement shall meet the following requirements:

(1) Have competency in this specific teaching area and at least two additional related office education areas; and

(2) at least one-fourth of the approved, related work experience shall have been within the five year period prior to application.

(c) The renewal requirements for the three year and five year vocational business occupation endorsements shall be the same as those provided in S.B.R. 91-1-30(b), and amendments thereto. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended June 1, 1988.)

**91-1-101b. Foreign language.** (a) Each applicant for a foreign language endorsement shall have completed a state-approved foreign language program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing students to acquire:

(1) An understanding of the foreign language when it is spoken;

(2) the ability to be conversant in the foreign language, and to demonstrate a command of vocabulary, syntax and pronunciation sufficient to express thoughts clearly and effectively;

(3) the ability to read and comprehend the foreign language when included in text of moderate difficulty and mature content;

(4) the ability to write in the foreign language, using clear and correct vocabulary, idioms, and syntax;

(5) knowledge of the sound systems and structures of the foreign language and English, and the ability to apply this knowledge to foreign language teaching;

(6) an understanding that language is an essential element of culture and knowledge of the principal ways in which the foreign culture differs from our own;

(7) knowledge of the literary masterpieces, geography, history, art and social customs of the countries where the language is spoken;

(8) knowledge of the present-day objectives of foreign language teaching as communication, and the methods and techniques for attaining these objectives;

(9) knowledge of, and the ability to use specialized techniques in instructing foreign language;

(10) knowledge of the relationship of foreign language study to other areas of the curriculum; and

(11) the ability to evaluate professional literature and to apply research findings to foreign language teaching.

(c) Prior to June 1, 1990, any institution may request that its foreign language program be approved by the State Board under the provisions of this regulation.

(d) On and after June 1, 1990, any institution desiring to have an approved foreign language program

shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988.)

**91-1-107a. Library media.** (a) Each applicant for a library media endorsement shall have completed a state-approved library media program which includes graduate level coursework, shall have a valid teaching certificate and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the 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

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nance, 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 the 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 the 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 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. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended June 1, 1988.)

**91-1-110b. Physical education.** (a) Each applicant for a physical education endorsement shall have completed a state-approved physical education program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire a working knowledge of the aims and objectives of physical education, and develop curri-



cula to meet those aims and objectives by: (A) Planning programs using the purposes and objectives of physical education; and

(B) describing the values of physical fitness to society and to individuals;

(2) Demonstrate an understanding of physical education from historical and philosophical perspectives;

(3) Acquire a knowledge and understanding of human movement sciences by:

(A) Identifying the structure and understanding the function of the human organism;

(B) understanding the principles of physiological processes and principles involved in efficient motor skill learning and exercise;

(C) understanding the principles of the kinematics of the human body during movement activities;

(D) identifying and applying the relationships between age-related physical changes and physical activity; and

(E) demonstrating a knowledge and understanding of socio-psychological dimensions of physical activity and sport;

(4) Acquire the skills and knowledge necessary to conduct a program of physical education that is appropriate to level of endorsement by:

(A) Identifying and applying skills, techniques, and methodologies associated with physical activities using fundamental motor skills in physical fitness programs, tumbling and gymnastics, individual and dual sports, team sports and games, rhythms, dance and aquatics;

(B) demonstrating the ability to organize and administer interscholastic and intramural programs;

(5) Acquire the ability to care for and prevent minor athletic injuries, and to administer first aid by:

(A) Demonstrating the ability to discriminate between serious and minor athletic injuries;

(B) demonstrating the ability to administer first aid to a wide array of minor injuries;

(C) demonstrating the ability to administer cardio-pulmonary resuscitation to another human being;

(D) demonstrating taping and support procedures for a wide array of minor athletic problems; and

(E) applying the methods utilized in the prevention of athletic injuries;

(6) Acquire skills and knowledge associated with the development of individual physical fitness by:

(A) Demonstrating knowledge of the strengths and weaknesses of lifetime activities for maintaining fitness;

(B) demonstrating the ability to design and implement an individualized physical fitness program; and

(C) identifying risks associated with certain sporting and physical fitness activities.

(c) Prior to June 1, 1990, any institution may request that its physical education program be approved by the State Board under the provisions of this regulation.

(d) On and after June 1, 1990, any institution desiring to have an approved physical education program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988.)

**91-1-112a. General science.** (a) Each applicant for an endorsement in general science shall have completed a state-approved program in general science and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of: (A) basic processes, concepts and principles of biology, chemistry, physics, and earth and space science;

(B) the cultural, intellectual, and philosophical nature of science; and

(C) advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions and probability;

(2) Acquire the ability to: (A) Demonstrate basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) demonstrate integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science;

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science;

(E) describe and demonstrate the application of analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(F) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures within society;

(G) demonstrate that science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application;

(H) demonstrate through laboratory experiences the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process; and

(I) program in a least one computer language. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution, effective May 1, 1985; amended June 1, 1988.)

**91-1-132a. School psychologist.** (a) Each applicant for a school psychologist endorsement at the preschool, elementary, middle and secondary levels shall have successfully completed a state-approved graduate degree program and a subsequent one-year, full-time, supervised internship in school psychology, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

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(1) Knowledge of basic psychological principles, including:

(A) the relationship between biological principles and psychological functioning;

(B) the manner in which concepts of cultural diversity relate to an understanding of individuality;

(C) the difference between normal and abnormal child and adolescent behavior using developmental principles;

(D) techniques for identifying and diagnosing conditions of exceptionality;

(E) concepts and processes related to human learning;

(F) basic research methodology as applicable to school-related problems;

(G) the relationship between social setting and the psychological functioning of children and adolescents; and

(H) an understanding of statistical analysis;

(2) An understanding of the role of a school psychologist as a part of the educational team, including:

(A) Curriculum design and administrative organization in the education of normal and exceptional children;

(B) identifying and demonstrating an understanding of selected instructional and remedial techniques;

(C) the culture, organization, and operation of schools; and

(D) the influence of federal, state and local laws and regulations on education;

(3) Knowledge of learning difficulties with appropriate assessment strategies including the ability to:

(A) Conduct comprehensive psycho-educational assessments;

(B) write complete and comprehensive psychological reports; and

(C) describe and demonstrate skills in the use of observational techniques, multidisciplinary resources, and informal data collection;

(4) The ability to develop and implement intervention strategies to deal with educational and psychological problems manifested by children in schools including the ability to:

(A) design and implement programs to deal with group and individual problems which interfere with the learning process;

(B) participate in interpersonal communication activities to build consultative relations with children, parents, educators, and others;

(C) participate in interpersonal communication activities to collaborate with others in developing appropriate individualized education programs which include utilization of psychological information;

(D) identify and describe special schools, special services and other agencies which provide resources; and

(E) demonstrate skills in individual and group counseling;

(5) The ability to use evaluation strategies to establish the effectiveness of educational programs in meeting the needs of school children;

(6) Knowledge of professional issues, standards, and ethics in school psychology, including:

(A) The ethical and professional standards for psychologists and school psychologists;

(B) the relationship between laws and court decisions and the practice of school psychology;

(C) different models, concepts and current issues concerning the practice of school psychology; and

(D) state department of education regulatory documents and guidelines pertaining to the practice of school psychology;

(7) The skills necessary for effective functioning as a student school psychologist in a supervised practicum in a school setting including the ability to:

(A) Perform the various tasks of a student school psychologist utilizing the competencies above;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience program involving all levels of education, preschool through secondary. At least part of the approved work experience shall be obtained in a school setting;

(8) The ability to function effectively as a professional school psychologist in a supervised, full-time internship for one academic year including the ability to:

(A) Demonstrate ability to assume full responsibility as a practicing school psychologist;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience with all levels of education, preschool through secondary, and provide a full range of services and educational experiences for exceptional and regular children. At least 50% of the approved work experience shall be in a school setting.

(c) Provisional endorsement.

(1) Individuals who have completed a state-approved graduate degree school psychologist program shall be eligible for a one-year provisional endorsement upon the recommendation of the teacher education institution.

(2) Renewal of a provisional endorsement shall be granted on a yearly basis upon submission of an application and fee. The provisional endorsement shall be renewed to a five-year endorsement upon completion of two semesters of full-time supervised internship in school psychology and the recommendation of the teacher education institution.

(3) Individuals holding the one-year provisional endorsement shall only be authorized to serve as a school psychologist in an internship capacity. (Authorized by and implementing Article 6, Section 2(a), of the Kansas Constitution; effective May 1, 1985; amended June 1, 1988.)

**91-1-146d. Renewal of certification based upon inservice education.** (a) Any certified applicant who is employed by an education agency having a state-approved inservice education plan on file with the Kansas state department of education may prepare an individual development plan. This individual development plan shall:

(1) Include sequential instructional experiences designed to improve performance in an area of certifi-

education or include courses in a planned program leading to a new endorsement;

- (2) reflect the job-related needs of the individual;
- (3) correlate with the needs and goals of the education agency;
- (4) result from cooperative planning with a designated supervisor;
- (5) be signed by the employee;
- (6) be signed by the supervisor, if the supervisor and the employee are in agreement;
- (7) be reviewed and approved by the council, based upon guidelines adopted by and available from the state board; and
- (8) be reviewed and approved by the governing body of the education agency.

(b) Area professional development centers providing inservice education for certification renewal shall provide the inservice education through a local school district, an accredited non-public school, an institution of postsecondary education or another education agency which has a state-approved inservice education plan.

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

(1) Each individual whose highest degree is a baccalaureate degree to have experiences worth at least 160 inservice education points during a five-year period, half of which shall be college or university credit;

(2) each individual having a master's degree or other advanced degree shall have experiences worth 120 inservice education points during a five-year period; and

(3) experiences worth at least 100 inservice education points during a five-year period for a renewal of a substitute teaching endorsement.

(A) A substitute teacher may earn all 100 points through inservice education.

(B) A substitute teacher employed for any period of time by an education agency having a state-approved inservice education plan may participate in that district's inservice education plan.

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

(e) An applicant who is not eligible under subsection (a) of this regulation for renewal of a certificate using inservice education shall meet the provisions of S.B.R. 91-1-30(b) for the renewal of a certificate. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended June 1, 1988.)

**91-1-146e. Expenditures for the inservice education program.** (a) Education agencies may receive inservice education funds for the following expenditures:

- (1) Consultant fees and honorariums;
- (2) travel expenses for consultants;
- (3) cost of materials used in training;

(4) salaries of substitute teachers for certified staff who have filed an individual development plan, but such salaries shall not exceed 25% of the total inservice education expenditure;

(5) registration fees for, and travel expenses to, inservice workshops and conferences, both in-state and out-of state, for certified individuals who have individual development plans on file; and

(6) salaries of secretarial personnel time, but such salaries shall not exceed the amount of one hour of secretarial wages for each certified employee having an approved individual development plan on file.

(b) Education agencies shall not receive inservice education funds for the following expenditures:

(1) rental of facilities;

(2) utilities;

(3) equipment;

(4) administrative expenses; and

(5) salaries of teachers attending inservice workshops or conferences, or the salaries of council members. (Authorized by and implementing K.S.A. 72-9603; effective May 1, 1988.)

**91-1-147.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; revoked May 1, 1988.)

## 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) "Behavior disorder" means a condition with one or more behavioral characteristics that are:

(1) exhibited at either a much higher or much lower rate than is appropriate for one's age;

(2) documented as occurring over an extended period of time in different environmental settings within the school, and home or community; and

(3) interfering consistently with the student's educational performance. This interference with educational performance shall not be a result of intellectual, sensory, cultural or health factors that have not received appropriate attention.

(d) "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.

(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 in-

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terventions. 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 five years, inclusive, who cannot be accurately diagnosed as having a specific handicapping condition but who have one or more diagnosed conditions which cannot be medically corrected and are associated with educationally handicapping conditions or who test 25% or more below chronological age on criterion or norm referenced, validated test instruments in one or more of the following areas: cognitive development, sensor motor development, fine motor skills, gross motor skills, receptive communication, expressive communication, social-affective skills, self-help skills, auditory, visual, or haptic sensory processing.

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

(j) "Exceptional children" means those children who are mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, behaviorally disordered, 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 communication 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 one or more qualified 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 a basic communication system disorder, deviation, or general developmental need in language, speech, fluency, or voice quality, which hinders academic learning, social adjustment, self-help skills, or communication skills;

(2) "voice deviation or impairment," which means an abnormality 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 that occurs frequently or is markedly noticeable. This disruption occurs 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; and

(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.

(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 that exists concurrently with deficits in adaptive behavior that adversely affects educational performance and the ability to acquire the skills necessary for making decisions in actual life situations. Mental retardation is described in terms of 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 1983; and

(B) possession of functional capabilities which can be developed 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 1983; 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 and educational advocate as defined in K.S.A. 72-962 and any amendments to that statute.

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

(bb) "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.

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

(dd) "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 move-

ment 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, special music education, speech and language services, and transportation.

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

(ff) "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.

(gg) "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, whichever event occurs first.

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

(ii) "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.

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

(1) Assistance to schools, 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.

(kk) 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

(continued)



team of the child and shall be included and certified in the individualized education program of the child.

(2) "School term," for handicapped children age five and under, means 450 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.

(ll) "Severely multiply handicapped" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders.

(mm) "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.

(nn) "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.

(oo) "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.

(pp) "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, meeting the requirements of these regulations and S.B.R. 91-33-1 *et seq.*, are provided.

(qq) "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, but 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.

(rr) "Specific learning disability" means a disorder in the ability to learn effectively with 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 aptitude 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. This discrepancy shall not be primarily attributable to vision, hearing, or motor impairments; mental retardation; emotional disabilities; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

(ss) "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.

(tt) "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.

(uu) "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 and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-23. State approval of special education services.** (a) General criteria for state approval. State approval of any special education services to be offered shall require that the agency proposing to provide the services has made provision for:

- (1) The employment of personnel properly certified and endorsed in their assigned categories of exceptionality and level of instruction;
- (2) compliance with pupil-teacher ratios;
- (3) the development and offering of curricula appropriate to student needs;
- (4) facilities comparable to those provided non-exceptional children;
- (5) compliance with identification, individualized education program, placement, and review procedures;
- (6) appropriate licensed or certificated support personnel;
- (7) other necessary related services; and
- (8) an approvable delivery model or models. The following plans for delivering special education services may be approved:

- (A) Home-based instruction;
- (B) regular education with support services only;
- (C) consulting teacher plan;
- (D) itinerant teacher plan;
- (E) resource room plan;
- (F) self-contained special class;
- (G) special day school;
- (H) residential school;
- (I) hospital instruction; or
- (J) homebound instruction.

With the exception of home-based and homebound instruction, these models may be implemented through either categorical or interrelated service units. Combinations of delivery models also may be approved.

(b) Request for approval of innovative delivery models. Local education agencies shall submit a written plan to the special education administration section for review and approval, or disapproval, of innovative delivery models for which there are no standards. Each plan shall include:

- (1) The name by which the model may be identified;
  - (2) a statement of the specific purpose or special education need to which this delivery model will respond;
  - (3) a description of the type of special education services to be provided and the projected length of time the services will be provided;
  - (4) the procedures for selecting students to be served;
  - (5) the number of children to be served; and
  - (6) the instructional level or levels to be included.
- (c) Requests for waiver.

(1) Requests for a waiver of any requirement in regard to class size, caseload, age range, or personnel provided in article 12 of these regulations may be granted or denied by the director of the special education administration section. Requests for a waiver shall be made, in writing, to the director of the special

education administration section of the department of education. The local education agency shall show good cause for the granting of such a waiver and shall present an alternative to the requirement which will ensure that the objectives of these regulations will be achieved. Written notice of the director's decision to grant or deny the request shall be given to the local education agency requesting the waiver. If the request is denied, the notice shall specify the reason or reasons for the denial of the request and advise the local education agency of the appeal procedure provided for in paragraph two of this subsection.

(2) Any local education agency may appeal the director's denial of its request for a waiver to the state commissioner of education within 15 calendar days of the date written notice was sent to the local education agency. Upon receiving an appeal, an appeal committee of at least three department of education members, shall be appointed by the commissioner to review the denial of the request and to consider the information from the local education agency. The appeal process shall be completed within 30 calendar days of the appeal request from the local education agency. A recommendation shall be given to the state board of education within 15 days after the appeal process has been completed. The state board of education shall consider the recommendation at its next meeting.

(3) If the director grants the request for waiver, such action shall be subject to confirmation or rejection by the state board of education at its next meeting.

(4) Any waiver shall be granted for a period not exceeding 12 months. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-24. Approval of homebound and hospital instruction.** (a) An individualized education program shall be developed for each student prior to the implementation of homebound or hospital instruction.

(b) The following requirements shall be met in order to receive hospital instruction:

(1) Local education agencies shall complete, properly sign and submit an application to the state department of education as soon as it is determined through the individualized education program conference that a child is in need of homebound or hospital services.

(2) All homebound and hospital instructional services shall be provided by individuals with a Kansas teaching certificate that is valid at the level of instruction to be provided. Part-time instruction may be provided by teachers certified in the content areas in which the child is enrolled, or by a teacher who functions as a coordinator between the child and the child's subject area teachers.

(c) The following requirements shall be met in order to receive approval of full-time homebound and hospital instruction:

(1) Local education agencies shall complete and submit a state department of education end-of-month

(continued)

report which identifies specific information regarding individual students receiving homebound and hospital instruction.

(2) Each individual who is reimbursed as a full-time teacher in a homebound or hospital program shall have completed a program which qualifies the individual to be fully certified in at least one of the special education subject areas identified in S.B.R. 91-1-93a(a)(1), and any amendments to that rule and regulation.

(3) Reimbursement for the provision of instruction for any homebound or hospitalized child shall be provided only if the child has been appropriately identified as an exceptional child who is in need of special education services. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

### 91-12-25. Approval of interrelated service units.

(a) Before any child is placed in an interrelated service unit, the comprehensive evaluation and individualized education program procedures prescribed in K.A.R. 91-12-40 and 91-12-41 shall be used:

(1) To document each child's need for special education and related services;

(2) to determine whether placement in an interrelated service unit best meets the needs of each child; and

(3) to establish the primary category of exceptionality of the child for the purposes of reporting and establishing eligibility for state and federal funding.

(b) Before any local education agency establishes and operates an interrelated service unit, it shall submit to the special education administration section, for approval, a written plan describing in detail the services to be offered in the unit. The plan for interrelated services shall be included as a part of the local comprehensive plan and shall be reviewed and revised as required by the special education administration section. Approval of interrelated service units shall be contingent upon fulfilling the following requirements:

(1) A systematic and ongoing evaluation of program and product effectiveness shall be conducted pursuant to K.A.R. 91-12-34(a)(2) and (9);

(2) teaching personnel with full endorsement in one of the categories of exceptionality being served in the interrelated service unit shall be assigned to the unit; and

(3) provisions shall be made for providing instructional personnel with assistance from appropriately trained categorical specialists or support personnel as necessary.

(c) Special purpose schools at mental health and youth center facilities shall meet class size and caseload limitations as prescribed in K.A.R. 91-12-55, Table VI.

(d) Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically

impaired, other health impaired, or severely multiply handicapped.

(e) Except as otherwise provided in this subsection, the class size and caseload shall be the same as that for the categorical area with the majority of students being served under the particular delivery model being used. If four or more students in a categorical area with more restrictive class size or caseload requirements are being served, the more restrictive requirements shall apply. The maximum limitations for interrelated programs are given in Table I.

(f) This regulation shall take effect on July 1, 1987.

Table I  
Maximum Class Size and Caseload  
for Interrelated Programs

Administration Plan	Categorical Grouping	Number of Paraprofessionals	Class Size and Maximum Caseload	
Itinerant	BD/EMR *	0	15	
		1 or more	18	
	BD/LD	0	18	
		1 or more	24	
	EMR/LD *	0	18	
		1 or more	24	
	BD/EMR/LD *	0	18	
		1 or more	24	
	Resource	BD/EMR *	0	12
			1 or more	16
BD/LD		0	18	
		1 or more	22	
			(No more than 10 at any one time)	
EMR/LD *		0	18	
		1 or more	22	
BD/EMR/LD *		0	18	
		1 or more	22	
			(No more than 10 at any one time)	
Special Classroom	BD/EMR *	0	8	
		1	10	
	BD/LD	0	10	
		1 or more	14	
	EMR/LD *	0	10	
		1 or more	14	
	BD/EMR/LD *	0	10	
		1 or more	14	
EMR/TMR *	0	Primary—12 Intermediate—15 Secondary—15		
	1 or more	Primary—15 Intermediate—18 Secondary—20		

\* The chronological age or grade level span shall not exceed 4 years.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**91-12-28. State education agency monitoring of compliance with state and federal requirements.** (a) State education agency action based on a complaint of noncompliance.

(1) Any person may file a written, signed complaint alleging that a local education agency is not in compliance with a state or federal law or regulation. The complaint shall state the facts upon which it is based, and shall be filed with the state director of special education, Kansas state department of education. Upon receipt of a complaint, an investigation shall be



initiated. At a minimum, this investigation shall include:

(A) An interview with the complainant during which additional information may be gathered and specific allegations of noncompliance identified, verified, and recorded;

(B) a letter or telephone call advising the local education agency of the complaint and soliciting relevant information or documents; and

(C) a written report of findings and any corrective action or actions that are required and the time period within which each action is to be taken. This report shall be sent to the complainant and to the local education agency within 30 days of the receipt of the complaint. An on-site investigation may be conducted prior to issuing a report, if such an investigation is determined to be necessary.

(2) If a report requires corrective action by a local education agency, that agency, within 10 days of the date of the report, shall submit to the state director of special education one of the following:

(A) Documentation to verify completion of the corrective action or actions specified in the report;

(B) a written request for an extension of time within which to complete one or more of the corrective actions specified in the report, together with justification for the request; or

(C) a written notice of appeal in regard to the matter. Any such appeal shall be in accordance with subsection (c) of this regulation.

(3) If a local education agency files a request for an extension of time within which to complete one or more corrective actions required in a report, a review committee, of at least three department of education members, shall be appointed by the commissioner to review the request and the offered justification for the extension of time. The review committee shall render a decision in regard to the request within 20 days of the date the request was received. The decision of the review committee shall be final.

(4) If a local education agency fails to respond to a report within the time allowed, the sanctions listed in paragraph (2) of subsection (c) may be invoked.

(5) If a report concludes that the local education agency is in compliance with legal requirements, the complainant may appeal the report in accordance with subsection (c) of this regulation.

(b) Scheduled on-site compliance reviews. The special education administration section periodically shall conduct on-site compliance reviews of each local education agency. If noncompliance is established, the local education agency shall be given a written report specifying the deficiencies found and prescribing a timeline for remedying the deficiencies. This report shall be sent to the local education agency by the special education administration section not more than six weeks after conclusion of the on-site review.

(c) Appeals.

(1) Any local education agency or complainant may appeal any compliance report prepared by the special education administration section by filing a written notice of appeal with the state commissioner of edu-

cation. The notice shall be filed within 10 calendar days from the date the report was sent by the special education administration section. The notice shall specify, in detail, the basis for alleging that the report is incorrect. Upon receiving an appeal, an appeal committee, of at least three department of education members, shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 20 calendar days from the date of receipt of the notice of appeal, and a decision shall be rendered within 10 calendar days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In such event, the decision shall be rendered as soon as possible.

(2) If an appeal committee affirms a compliance report that requires corrective action by a local education agency, that agency must initiate the required corrective action immediately. If, after 5 days, there has been failure to initiate the required corrective action, the state department of education shall determine, and notify the local education agency of, the action that will be taken to assure compliance. Such action may include:

(A) The issuance of an accreditation deficiency advisement under S.B.R. 91-31-2;

(B) the withholding of state or federal funds otherwise available to the local education agency; or

(C) any combination of the above actions.

(2) Any local education agency or any complainant may appeal a final determination of the state department of education to the secretary of the U.S. department of education within 30 days of the department's final action. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-31. Local administration and supervision of special education.** Each local education agency with an enrollment of 5,000 pupils and programs for four or more categories of exceptional children shall employ a full time director of special education. The director of special education shall be the principal administrator of the special education services. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1988.)

**91-12-32. Graduation recognition.** (a) Each exceptional child shall be eligible for graduation from high school upon completion of state board requirements as prescribed in S.B.R. 91-31-12h and shall receive the same graduation recognition and diploma as non-exceptional children.

(b) If a local education agency develops an alternative graduation requirements policy for special education programs, the requirements shall be included in the agency's local comprehensive plan. State approval of the alternative policies shall be given by approval of the local comprehensive plan.

(c) Each alternative graduation requirements policy

(continued)

shall include one unit of American history and at least one-half unit of American government, including the constitution of the United States as required by K.S.A. 72-1103. These units may be adapted to meet the needs of given exceptional children.

(d) The program required to meet approved alternative graduation requirements shall be specified in the student records on file for each exceptional child. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended May 1, 1988.)

**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: early childhood.

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

(2) At a minimum, early childhood 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 early childhood screening.

(4) After each early childhood 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

(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 comprehen-

sive 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 meets eligibility criteria for special education services. The child's parents shall have the opportunity to attend this meeting or to have their opinions expressed by a designated representative or 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 within 40 school days following the referral. (Authorized by and implementing K.S.A. 72-963, effective May 1, 1983; amended May 1, 1984; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-50. Cooperative agreements and interlocal agreements.** (a) Each proposed special education cooperative agreement or interlocal agreement providing for special education services shall be approved, if it meets statutory requirements, includes designation of the special education service or services to be provided, and is in proper legal and grammatical form.

(b) Each proposed special education cooperative agreement or interlocal agreement shall be submitted to the state board of education at least 45 days prior to the proposed effective date of the agreement.

(c) Proposed revisions of any special education cooperative agreement or interlocal agreement shall be submitted to the state board of education for approval or disapproval.

(d) The partial or complete termination of any special education cooperative agreement or any interlocal agreement shall be accomplished as prescribed in K.S.A. 1987 Supp. 72-968 or 72-8230, and any amendments to those statutes. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-51. Early childhood education for handicapped.** (a) Screening and identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall:

(1) Afford parents of children age five and under the right to information or training which assists them in participating in the comprehensive evaluation

process. Assistance in observation techniques and information regarding the developmental stages of early childhood shall be offered to the parents; and

(2) assure that all personnel who participate in the comprehensive evaluation of any child age five and under have had training or experience in the evaluation of such children.

(b) Instructional personnel.

(1) Each teacher of a multi-categorical early childhood handicapped program shall be endorsed for early childhood handicapped.

(2) Each teacher of a categorical early childhood handicapped program shall:

(A) Be endorsed for early childhood handicapped and be provided assistance from appropriately trained categorical teachers or related service personnel, as necessary; or

(B) Be endorsed for the category being served and have experience, a practicum, or training with preschool age children.

(c) Educational settings.

(1) Private center-based programs accepting placements of identified handicapped children age seven and under shall be approved by the state department of education.

(2) Private early childhood education programs or child day care centers that are designed primarily for nonhandicapped children and that accept placements of identified handicapped children age seven and under shall have teachers who are endorsed for early childhood education. A teacher endorsed for early childhood handicapped education shall act as a consulting teacher to the program.

(d) School year for homebased programs. The school year of 215 hours of direct instruction for homebased or individual programs shall include a minimum of 54 hours of instruction by the professional staff and instructional paraprofessional. No fewer than 13 of the 54 hours shall be directly supervised or provided by the professional staff. Additional hours of individual instruction that are necessary to fulfill the required 215 hours shall be provided through documented implementation of the individualized education program, by a parent, caregiver, professional, or paraprofessional.

(e) Developmentally delayed children age five or under may be served in early childhood programs and may be reported as handicapped children.

(f) Class size and case load limitations for early childhood handicapped programs are given in Table II. No class size or caseload shall exceed the program's ability to implement the individualized education programs of the children enrolled.

(continued)

TABLE II  
CLASS SIZE AND CASELOAD  
CENTERBASED GROUP PROGRAMS

Teacher and Endorsement *	Number of Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three	Maximum Number of Children Per Class	Maximum Caseload of Handicapped Children
Special Classroom				
1 ECH	0	1	4	8
1 ECH	1	1	8	12
1 ECH	1	2	8	16
1 ECH & 1 SE Team	1	1	12	24
Integrated Classroom				
1 ECH	1	1	12 (5 handicapped)	10
1 ECH	2	1	12 (8 handicapped)	16
2 ECH	2	**	18 (12 handicapped)	24
1 ECH & 1 SE Team	2	**	18 (12 handicapped)	24
Regular Classroom				
1 EC and	1	1	18 (3 handicapped)	16
1 ECH Consultant or				16
1 SE Consultant				16

\* Approvable teacher endorsements include Early Childhood (EC), Early Childhood Handicapped (ECH), and other Special Education endorsements (SE). Other special education approvable professionals include FTE speech and language pathologists and therapists, occupational therapists, and physical therapists.

\*\* Not approvable for severely handicapped children or children less than three years old.

HOME-BASED, INDIVIDUAL PROGRAMS: MAXIMUM CASELOAD FOR EACH EARLY CHILDHOOD HANDICAPPED INSTRUCTIONAL TEAM

ECH Teacher	Additional FTE Related Service Professionals *	FTE Paraprofessionals Assigned to ECH Teacher	Caseload
1	0	0	16
1	0	1	20
1	0	2	24
1	0	3	28
1	1	0	28
1	1	1	32
1	1	2	34
1	1	3	36
1	2	0	38
1	2	1	40
1	2	2	42

\* Approvable teacher endorsements include FTE speech and language pathologists and other special education categorical endorsements. Other special education approvable professionals include occupational therapists, physical therapists, and school nurses.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

**91-12-52. Intellectually gifted.** (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying gifted students:

(1) Teacher evaluation of each child;  
(2) analysis of each child's accomplishments and products for evidence of the intellectual giftedness or potential;

(3) documentation of intellectual giftedness through administration of a standardized, individual test of intelligence. The minimum criterion for identification shall be a composite rank of not less than the 97th percentile on national or local norms, whichever is higher, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high intellectual potential; and

(4) documentation of intellectual giftedness through administration of a standardized test of academic achievement.

(A) For elementary children, the minimum criterion for identification shall be a composite rank of not less than the 95th percentile on national norms, or evidence that such standardized achievement test score does not adequately reflect the child's high intellectual potential.

(B) For secondary children, the minimum criterion for identification shall be a rank of not less than the 95th percentile on national norms on two or more of the mathematics, language arts (including reading), science, and social science sections, or evidence that such standardized achievement test scores do not adequately reflect the child's high intellectual potential.

(b) Each gifted child shall be permitted to test out of, or work at an individual rate, and receive credit for required or prerequisite courses, or both, at all grade levels, if so specified in that child's individualized education program.

(c) Gifted students may receive credit for college study at the college or high school level or may receive dual credit therefore. If any gifted student chooses to receive college credit, the student shall be responsible for the college tuition costs.

(d) Programs using the consulting teacher model shall develop a scope and sequence of curriculum for gifted students to be used in working with regular classroom teachers.

(e) Class size and caseload limitations for programs for gifted are given in Table III.

(f) This regulation shall take effect on July 1, 1987.

TABLE III  
Class Size and Caseload for  
Programs for Gifted

Administrative Plan	Maximum Number of Students To Be Served	Maximum Number of Students To Be Served With a Full-Time Paraprofessional
Consulting Teacher	75	75
Itinerant Teacher	25	30
Resource Room	35	40
Self-Contained	20	25

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**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 the competency of persons assigned by each local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendments to that statute.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying children with speech, language and hearing impairments, 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 a 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. 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 education agency having a temporary facility shall submit to the special education administration section an annual 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," 1977 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

(continued)

and language programs shall be as prescribed in table IV.

(2) The maximum class size for programs for children with hearing impairments shall be as prescribed in table V. If paraprofessionals are employed as a part of any of the following special class delivery 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.

(h) This regulation shall take effect on July 1, 1987.

Table IV

Class Size and Caseload for Speech and Language Program				
	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group (through indirect service.)	Individual or small group. 3 students per session.	Individual or small group. 5 students per session.	10 students per speech or language clinician. 15 students per speech or language clinician with a paraprofessional.
TIME PER WEEK	As needed.	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASE-LOAD MAXIMUMS	No limit.	25-55 students.	15-25 students.	15 students with paraprofessional. 10 students without paraprofessional.

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 and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**91-12-54. Mental retardation.** (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 exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. This assess-

ment shall be for the purpose of identifying children who are mentally retarded.

(b) Education programs for mentally retarded children shall include work experiences and life experiences. Each local education agency providing this program shall develop a continuum of content for the major emphasis of study and a plan for continuous review and revision.

(c) Class size and caseload limitations for semi-independent educable mentally retarded and semi-dependent trainable mentally retarded are given in Table X.

(d) This regulation shall take effect on July 1, 1987.

Table X  
Class Size and Caseload Limitation for Semi-Independent EMR and Semi-Dependent TMR

Program Level	Administrative Plan	Maximum Class Size and Caseload
EMR Primary (Level I)	Special Classroom	12 Increased to 15 with one or more paraprofessionals
EMR Intermediate (Levels II and III)		15 Increased to 18 with one or more paraprofessionals
EMR Secondary (Level IV)		15 Increased to 20 with one or more paraprofessionals
TMR Primary (Level I)		8 Increased to 11 with one or more paraprofessionals
TMR Intermediate (Levels II and III)		10 Increased to 13 with one or more paraprofessionals
TMR Secondary (Level IV)		12 Increased to 15 with one or more paraprofessionals

The chronological age or grade level span shall not exceed 4 years. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**91-12-55. Behavior disorders.** (a) Comprehensive evaluation. 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 behavior disorders:

(1) Specialized procedures, which include a behavior rating scale, that are designed to identify children with behavior disorders;

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher. 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; and

(3) procedures for determining the need for a men-



tal health consultation. If a need for consultation is indicated, such consultation shall be provided at public expense.

(b) The curriculum of each behavior disorders program 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 meeting the requirements of K.A.R. 91-12-23, state approval of behavior disorders programs shall be contingent upon the following:

(1) 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.

(2) consulting teacher and itinerant teacher plans for delivering special education services shall be used only to maintain mildly handicapped children in regular education, support special education instructional staff, or enhance the probability of successful reintegration of children into less restrictive programs; and

(3) children hospitalized for the treatment of behavior disorders shall receive instruction 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 behavior disorders shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with behavior disorders 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 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 a school psychologist certificated and endorsed by the state board of education or of an appropriately trained clinical psychologist shall be available to each behavior disorders program.

(2) The services of a school social worker certificated and endorsed by the state board of education or of a clinical social worker certified by the Kansas behavioral sciences regulatory board shall be available to each behavior disorders program.

(e) Class size and caseload limitations for behavior disorders programs shall be as listed in Table VI.

(f) This regulation shall take effect on July 1, 1987.

**TABLE VI**  
Class Size & Caseload Limitations for Behavior Disorders Programs

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting teacher	No more than 1/4 time to be spent with students.
	Itinerant teacher	15—Increase to 18 with one or more paraprofessionals.
	Resource room	12—No more than 8 at any one time. Increase to 16 with one or more paraprofessionals. The maximum chronological age or grade level span shall be no more than four years or grade levels at any time.

Special Classroom 8—Increase to 10 with a paraprofessional. The maximum chronological age or grade level span shall be four years.

Special purpose schools (departmentalized by curricular content area) No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**91-12-58. Specific learning disabilities.** (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in its 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) 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.

(4) In determining whether a significant discrepancy exists, the team shall employ procedures that use a standard score comparison in which current achievement and aptitude 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.

(A) The regression formula for predicting the discrepancy between aptitude and achievement, as prescribed in Appendix G of "Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists.

(B) The simple standard score difference between aptitude and achievement, as prescribed in Appendix

(continued)

G of "Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists if the technical data necessary to apply the regression formula are not available.

(5) 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.

(6) 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 a statement that the child has failed to learn in that environment;

(B) whether the child has a significant discrepancy between achievement and aptitude;

(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;

(F) any educationally-relevant medical findings;

(G) whether the child has a specific learning disability which is not correctable without special education or related services or both; and

(H) a written statement for each evaluation team member certifying that 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.

(c) This regulation shall take effect on July 1, 1987.

**TABLE IX**  
**Class Size and Caseload for**  
**Learning Disabled Program**

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than 1/3 time to be spent with students.
	Itinerant Teacher	18
	Shall not be assigned to more than 5 attendance centers	Increase to 24 with one or more paraprofessionals
	Resource Room	18 No more than 10 at one time. Increase to 22 with one or more paraprofessionals
	Special Classroom	10 Increase to 14 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987; amended, T-88-8, March 4, 1987; amended May 1, 1988.)

**91-12-62. School psychology.** (a) School psychological services are an essential component of special education and related services, and shall be provided as a part of the special education services provided to exceptional children.

(b) Special education reimbursement shall be authorized for school psychology paraprofessionals who hold a baccalaureate degree in psychology or education, if:

(1) Responsibilities of the paraprofessional are planned and supervised by a qualified professional and are based on the person's competency to carry out the responsibilities. If needed, preservice or inservice training shall be provided in relation to the duties;

(2) the paraprofessional is not involved in psychological counseling or therapy, or in psychological evaluation;

(3) the paraprofessional is under the direct supervision of a certified school psychologist; and

(4) the paraprofessional holds a paraprofessional permit.

(c) School psychology practicum students, placed in a district by a training institution, may participate in those activities normally carried out by the fully endorsed school psychologist. However, all psychological evaluations, including testing and behavioral observations, shall be reviewed and signed by the supervising psychologist. The supervising psychologist shall be responsible for special education placement or programming decisions based upon this data. Practicum students, if employed by the local education agency, shall be considered paraprofessionals for reimbursement purposes.

(d) School psychology interns are provisionally endorsed as a school psychologist and shall be considered professionals for reimbursement purposes.

(e) The caseload of any one school psychologist shall not exceed 1500 children. The student to school psychologist ratio shall be lowered under the following conditions:

(1) Assignment to areas where socio-economic conditions increase student and family problems;

(2) assignment to schools separated by considerable distance. Excessive travel time shall be avoided wherever possible;

(3) assignment to schools where a highly mobile population is served; or

(4) assignment to schools where a large number of programs for exceptional children are provided. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1988.)

**91-12-72. Guidelines for appointment of educational advocates.** (a) An educational advocate shall be appointed for a child who is in the custody of the secretary of social and rehabilitation services pursuant to K.S.A. 38-1501 *et seq.* and who appears to be exceptional if:

(1) The parental rights of the parents of the child have been terminated; or

(2) the child's lawful custodian is unknown or unavailable.

(b) The secretary of social and rehabilitation services, within two working days from the date of making a determination under subsection (a), shall notify the director of the special education administration section of the state department of education, and the school district in which the child is residing that the child is in need of an educational advocate.

(c) Each educational advocate shall meet the qualifications prescribed in K.A.R. 91-12-71. In appointing each educational advocate, the following rules shall be observed:

(1) If a child is in a state institution, the appointed educational advocate shall not be a social and rehabilitation services employee;

(2) if a child is in a permanent foster care placement, the educational advocate may be the foster care provider;

(3) if a child is in a constant foster care placement and is expected to remain in that placement for one year, the educational advocate may be the foster care provider; and

(4) if a child is not in a state institution, the educational advocate may be a social and rehabilitation services social worker. (Authorized by and implementing K.S.A. 72-963c, as amended by 1987 H.B. 2420, sec. 3; effective, T-86-41, Dec. 11, 1985; effective May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988.)

## Article 25.—COMMUNITY COLLEGE REGULATIONS

**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 the state of Kansas.

(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. 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. This definition shall not apply to seasonal, 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. 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 state department of education which relates to the payment of out-district tuition.

(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.

(c) Out-of-state and foreign students of any community college 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 or foreign students, and their spouses and dependents, may 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;

(5) persons who have graduated from a high school accredited by the state board of education within 12 months of enrollment at a community college and who are entitled to admission at a state university pursuant to K.S.A. 72-116 and amendments thereto; and

(6) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas but the domiciliary residence of whom was not timely enough established to meet the residence duration requirements of K.S.A. 71-406, and amendments thereto, and who are not otherwise eligible for admission at in-state student tuition rates. (Authorized by K.S.A. 13-13a27, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 13-13a26, 13-13a27, 71-403, 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended May 1, 1984; amended, T-88-33, Sept. 17, 1987; amended May 1, 1988.)

(continued)

**91-25-1c. Determination of student tuition.** (a)

The board of trustees of each community college shall designate a person to determine whether the amount of student tuition paid by each student enrolled in the community college was the proper amount.

(b) (1) The enrollment documents of each community college shall include inquiries which enable the person designated by the board of trustees to identify those out-of-state and foreign students who may have been eligible to pay the same rate of tuition as in-state students, and those students who paid in-state tuition who should have paid out-of-state tuition.

(2) If an out-of-state or foreign student, or his or her spouse or dependent, claims to be eligible to pay the same rate of tuition as in-state students, the student shall provide evidence to substantiate the claim. Such evidence may include proper military identification, an order of a court or a directive from the secretary of social and rehabilitation services, an affidavit of a person acting as parent of the student, or a copy of a transcript from a Kansas accredited high school, signed by the chief administrative officer of the school. In addition, when a claim is made under the provisions of subsection (b)(6) of K.S.A. 71-302, and any amendments to that statute, the student shall submit certification from an employer that the person meets the specifications stated in that subsection of law.

(c) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid out-of-state tuition but was charged and paid in-state tuition, the person shall give written notice to the student indicating:

(1) the amount of student tuition paid and the amount that should have been paid;

(2) the reason or reasons that compel the adjustment in student tuition; and

(3) that the additional tuition is due, and shall be paid within 10 days of the date of the notice, unless the student, within this 10-day period, requests an appeal in accordance with K.A.R. 91-25-2.

(d) The notice provided for in subsection (c) shall be accompanied by a copy of K.A.R. 91-25-2, 91-25-3a and 91-25-4a.

(e) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid in-state tuition but was charged and paid out-of-state tuition, the person shall give notice to the student indicating:

(1) the amount of student tuition paid and the amount that should have been paid; and

(2) the reason or reasons that compel the adjustment in student tuition.

(f) The notice provided for in subsection (e) shall be accompanied by the refund due the student. (Authorized by K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1983; amended, T-88-33, Sept. 17, 1987; amended May 1, 1988.)

**Article 31.—ACCREDITATION**

**91-31-1. Definition of terms.** (a) "Accredited" means a school meets all state board accreditation requirements or has not failed to meet one or more state board accreditation requirements for three consecutive school years.

(b) "Accredited-advised" means failure of a school to meet one or more state board accreditation requirements for which no deficiency citation was issued the preceding year.

(c) "Accredited-warned" means failure of a school to have corrected any deficiency cited by the state board the preceding two consecutive years.

(d) "Board of education" means the board of education of any unified district or the governing body of any nonpublic school.

(e) "Building administrator" means a person having the administrative and supervisory responsibilities for a school or schools.

(f) "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.

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

(h) "Lawful custodian" means a person designated in K.S.A. 72-962(1) as amended by L. 1987, Ch. 268, Sec. 2, and any amendment thereto.

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

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

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

(l) "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.

(m) "School" means any building or structure operated or used for pupil attendance purposes by a board of education.

(n) "School year" means the 12-month period ending June 30.

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

(p) "Teacher" means a person who is responsible for providing instruction or training in any course or subject.

(q) "Unit of credit" means a measure of credit which may be awarded to a student for satisfactory completion of all of the coursework of a particular course or subject. A full unit of credit is credit which is

awarded for satisfactory completion of a course or subject that is offered for, and generally requires, a minimum of 120 clock hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered, and generally requires, to complete. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988.)

**91-31-2. Procedures for accrediting schools.** (a) (1) Each board of education seeking initial accreditation of one or more schools shall make written application to the state board upon forms provided by the state board. The application shall be submitted on or before August 15 of the school year for which accreditation is sought. Accreditation shall be for one school year.

(2) Each school requesting accreditation and each school on the list of accredited schools shall file the principal's building report and other reports required by the state board. The building report shall be filed on or before October 1. Intentional falsification of any report may result in denial or loss of accreditation.

(b) To be accredited, each school shall meet the requirements of applicable Kansas statutes and state board rules and regulations.

(c) Except as otherwise provided, the accreditation status of each school shall be determined on the basis of data provided in official reports concerning the school. The official reports shall include the district school administrator's report and the building administrator'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 reports regarding the school that may be requested by the state board.

(d) Each school shall be accredited or, if any deficiencies exist, shall be accredited-advised or accredited warned, or shall be dropped from list of accredited schools. Each school shall annually report, the progress made to correct any deficiencies cited the previous year. Except as otherwise provided, the state board shall issue an accreditation advisement the first year for any deficiency. If any deficiency cited is not corrected during the following school year, the state board shall issue an accreditation warning. If any deficiency cited for two consecutive years is not corrected during the third school year, the violating school shall be dropped from the list of accredited schools.

(e) Any school with deficiencies that are identified before March 1 shall be notified of such fact by the state board on or before March 15. All notices indicating such deficiencies shall be mailed to the district school administrator. Deficiencies identified after March 1 shall be entered into the accreditation file after notifying the district school administrator and shall be considered in determining the accreditation status of the school.

(f) Responses from schools regarding the correction of any deficiency identified before March 1 shall be filed with the state board on or before April 1. Re-

sponses to any deficiency identified after March 1 shall be filed on or before June 1. Responses that are not made timely shall not be considered by the state board in determining the appropriate accreditation status of a school.

(g) The accreditation status of each school shall be effective as of June 30 and shall be in force for the following school year unless changed by action of the state board.

(h) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board the action to be taken regarding the accreditation status of each school seeking accreditation. If the commissioner of education intends to recommend that any school be denied accreditation or be dropped from the list of accredited schools, the commissioner shall notify the president of the board of education and the district school administrator of that intention, on or before 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. Within five days after the June board meeting, the state board shall send notice to any school that has been denied accreditation or has been dropped from the list of accredited schools. The notice shall be sent by the commissioner of education on behalf of the state board to the president of the board of education and to the district school administrator. Notice shall be sent by restricted mail with return receipt requested.

(i) (1) Any school which is dropped from the list of accredited schools may be reinstated to such list by the state board if the following conditions are met:

(A) A written request for reinstatement is submitted to the commissioner of education at least three weeks prior to the regular August meeting of the state board; and

(B) The deficiencies causing the school to be dropped from the list as of the preceding June 30 have been corrected and written documentation of such correction is filed with the request for reinstatement.

(2) If the state board finds that a school should be reinstated to the list of accredited schools, the school shall be reinstated to such list under the appropriate accreditation status. The accreditation status of the school shall be effective for the school year in which the school is reinstated to the list of accredited schools.

(j) If the state board determines, following an opportunity for a hearing, that a board of education has failed to follow an order of the state board the state board may drop all of the schools under the control of the board of education from the list of accredited schools. Such action shall be effective on June 30 of the year in which noncompliance is determined by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988.)

**91-31-3. Policies and programs.** (a) (1) All orders, rules and regulations of the board of education shall

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be in writing and shall be made available for examination on request. The policies for the employment of staff or the selection of pupils shall not discriminate on the basis of race, religion, color, ethnic background, national origin, ancestry, physical handicap, or sex.

(2) The board of education shall adopt policies pertaining to the suspension and expulsion of pupils as provided by K.S.A. 72-8901 *et seq.* The policies shall be on file and copies shall be available for examination on request.

(b) Each board of education shall file its personnel evaluation policies and any amendments to those policies with the state board. All certified personnel shall be evaluated in accordance with the policies filed with the state board.

(c) The board of education shall adopt policies which govern the conduct of all persons employed by or attending schools of the district and shall provide specific procedures for enforcement of those policies. The board shall submit school conduct policies and amendments to its legal counsel for review and approval to assure compliance with city ordinances, state laws and constitutional requirements. Copies of policies and amendments shall be filed with the commissioner of education as provided by K.A.R. 91-15-1.

(d) Goals and objectives. Each unified school district and nonpublic school shall have educational goals and curricular objectives for each instructional area in the educational program. All such goals and objectives shall be reviewed annually. All goals and objectives shall be on file and shall be available for examination on request.

(e) Foreign language. Effective September 1, 1990, each board of education shall provide the opportunity for students to study a foreign language. The program of study shall provide for a minimum of two academic years of study of the same language at the elementary or secondary level. Total instructional time for elementary programs shall be equivalent to that of two-year secondary programs.

(f) Health services. Basic hearing screening, free dental inspection, and basic vision screening, are necessary health services for a student to remain in attendance at school. School districts providing other health services shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services, or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 65-1124 as amended by L. 1987, Ch. 234, Sec. 1 for those who are not licensed health care professionals but have been delegated the responsibility of providing emergency or other health services.

(g) Human sexuality.

(1) Effective September 1, 1988, each board of education shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall:

(A) Include instruction at the elementary and secondary levels;

(B) require that teachers and building administrators have appropriate academic preparation or inservice training designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(C) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(D) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) The specific curriculum of the program and the grades in which the program is to be offered shall be determined by each board of education. The curriculum shall be specified in writing and shall be on file in the board of education office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**91-31-5. Summer school programs.** (a) Any summer school program shall meet the following requirements: (1) The program shall be under the supervision of an administrator who holds a valid certificate with the appropriate endorsement for the level of assignment;

(2) each course offered as a part of the program shall be taught by a teacher who holds a valid certificate with the appropriate endorsement for the subject and level of assignment;

(3) each course offered as a part of the program shall include the same content and be based upon the same achievement standard as when the course is offered during the regular school term;

(4) admission to any course shall be subject to the same prerequisite course requirements as apply during the regular school term;

(5) the same student records that are maintained during the regular school term shall be maintained for the summer school program; and

(6) any credit that is granted to students enrolled in the summer school program shall be granted in accordance with S.B.R. 91-31-12b and any amendments to that regulation.

(b) Each district shall file a report of its summer school program with the state board. The report shall be made on forms provided by the state board and shall be filed not later than 10 days after the first day of summer school. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988.)

**91-31-6. Administration.** (a) Student credit. The credit of any pupil transferring from an accredited



school shall be accepted by another accredited school. Accredited schools may accept the credit of pupils transferring from unaccredited schools.

(b) Placement. Placement of pupils in the education program shall be determined according to the policy of the board of education. The following criteria shall be used in determining placement:

- (1) past education experience record;
  - (2) successful performance at the level of assignment; or
  - (3) examinations administered by the local district.
- (c) Promotion. Promotion shall be determined according to the policy of the board of education.

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

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

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

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

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

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

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

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

(l) Display of flags. Each school shall fly the United States flag and a Kansas flag.

(m) Adherence to health laws. Each school shall adhere to the provisions of K.S.A. 72-1204 *et seq.* and K.S.A. 72-5201 *et seq.*

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

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

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

(q) Length of school day. The length of the school day shall be at least six hours except as provided by K.S.A. 72-1106. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

**91-31-7. Staff.** (a) District school administrator.

(1) All schools in a district shall be under the supervision of a district school administrator who holds a valid certificate with the appropriate endorsement for that assignment. The district school administrator shall be assigned at least one-half time to administration and supervision of the schools in the district.

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

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

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

(d) Alternative administrative plan; management by objectives. As an alternative to S.B.R. 91-31-12a(b) and 91-31-14a(d), the board of education may develop and disseminate an administrative plan based upon management by objectives. The plan shall be in writing and set out the goals, objectives and expected outcomes for the administrative assignment. There shall be broad-based community involvement in the plan. The plan shall provide for the services of a building administrator who shall be assigned the necessary time to perform administrative responsibilities, and shall indicate the amount and kinds of supportive services available to supplement particular administrative responsibilities. The plan shall be approved by and filed with the state board.

(e) Teachers. Each teacher shall hold a valid certificate with the appropriate endorsement or endorsements for the subject and level of assignment.

(f) Aides. Non-certified personnel may be employed to supervise pupils in noninstructional activities and shall work under the supervision of certified personnel. Instructional paraprofessionals hired as special teachers in special education services shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 76-962 as amended by L. 1987, Ch. 268, Sec. 2, K.A.R. 91-12-61 and any amendments thereto.

(g) Substitutes. Any person holding a substitute teaching endorsement shall teach no more than 90 days in any school year.

(h) Emergency substitute. Any person holding an emergency substitute teaching endorsement shall teach no more than 30 days in one semester.

(i) When a teacher holding a valid certificate with

(continued)

an appropriate elementary, secondary, K-12 or substitute endorsement is not available school districts may:

(A) Use a substitute teacher holding a valid Kansas certificate at any level and in any field or subject; or

(B) employ persons who have been certified by the state board as emergency substitute teachers. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

**91-31-9. Special education.** Special education programs shall meet the requirements of K.S.A. 72-933, K.S.A. 72-961 *et seq.* and rules and regulations adopted by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**91-31-11. School building.** Each school shall meet the requirements of Kansas statutes concerning school building construction, fire protection, health and accessibility to the handicapped. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**91-31-12a. Accreditation regulations applicable to high schools.** (a) Organization. (1) Each high school shall be organized to include at least grades 10, 11 and 12 and may include grades seven through 12 in its organization.

(2) Each high school shall organize its program on the basis of units of credit.

(b) Staff. (1) Building administrator. Except as provided in S.B.R. 91-31-7, each high school enrolling 200 or more pupils shall have a building administrator who spends at least five clock hours each day in administrative and supervisory responsibilities. Each high school enrolling fewer than 200 pupils shall have a building administrator who spends at least three clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. Each teacher shall hold valid certificates with the appropriate endorsements for the subject and level of assignment.

(c) High schools accredited by the state board may be designated as accredited, accredited-comprehensive, or accredited-exemplary.

(1) Accredited. Each accredited high school shall maintain, offer and teach subjects that total at least 30 units of credit in grades nine through 12. Those high schools organized on a grades 10 through 12 plan may count subjects taught in grade nine. Each accredited high school also 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 required units of credit.

(B) If a subject is taught in more than one section, the subject shall be counted only once in computing the 30 required units of credit.

(2) Accredited-comprehensive. An accredited-comprehensive high school shall maintain, offer, and teach subjects that total a minimum of 50 units of credit in

grades nine through 12. Those high schools organized on a grades 10 through 12 plan may count subjects taught in grade nine. Each accredited-comprehensive high school also 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 required units of credit.

(B) If a subject is taught in more than one section, the subject shall be counted only once in computing the 50 required units of credit.

(3) Accredited-exemplary. Secondary schools may be recognized in the accreditation process as accredited-exemplary schools provided such schools complete a program approved by the state board of education pertaining to evaluation-assessment and the development of school improvement plans.

(4) Any high school teaching less than 30 units of credit, as reported in the September 20 building administrator's building report, shall be dropped from the list of accredited schools by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended July 12, 1985; amended May 1, 1987; amended May 1, 1988.)

**91-31-12b. Granting credit.** (a) The subject area for which credit is granted in any course shall be based upon the subject area endorsement held by the teacher of the course. Student credit shall be granted for:

(1) Successfully completing class work;

(2) passing examinations administered by the district; and

(3) participation in any of the programs outlined in S.B.R. 91-31-12c through 91-31-12g, inclusive.

(b) Athletic practices. Athletic practice for competition shall not be counted for physical education credit.

(c) Correspondence credit. Correspondence credit may be earned from any school or institution with the approval of the school building administrator within guidelines established by the board of education.

(d) Credit may be granted to:

(1) Students who successfully complete college work within guidelines established by the board of education; and

(2) students in grades seven or eight who successfully complete courses in the high school curriculum. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

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

(a) Are approved by the school;

(b) are an extended, in-depth study of a particular subject area offered in the regular school program;

(c) have the responsibilities of the sponsoring teacher defined by school policies;

(d) specifically list for each pupil the objectives that must be met for successful completion of the program. The objectives shall be developed by the sponsoring teacher; and

(e) have equipment and learning materials available as part of the program for independent study. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**91-31-12d. Work experience programs.** (a) Any work experience program shall meet all of the following requirements:

(1) The program shall be organized and maintained so that students are under the direction and supervision of the school.

(2) The program shall have written policies pertaining to student enrollment, attendance, absenteeism and conduct.

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

(b) Each work experience program shall include:

(1) A staff orientation as to responsibilities;

(2) a student orientation as to the goals and objectives of the work experience program;

(3) an employer orientation as to the purpose of the program and the employer's responsibilities;

(4) an employer's conference at the conclusion of the program to determine the employer's perception of how the program functioned and to obtain suggestions for improvement; and

(5) student conferences at the conclusion of the program to determine the student's perception of how the program functioned and to obtain suggestions for improvement.

(c) The school shall schedule regular visits with the employer to monitor student progress with at least one visit being scheduled during each nine week period, exclusive of time spent at employer orientation or employer conferences.

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

(1) On-the-job attendance records which shall be filed by the employer each week;

(2) student work schedule which shall be filed by the employer;

(3) employer's verification of work record;

(4) employer's evaluation of student's work experience; and

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

(e) All records shall be available for audit by the state board.

(f) A unit of credit may be granted for each 120 clock hours of work experience. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**91-31-12e. Adult education.** High school credit shall be granted for adult courses of study if the requirements of this regulation are met.

(a) Credit shall be granted to the student based on achievement tests, the judgment of the instructor, and with the approval of the building administrator. The amount of credit granted for achievement tests shall

be equal to that given to high school students in the regular school program.

(b) Any participant in an adult class may qualify for credit under if the participant:

(1) is 17 years of age or over;

(2) has not completed the twelfth grade;

(3) has been out of school at least one semester; and

(4) is unable to participate in a regular high school program.

(c) Credits earned may be counted toward meeting the requirements for a high school diploma. If the credit is to be applied toward a diploma to be granted by a school other than the one in which the credit is offered, the building administrator of each school involved shall approve the enrollment.

(d) Each instructor shall hold a valid certificate with the appropriate endorsement for the subject and level of assignment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

**91-31-12f. General education development (G.E.D.) test results.** (a) High schools may accept G.E.D. test results for credit toward graduation, subject to the following requirements:

(1) The test results shall be certified by those who administered the test.

(2) The minimum score on each individual test of the G.E.D. battery of tests shall be 35, with an average of 45 for all tests.

(3) Credit shall not be granted for any specific subject but shall be listed as G.E.D. credit on the student's transcript.

(4) The student shall be attending or shall have attended school in the school system which grants the credit.

(b) Schools shall not grant credit on the basis of G.E.D. test results to graduate any student before the student attains the age of 18 years.

(c) A list of the institutions authorized to administer G.E.D. tests may be obtained from the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

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

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

(b) courses in the marine corps institute;

(c) courses in the coast guard institute;

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

(e) correspondence credit, with the approval of the school building administrator within guidelines established by the board of education; or

(f) vocational courses offered by armed forces schools. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

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**91-31-12h. Graduation.** (a) (1) Except as otherwise provided in this regulation, school policies shall stipulate that pupils shall be eligible for graduation only upon completion of requirements which include at least the following:

(A) Four units of English language arts, which shall include three units in English. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subject.

(B) three 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;

(C) two units of science, including one unit as a laboratory course;

(D) two units of mathematics;

(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 receipt of 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, as indicated in a written statement, signed by a lawful custodian of the pupil; and

(F) eight units of elective courses. Beginning with the 1989 graduating class, nine units of elective courses shall be required.

(2) A total of 21 units of credit shall be required for the 1989 graduating class and each graduating class thereafter. A total of 20 units of credit shall be required for the 1988 graduating class.

(3) 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 adopt written alternative graduation policies which indicate that a pupil will be eligible for graduation upon the completion of at least the minimum total units of credit required by paragraph (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.

(c) Alternative graduation requirements established by any local board of education shall be in compliance with statewide educational goals adopted by the state board and shall have broad-base community involvement in their formulation. These requirements shall have state board approval prior to implementation in the district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988.)

**91-31-13. Accreditation regulations applicable to junior high schools.** (a) Organization.

(1) Each junior high school shall be organized to include one or more grades six through nine.

(2) Each junior high school shall organize its ninth grade program on the basis of units of credit.

(b) Staff.

(1) Building Administrator. Except as provided in S.B.R. 91-31-7, each junior high school enrolling fewer than 200 pupils shall have a building administrator who spends at least three clock hours each day in administrative and supervisory responsibilities. Each junior high school enrolling 200 or more pupils shall have a building administrator who spends at least five clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for the subject and level of assignment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended June 12, 1985; amended May 1, 1987; amended May 1, 1988.)

**91-31-14a. Accreditation regulations applicable to elementary schools.** (a) Each elementary school shall conform to the provisions of K.S.A. 72-1107, regarding age of entrance. To be accredited, each elementary school shall have a minimum enrollment of 10 pupils on September 20 of the current school year. Each elementary school may be accredited-exemplary if it meets the requirements of S.B.R. 91-31-12a(c)(3). Any elementary school with an enrollment of less than 10 pupils on September 20 shall be dropped from the accredited list by the state board on or before the following November 15.

(b) Each accredited elementary school shall be organized to include one or more grades kindergarten through nine. The middle school concept of organization shall be recognized as a consecutive combination of any grades five through nine. Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half clock hours each day when in session.

(c) Each elementary school shall count no more than two 15-minute supervised recess periods per day, one during the mid-morning and one during the mid-afternoon, as part of the school term.

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

(1) In school buildings having more than 16 teachers, excluding the building administrator, the building administrator shall spend at least 80% of the school day on administrative duties.

(2) In school buildings having six to 16 teachers, excluding the building administrator, the building administrator shall spend at least one-half of the school day on administrative duties.

(3) In school buildings having fewer than six teachers, excluding the building administrator, time during the school week shall be reserved for the building administrator's administrative duties.

(4) For the purpose of determining the number of

teachers in paragraphs (d)(1), (2), and (3), part-time teachers shall be counted on a fractional basis according to the amount of time spent by the teacher in the building.

(5) A building administrator may serve in more than one elementary school, if the assignment is in accordance with paragraph (1) of this subsection.

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

(f) Elementary schools which have an organized guidance program shall have the services of a certified counselor.

(g) The curriculum of each elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended July 12, 1985; amended May 1, 1987; amended May 1, 1988.)

**91-31-14b. School library media center program.**

(a) The library media center program shall be an integral part of the total program of the school.

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

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

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

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

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

(e) Alternative library media requirements. Elementary schools may elect to meet alternative library media center requirements under S.B.R. 91-31-10(e), and amendments thereto. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988.)

**Article 33.—REGULATIONS FOR ACCREDITING SPECIAL PURPOSE SCHOOLS**

**91-33-1. Definitions.** (a) "Accredited" means a school meets all state board accreditation requirements or has not failed to meet one or more state board accreditation requirements for three consecutive years.

(b) "Accredited-advised" means failure of a school to meet one or more state board accreditation requirements for which no deficiency citation was issued the preceding year.

(c) "Accredited-warned" means failure of a school to have corrected any deficiency cited by the state board the preceding two consecutive years.

(d) "Administrator" means the person who is charged with administrative and supervisory responsibilities for a school.

(e) "Annual survey" means an annual survey of each school which shows the total number of exceptional children served within the various categories of exceptionality.

(f) "Developmental special preschool" means any school that serves handicapped children under school age.

(g) "Governing body or board" means the governing body or board of a school.

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

(i) "Library media program" means the complete instructional program and other services furnished to students and teachers by a library media center and its staff.

(j) "Local comprehensive plan" means the plan submitted by each school which describes how the school will meet the needs of exceptional children who are served by the school.

(k) "School year" means the 12-month period ending June 30.

(l) "Special education services" means programs for which specialized training, instruction, programming techniques, facilities and equipment may be needed for the education of exceptional children.

(m) "Special purpose school" or "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, but shall not include any developmental special preschool.

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

(o) "Teacher" means a person who is responsible for providing instruction or training in any course or subject.

(p) "Unit of credit" means a measure of credit which may be awarded to a student for satisfactory completion of all of the coursework of a particular course or subject. A full unit of credit is credit which is awarded for satisfactory completion of a course or subject that is offered for, and generally requires, a

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minimum of 120 clock hours to complete. Credit may be awarded in increments based upon the amount of time for which a course or subject is offered and generally requires to complete. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-2. Procedures for accrediting special purpose schools.** (a) (1) Each governing body or board seeking initial accreditation of a special purpose school shall make written application to the state board upon forms provided by the state board. The application shall be submitted on or before August 15 of the school year for which accreditation is sought. Accreditation shall be for one school year.

(2) Each special purpose school requesting accreditation and each school on the list of accredited schools shall file an annual special purpose school organization report, certified personnel report, special education annual survey, local comprehensive plan, and other reports required by the state board. The reports named above shall be filed no later than September 15 of each year. The local comprehensive plan shall be filed no later than October 15 of each year. Intentional falsification of any report or plan may result in denial or loss of accreditation.

(b) Each special purpose school, to be accredited, shall meet the requirements of applicable Kansas statutes and state board rules and regulations.

(c) Except as otherwise provided, the accreditation status of each school shall be determined on the basis of data provided in official reports concerning the school, including the local comprehensive plan. Any report from state department of education specialists, the state department of health and environment, the state fire marshal, and any other report regarding the school that may be required by the state board may be considered.

(d) Each school shall be accredited or, if deficiencies exist, shall be accredited-advised or accredited-warned, or shall be dropped from the list of accredited schools. Each school shall report, annually, the progress made to correct any deficiencies cited the previous year. Except as otherwise provided, the state board shall issue an accreditation advisement the first year for any deficiency. If any deficiency cited is not corrected during the following school year, the state board shall issue an accreditation warning. If any deficiency cited for two consecutive years is not corrected during the third school year, the violating school shall be dropped from the list of accredited schools.

(e) Any school with deficiencies that are identified by March 1 shall be notified of such fact by the state board on or before March 15. All notices indicating such deficiencies shall be mailed to the governing body or board and to the administrator of the school.

Deficiencies identified after March 1 shall be entered into the accreditation file after notifying the school administrator and shall be considered in determining the accreditation status of the school.

(f) Responses from schools regarding the correction

of any deficiency identified before March 1 shall be filed with the state board on or before April 1. Responses to any deficiency identified after March 1 shall be filed on or before June 1. Responses that are not made timely shall not be considered by the state board in determining the appropriate accreditation status of a school.

(g) The accreditation status of each school shall be effective as of June 30 and, unless changed by the state board, shall be in force for the following school year.

(h) At the June state board meeting, the commissioner of education shall recommend to the state board the action to be taken regarding the accreditation status of each special purpose school seeking accreditation. If the commissioner intends to recommend that a school be denied accreditation or be dropped from the list of accredited schools, the commissioner shall notify the governing body or board and the administrator of the school of that intention no later than May 15. The governing body or board shall be given an opportunity at the June meeting of the state board to present reasons why the school should be accredited.

If a school is denied accreditation or is dropped from the list of accredited schools, the state board shall send notice of such action to the governing body or board and to the administrator of the school. The notice shall be sent by the commissioner of education on behalf of the state board, by restricted mail within five days after the June board meeting, with return receipt requested.

(i) (1) Any special purpose school which is dropped from the list of accredited schools may be reinstated to such list by the state board if the following conditions are met:

(A) A written request for reinstatement is submitted to the commissioner of education at least three weeks prior to the regular August meeting of the state board; and

(B) the deficiencies causing the school to be dropped from the list as of the preceding June 30 have been corrected and written documentation of such correction is filed with the request for reinstatement.

(2) If the state board finds that a school should be reinstated to the list of accredited schools, the school shall be reinstated to such list under the appropriate accreditation status. The accreditation status of the school shall be effective for the school year in which the school is reinstated to the list of accredited schools.

(j) Out-of-state schools. Any school which is operated by a private nonprofit corporation and which is located outside of the state of Kansas and that offers special education services and is accredited by the state education agency in which the school is situated shall be placed on the list of accredited schools maintained by the state board.

(k) If the state board determines, following an opportunity for a hearing, that a school has failed to follow an order of the state board, the state board may drop the school from the list of accredited schools. Such action shall be effective on June 30 of the year in



which noncompliance is determined by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-3. Policies and organization.** (a) Policies. (1) All orders, rules and regulations of the governing body or board shall be in writing and shall be made available for examination on request.

(2) Personnel policies shall be adopted by the governing body or board and shall be made available for examination on request.

(3) Evaluation policies for certified personnel shall be adopted as prescribed by K.S.A. 72-9001 *et seq.*, and shall be filed with the state board.

(4) The governing body or board shall adopt policies regarding admission, promotion, and placement of students. These policies shall be made available for examination on request.

(5) Each special purpose school shall adopt policies governing the suspension or expulsion of students that conform with the provisions of K.S.A. 72-8901 *et seq.*

(b) Health services. Special purpose schools providing those health services, other than basic hearing screening, free dental inspection, and basic vision screening, which are necessary for a student to remain in attendance at school, shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 65-1124, and any amendments thereto, for those who have been delegated the responsibility of providing emergency and other health services, and who are not licensed health care professionals.

(c) Human sexuality.

(1) Effective September 1, 1988, each governing body or board shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall:

(A) Require that teachers and building administrators have appropriate academic preparation, or have participated in inservice training, designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(B) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(C) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) The specific curriculum of the program and the grades in which the program is to be offered shall be determined by each governing board. The curriculum

shall be specified in writing and shall be on file in the special purpose school office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods.

(d) Organization. Any accredited special purpose school may provide any combination of instructional levels from preschool through maximum school age as provided by Kansas administrative regulations for special education. Any school which serves only preschool age exceptional children shall not be accredited as a special purpose school.

(2) 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 exceptional children may be employed.

(3) The length of the school year shall be at least 180 days or 1080 instructional hours.

(4) The length of the school day shall be at least six hours, except as provided by K.S.A. 72-1106.

(5) Each special purpose school shall provide data as requested by a local school district or interlocal cooperative which is necessary for completing the annual special education survey.

(f) 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 for approval from the state board to conduct those programs. Approval shall be granted if the administrator has submitted the proposed program in writing, and the program includes:

(1) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

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

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

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

(5) evidence that all teachers of such programs have met criteria established by the state board.

The state board shall notify the administrator in writing of approval or disapproval of the program. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-4. Administration.** (a) Student credit. The credit of any student transferring from an accredited school shall be accepted. The credit of any student transferring from an unaccredited school may be accepted.

(b) Adherence to health laws. Each special purpose school shall adhere to the provisions of K.S.A. 72-1204 *et seq.*, and K.S.A. 72-5201 *et seq.*

(continued)

(c) Display of flags. Each special purpose school shall fly the United States flag and the Kansas flag.

(d) Observance of fire, safety and tornado laws. The provisions of K.S.A. 31-132 *et seq.* shall be observed. All schools shall establish tornado procedures and conduct tornado drills as required by regulations promulgated by the state fire marshal.

(e) School transportation. Transportation of students shall comply with state statutes and rules and regulations published by the Kansas department of transportation.

(f) Student records. Accurate and complete records of achievement, attendance and activities shall be kept in a safe or fire-resistant compartment. Except as provided by K.S.A. 72-5386, when a student transfers or is promoted to another school, the records of that student shall follow the student on request. Student records shall be maintained and released in accordance with K.S.A. 72-6214.

(g) 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 the office of the governing body or board.

(h) Inventories. Inventories of all equipment, apparatuses, books, and supplies shall be on file. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-5. Staff.** (a) Administrator. Each special purpose school shall be under the supervision of person who holds a valid certificate with an endorsement as a director of special education, district school administrator or building administrator.

(b) Teachers. Each teacher shall hold a valid certificate with the appropriate endorsement or endorsements for that teacher's assignment.

(c) Supportive staff. Supportive personnel shall be assigned in accordance with special education rules and regulations adopted by the state board.

(d) Paraprofessionals. Paraprofessionals may be assigned to assist certified teachers as provided by K.S.A. 72-962 as amended by L. 1987, Ch. 268, Sec. 2 and K.A.R. 91-12-61, and any amendments thereto.

(e) Substitutes. Any person holding a substitute teaching endorsement shall teach no more than 90 days in any school year.

(f) Emergency substitute. Any person holding an emergency substitute teaching endorsement shall teach no more than 30 days in one semester.

(g) When a teacher holding a valid certificate with an appropriate elementary, secondary, K-12 or substitute endorsement is not available, a school may:

(A) Use a substitute teacher holding a valid Kansas certificate at any level, and in any field or subject; or

(B) employ persons who have been certified by the state board as emergency substitute teachers. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-6. Special education services and curriculum.** (a) The special education services provided by

any special purpose school shall meet the requirements of K.S.A. 72-962 as amended by L. 1987, Ch. 268, Sec. 2 *et seq.*, and rules and regulations adopted by the state board and shall be approved by the commissioner of education.

(b) Each special purpose school shall be organized to include a program of studies and related services to meet the educational needs of students.

(c) Each special purpose school granting high school credit shall organize its program on the basis of units of credit. Each such school shall maintain, offer and teach courses that will allow students to complete graduation requirements.

(d) Each course or subject shall be taught by an appropriately certified teacher, with or without the service of one or more approved paraprofessionals. Noninstructional activities may be supervised by aides.

(e) Credit shall be granted in accordance with the provisions of S.B.R. 91-31-12b and any amendments to that regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**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 students; and

(3) media resources meeting the capabilities and learning styles of the students.

(b) Library media resources. 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 and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

**91-33-8. Graduation.** (a) (1) Except as otherwise provided in this regulation, school policies shall stipulate that students shall be eligible for graduation only upon completion of requirements which include at least the following:

(A) Four units of English language arts which shall include three units in English. When, in the judgment of the school administrator, a student can profit more by taking another subject, the administrator may waive up to one unit of this requirement;

(B) three 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;

(C) two units of science, including one unit as a laboratory course;

(D) two units of mathematics;

(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 receipt of a statement by a licensed physician that a student is mentally or physically incapable

of participating in a regular or adaptive physical education program; or

(ii) when the requirement is contrary to the religious teachings of the student, as indicated on a written statement signed by the lawful custodian of the student; and

(F) eight units of elective courses. Beginning with the 1989 graduating class, nine units of elective courses shall be required.

(2) A total of 21 units of credit shall be required for the 1988 graduating class, and each graduating class thereafter. A total of 20 units of credit shall be required for the 1989 graduating class.

(3) Any additional requirements of the governing body or board that increase the number of units of credit required for graduation shall apply to those students who will be in the tenth grade class the following school year.

(b) The governing body or board of a special purpose school may adopt written alternative graduation requirements, which indicate that students will be eligible for graduation upon the completion of at least the minimum total units of credit required by paragraph (a)(2). 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.

(c) Alternative graduation requirements established by the governing body or board of any special purpose school shall be in compliance with statewide educational goals as adopted by the state board. These requirements shall be set out in the local comprehensive plan. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1985; amended May 1, 1988.)

**91-33-9. School building.** Each special purpose school shall meet the requirements of Kansas statutes concerning school building construction, fire and health safety, and accessibility to the physically handicapped. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988.)

#### Article 34.—REGULATIONS FOR ACCREDITING YOUTH CENTER SCHOOLS

**91-34-1. Definition of terms.** (a) "Accredited" means a school meets all state board accreditation requirements or has not failed to meet one or more state board accreditation requirements for three consecutive school years.

(b) "Accredited-advised" means failure of a school to meet one or more state board accreditation requirements for which no deficiency citation was issued the preceding year.

(c) "Accredited-warned" means failure of a school to have corrected any deficiency cited by the state board the preceding two consecutive years.

(d) "Closed unit education program" means a program for the provision of education services in a highly restrictive secure setting.

(e) "Contractual agreement" means an agreement between a local education agency and a youth center which specifies in detail the responsibilities, obligations and liabilities of each party concerning the youth center school.

(f) "District school administrator" means the chief administrative officer appointed by the board of education of the district who is responsible for administrative and supervisory duties for all units of organization within the district and who has charge of the youth center school personnel as outlined in the contractual agreement.

(g) "Library media center" means the service area which houses both the library and any audiovisual services of a youth center school.

(h) "School year" means 225 school days consisting of not less than six hours per day, or 1350 school hours during a period of 12 consecutive months.

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

(j) "State youth center" or "youth center" means a facility operated by the secretary of social and rehabilitation services for juvenile offenders.

(k) "Supervising teacher" means a teacher assigned responsibility for planning classes taught in a closed unit education program.

(l) "Teacher" means a person who is responsible for providing instruction or training in any course or subject.

(m) "Youth center school" means a school operated at a state youth center to provide education services to youths admitted to the institution.

(n) "Youth center superintendent" means the chief administrative officer of a youth center responsible for the operations and activities of the youth center.

(o) "Unit of credit" means a measure of credit which may be awarded to a student for satisfactory completion of all of the coursework of a particular course or subject. A full unit of credit is credit which is awarded for satisfactory completion of a course or subject that is offered for, and generally requires, a minimum of 120 clock hours to complete. Credit may be awarded in increments based upon the amount of time for which a course or subject is offered and generally requires to complete. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-2. Procedures for accrediting youth center schools.** (a) Each youth center school that seeks initial accreditation shall make written application to the state board upon forms provided by the state board. The application shall be submitted on or before August 15 of the school year for which accreditation is sought. Accreditation shall be for one school year.

(b) Each school requesting accreditation and each school on the list of accredited schools shall file the youth center school organization report and other reports required by the state board. The school organization report shall be filed no later than October 10. Intentional falsification of any report may result in denial or loss of accreditation.

(c)(1) The accreditation status of each school shall

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be determined on the basis of data provided in the youth center application or organization report, the report of the state department of health and environment, the report or order of the state fire marshal, and other reports that may be requested by the state board.

(2) Each school shall meet the requirements of applicable Kansas statutes and state board rules and regulations.

(d)(1) Each school shall be accredited or, if any deficiencies exist, shall be accredited-advised or accredited-warned, or shall be dropped from the list of accredited schools. Each school shall report, each year, the progress made to correct any deficiencies cited the previous year. For any deficiency, the state board shall issue an accreditation advisement the first year. If any deficiency cited is not corrected during the following school year, the state board shall issue an accreditation warning. If any deficiency cited for two consecutive years is not corrected during the third school year, the violating school shall be dropped from the list of accredited schools.

(2) By not later than March 15 of each school year, any school with deficiencies that are identified by March 1 shall be notified of such fact by the state board. All notices indicating such deficiencies shall be mailed to the youth center superintendent and to the district school administrator of the school district that is providing educational services at the youth center school. Deficiencies identified after March 1 shall be indicated to the youth center superintendent and the district school administrator, entered into the accreditation file, and considered in determining the accreditation status of the school.

(3) Responses from schools regarding the correction of any deficiencies identified before March 1 shall be filed with the state board no later than April 1. Response to deficiencies identified after March 1 shall be filed no later than June 1. Any response that is not made timely shall not be considered by the state board in determining the appropriate accreditation status of a school.

(4) The accreditation status of each school shall be effective as of June 30 and shall be in force for the following school year, unless changed by action of the state board.

(e) 1) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board the action to be taken regarding the accreditation status of each youth center school. If the commissioner of education intends to recommend that a youth center school be dropped from the list of accredited schools, the commissioner shall notify the district school administrator and the youth center superintendent of that intention no later than May 15.

(2) The district school administrator and the youth center superintendent shall be given an opportunity at the June meeting of the state board to present reasons why the school should be accredited. If the state board determines a school should be dropped from the accredited list, the commissioner of education will send notice of such action to the district school administra-

tor and the youth center superintendent. Such notice shall be sent by restricted mail within five days after the June state board meeting.

(f) (1) Any youth center school which is dropped from the list of accredited schools may be reinstated to such list by the state board if the following conditions are met:

(A) A written request for reinstatement is submitted to the commissioner of education at least three weeks prior to the regular August meeting of the state board; and

(B) The deficiencies causing the school to be dropped from the accredited list as of the preceding June 30 have been corrected and written proof of such correction is filed with the request for reinstatement.

(2) If the state board finds that a youth center school should be reinstated to the list of accredited schools, the state board shall direct staff to accomplish such reinstatement and the school shall be reinstated under the appropriate accreditation status. This accreditation status shall remain in force for the school year in which the school is reinstated to the list. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-3. Youth center staff.** (a) Director of education. Each youth center school shall be under the supervision of a director of education who holds a valid certificate with the building administrator endorsement.

(b) Teachers. Each youth center school teacher shall hold a valid certificate with the appropriate endorsement or endorsements for the subject and level of assignment.

(c) Aides. Noncertified personnel may supervise pupils in noninstructional activities, but shall work under the supervision of certified personnel. Special education paraprofessionals shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 72-962 as amended by L. 1987, Ch. 268, Sec. 2 and the state plan for special education.

(d) Counselors. The students at each youth center school shall have access to the services of one or more counselors certified by the state board of education.

(e) Teacher records. An individual teacher record, including a current college transcript or transcripts, certification, tenure, salary, retirement status, and other personnel data shall be on file with the school district by whom the teacher is employed.

(f) Substitutes. Any person holding a substitute teaching endorsement shall teach no more than 90 days in any school year.

(g) Emergency substitute. Any person holding an emergency substitute teaching endorsement shall teach no more than 30 days in one semester.

(h) When a teacher holding a valid certificate with an appropriate endorsement is not available, youth center schools may:

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

(2) employ persons who have been certified by the state board as emergency substitute teachers. (Autho-

ized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-4. Personnel policies.** (a) Youth center school staff shall be governed by the personnel policies of the school district that has contracted to provide educational services at the youth center. The policies shall be on file at the school district and shall be available for examination on request.

(b) All certified personnel shall be evaluated in accordance with policies adopted under K.S.A. 72-9001 *et seq.* (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-5. Administration.** (a) Display of flags. Each youth center school shall fly the United States flag and the Kansas flag.

(b) Adherence to health laws. Each youth center school shall adhere to the provisions of K.S.A. 72-1204 *et seq.* and K.S.A. 72-5201 *et seq.*

(c) Discipline of students. The youth center school shall adopt policies pertaining to the discipline of students. The policies shall be on file and shall be available for examination on request. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-6. School buildings.** The construction of any school building at a youth center shall comply with the requirements of Kansas statutes concerning the construction of school buildings. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-7. Program and services.** (a) Each youth center school shall be organized to include a program of studies to meet the educational needs of students. In addition, each youth center school granting high school credit shall organize its program on the basis of units of credit.

(1) Each accredited youth center school shall maintain, offer and teach courses that will allow students to complete graduation requirements.

(2) Each course or subject shall be taught by an appropriately certified teacher or teachers. Noninstructional activities may be supervised by an aide.

(b) Special education services shall be provided and shall meet the requirements of K.S.A. 72-933 *et seq.* and rules and regulations adopted by the state board.

(c) Accurate and complete records of student scholarship, attendance and activities shall be kept in a safe and fire-resistant compartment. Except as provided by K.S.A. 72-5386, when a student transfers to another school academic records shall follow the student on request. Student records shall be maintained and released in compliance with the policy adopted by the school district providing services at the youth center school under the provisions of K.S.A. 72-6214.

(d) Each youth center school shall have educational goals and curricular objectives for each instructional area in the educational program. All such goals and objectives shall be reviewed annually. All goals and objectives shall be on file and copies shall be available

to patrons, students, teachers, administrators and to the state board of education for examination on request.

(e) Each youth center school shall have a library media center.

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

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

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

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

(f) Health services. Basic hearing screening, free dental inspection, and basic vision screening are necessary health services for a student to remain in attendance at school. School districts providing other health services shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services, or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 65-1124 as amended by L. 1987, Ch. 234, Sec. 1, for those who are not licensed health care professionals but have been delegated the responsibility of providing emergency and other health services.

(g) Human sexuality.

(1) Effective September 1, 1988, each youth center school shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall: (A) Require that teachers and directors of education have appropriate academic preparation or inservice training designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(B) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(C) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) The specific curriculum of the program, the grades in which the program is to be offered, and the staff development training needed to implement the program shall be determined by each board of education and shall be specified in writing and on file in the board of education office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods.

(h) Placement of students in the educational pro-

(continued)



gram shall be determined according to a written placement policy and shall include the following:

- (1) Past educational experience record;
- (2) examinations administered by the youth center school; and
- (3) successful performance levels at the level of assignment.

(i) Promotion shall be determined according to a written policy of the youth center school.

(j) The length of the school year shall be at least 225 school days or the equivalent of 1350 clock hours.

(k) The length of the school day shall be at least six hours.

(l) The number of students shall be limited to a maximum of 10 students per class with the exception of physical education classes. If the class has a teacher aide, the number of students may be increased to a maximum of 14 at the discretion of the director of education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-8. Granting credit.** (a) The subject area for which credit is granted in any course shall be based upon the subject area endorsement held by the teacher of the course. Athletic practice for competition shall not be counted for credit. Credit shall be granted for successfully completing class work, passing examinations administered by the youth center school and participation in any program outlined by S.B.R. 91-34-10 through 91-34-12.

(b) Correspondence credit. Correspondence credit may be earned from any school or institution with the approval of the director of education.

(c) Credit may be granted to: (1) Students who successfully complete college work within guidelines established by the director of education; and

(2) students in grades seven or eight who successfully complete courses in the high school curriculum. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-9. Closed unit educational programming.** (a) Any closed unit educational program shall be organized and delivered to insure that services are provided consistent with the educational program of the youth center school. Closed unit educational services shall be taught by a teacher at the appropriate grade level certified in the subject area, or by a teacher not certified in the appropriate subject area if a supervising teacher who is certified in the subject area assists.

(b) Time shall be provided within the duty day for instructional planning and coordination between the supervising teacher and the teacher assigned to the closed unit. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-10. Independent study programs.** Credit shall be given for independent study programs which:

- (a) Are approved by the director of education;
- (b) are an extended, in-depth study of a particular subject area offered in the regular school programs;

(c) have the responsibilities of the sponsoring teacher defined by school policies;

(d) specifically list for each pupil the objectives that must be met for successful completion of the program. The objectives shall be developed by the sponsoring teacher; and

(e) have equipment and learning materials available as part of the program for independent study. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-11. Work study programs.** (a) Any work study program offered by a youth center school shall meet the following requirements: (1) The program shall be organized and maintained so that students are under the direction and supervision of the youth center school.

(2) Each program shall have written policies pertaining to student enrollment, attendance, absenteeism, and conduct.

(3) The work study staff shall be certified teachers; however, certification shall not be required for persons responsible for training or supervision at the on-site work experience station.

(b) Each work study program shall include:

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

(5) student conferences at the conclusion of the program to determine the student's perception of how the program functioned and to obtain suggestions for improvement.

(c) The school shall schedule regular visits with the employer to monitor student progress with at least one visit being scheduled during each 60 clock hours of work study, exclusive of time spent at employer orientation or employer conferences.

(d) The following records shall be maintained by the youth center school: (1) On-the-job attendance records, which shall be filed by the employer each week;

(2) student work schedule, which shall be filed by the employer;

(3) employer's verification of work records;

(4) employer's evaluation of student's work experience; and

(5) reports of on-site visits made by the teacher.

(e) All records shall be available for audit by the state board.

(f) A unit of credit may be granted for each 120 clock hours of work experience.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-12. General education development (G.E.D.) test results.** (a) Youth center schools may



accept G.E.D. test results for credit toward graduation subject to the following requirements:

- (1) The test results shall be certified by those who administered the test;
- (2) the minimum score on each individual test of the G.E.D. battery of tests shall be 35, with an average of 45 for all tests;
- (3) credit shall not be granted for any specific subject, but shall be listed as G.E.D. credit on the student's transcript; and
- (4) the student shall be attending or shall have attended the youth center school that is to grant the credit.

(b) Youth center schools shall not grant credit on the basis of G.E.D. test results to graduate any student before the student attains the age of 16 years.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-13. Graduation.** (a) Subject to the provisions of the subsection (b), each student shall be eligible for graduation from high school upon completion of the youth center school requirements for graduation, which shall include the following: (1) Four units of English language arts, including three units in English. When the director of education determines that a student can profit more by taking another subject, the director of education may waive up to one unit of this requirement;

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

(3) two units of science, including one unit as a laboratory course;

(4) two units of mathematics;

(5) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived: (A) Upon receipt of a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(B) When the requirement is contrary to the religious teachings of the student as indicated in a written statement, signed by a lawful custodian of the student;

(6) eight units of elective courses. Beginning with the 1989 graduating class, nine units of elective courses shall be required;

(7) a total of 21 units of credit shall be required for the 1989 graduating class, and each graduating class thereafter. A total of 20 units of credit shall be required for the 1988 graduating class.

(b) The director of education may establish written alternative graduation requirements, for adoption by the contracting board of education, which provide that students will be eligible for graduation upon completion of at least the minimum total units of credit required by paragraph (a)(7) of the regulation. 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.

(2) Alternative graduation requirements established for any youth center school shall be in compliance with statewide educational goals, as adopted by the state board and shall have state board approval prior to implementation in the youth center school. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

**91-34-14. Interscholastic activities.** (a) Students below the sixth grade shall not be eligible to participate in interscholastic athletic competition.

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

(c) Seventh and eighth grade students shall participate in interscholastic activities only according to the following requirements:

(1) The coaches shall be members of the teaching staff and each shall hold a valid certificate.

(2) For any student to be eligible to participate in interscholastic activities, that student shall submit a physician's statement indicating the student is physically able to participate. Students shall compete in interscholastic athletics only with the written consent of the youth center superintendent. Any student who participates on an organized team outside of school during the school year shall be ineligible for interscholastic school teams in that particular sport.

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

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

(B) schedule for each team no more than one interschool contest each week, exclusive of tournament games. One regularly scheduled game and one make-up game may be schedule during the same week only once during the season; and

(C) have the approval of the school director.

(4) Practice time shall not exceed one hour per school day. Any practice session held between two schools shall not be considered as practice time but shall count as one of the allowed number of contests per season.

(5) Each student shall have the following activity limitations:

(A) Basketball. In the seventh and eighth grades, each team or player shall be limited to a maximum of 14 games and no tournaments, or 12 games and one tournament, or 10 games and two tournaments. Quarters shall be a maximum of six minutes in length with a one-minute intermission between the first and second quarters and between the third and fourth quarters, and an intermission of 10 minutes between the second and third quarter. No student shall par-

(continued)

participate in more than four quarters of play on any one day, excluding overtimes.

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

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

(D) Gymnastics. Each student shall be allowed to participate each year in only one gymnastic meet in which preliminary events are necessary. No student shall participate in more than eight meets during a season, nor in more than two events per day. Each seventh and eighth grade student shall be eligible to participate in the following approved events:

(i) Boys may participate in side horse, vaulting, horizontal bars, parallel bars, floor exercise, and tumbling.

(ii) Girls may participate in tumbling, vaulting, balance beam, uneven parallel bars, and floor exercise.

(E) Boxing. Seventh and eighth grade boxing shall be prohibited.

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

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

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

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

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

(K) Golf. No pupil shall participate in more than

seven days of inter-school competition during a season.

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

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

(d) Athletic leagues. Athletic leagues may formulate their own rules and regulations which shall be in compliance with this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 9, 1987.)

DR. LEE DROEGEMUELLER  
Commissioner of Education

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