

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas
DEPARTMENT OF ADMINISTRATION
EMPLOYEE AWARD BOARD

NOTICE OF MEETING

The Employee Award Board will meet at 1 p.m. Tuesday, December 19, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

BEN BARRETT
 Chairperson

Doc. No. 008620

State of Kansas
STATE BANK COMMISSIONER
STATE BANKING BOARD

NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, January 22, in the conference room of the State Banking Department, Suite 300, 700 S.W. 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. 008624

State of Kansas
UNIVERSITY OF KANSAS

NOTICE TO BIDDERS

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Tuesday, January 2, 1990
RFQ 90 0701

Preparative Ultracentrifuge

GENE PUCKETT, L.C.P.M.
 Director of Purchasing

Doc. No. 008616

State of Kansas
KANSAS STATE UNIVERSITY

NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Wednesday, January 3, 1990
#00054

Scientific Equipment

WILLIAM H. SESLER
 Director of Purchasing

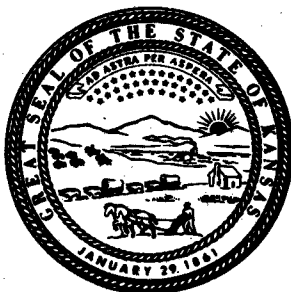
Doc. No. 008617

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PUBLISHED BY
Bill Graves
 Secretary of State
 2nd Floor, State Capitol
 Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

BOARD OF TECHNICAL PROFESSIONS

NOTICE OF MEETING AND
HEARING ON PROPOSED
ADMINISTRATIVE REGULATIONS

The State Board of Technical Professions will conduct a regularly scheduled meeting January 17 and 18 at the board office, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka. The Professional Engineering and Land Surveying section will meet at 2 p.m. January 17 and reconvene at 8 a.m. January 18. The Architect and Landscape Architect section will convene at 8 a.m. January 18. A full board meeting is scheduled for 10 a.m. January 18. The meetings are open to the public.

A public hearing will be conducted at 1 p.m. January 17 to consider the adoption of proposed amendments to an administrative regulation of the agency. The proposed permanent regulation will become effective 45 days after its publication in the *Kansas Register*.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments on the regulation prior to the hearing to Betty Rose, Executive Secretary, Board of Technical Professions, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. For persons intending to present testimony at the hearing, prior notice to the board office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes. The following is a summary of the regulation.

K.A.R. 66-10-9, section (B), provides for an exemption to the professional engineering direct supervision requirement for those employees not offering their services to the public, and section (D) has a grammatical change.

There is no fiscal impact expected from these changes. Copies of the regulation and its fiscal impact statement may be obtained from the agency upon written request. Following the hearing, all written and oral comments submitted by interested parties will be considered by the board as the basis for making changes to the regulation.

For more information contact Betty L. Rose, (913) 296-3053.

BETTY L. ROSE
Executive Secretary

Doc. No. 008623

State of Kansas

BOARD OF PHARMACY

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 1:30 p.m. Sunday, January 21, in Room 2049, Malott Hall, University of Kansas, Lawrence, to consider the adoption of proposed changes in existing regulations.

All interested parties may submit written comments during the 30-day period of this notice to Tom Hitchcock, Executive Secretary, Kansas State Board of Pharmacy, Room 513, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the proposed regulations.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Kansas State Board of Pharmacy as a basis for making changes to the proposed regulations.

Copies of the proposed regulations and economic impact statement may be obtained by contacting the Kansas State Board of Pharmacy at the address above, (913) 296-4056.

A summary of the regulations follows:

68-1-1b. Continuing educational unit. Deletes the provision of allowing carry-over hours effective July 1, 1990.

68-2-12a. Minimum requirements. Requires pharmacies to maintain a current copy of USP-DI, Volume III.

68-9-1. Computerized and automated prescription systems. Allows computer systems to require DEA registrations where required.

68-20-20. Controlled substances listed in schedules III and IV. Allows for a pharmacy to refill a controlled substance prescription when the prescriber does not authorize refills on the original prescription but does so at a later date.

There may be an economic impact on licensees with the proposed changes in 68-1-1b; however, the actual costs cannot be determined. There will be an economic impact on pharmacies with the proposed changes in 68-2-12a of approximately \$59 per pharmacy each year. There may be a cost savings on registrants with the proposed changes of 68-9-1 and 68-20-20; however, the actual costs cannot be determined.

None of the proposed regulations are mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

TOM C. HITCHCOCK
Executive Secretary

Doc. No. 008611

State of Kansas

SECRETARY OF STATE

NOTICE OF CORPORATIONS FORFEITED

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited November 15, 1989, for failure to file an annual report and pay the annual franchise tax as required by the Kansas general corporation code.

Domestic Corporations

- Accu-Data, Inc., Merriam, KS.
 Adam D, Inc., Clay Center, KS.
 A.G. Lee Company, Overland Park, KS.
 Air Cap Motel, Inc., Wichita, KS.
 Altal, Inc., A Close Corporation, Wichita, KS.
 American Inland Yacht Sales Inc., Wichita, KS.
 American Rental Association of Wichita, Inc.,
 Wichita, KS.
 Aspen Regency Limited, Overland Park, KS.
 Avanti, Inc., Dodge City, KS.
 Bec-Rei, Inc., Great Bend, KS.
 Blue Devil Industries, Incorporated, Coolidge, KS.
 Bob Ammon Painting, Inc., Shawnee Mission, KS.
 Boren, Inc., Goodland, KS.
 Bryan World Travel of Springfield, Missouri, Inc.,
 Topeka, KS.
 BTLA Holdings, Inc., Houston, TX.
 Capital Financial Company, Inc., Overland Park, KS.
 Co-Gen Tech, Inc., Kansas City, MO.
 College Boulevard Touchless Car Wash, Inc.,
 Overland Park, KS.
 Country Club Estates Homeowners' Assoc. #2,
 Dodge City, KS.
 D & D Construction Co. of Kansas, Inc., Wichita, KS.
 David W. Shirley Re-Construction, Inc.,
 Kansas City, KS.
 Developers, Inc., Pittsburg, KS.
 Dutchboy Instant Print, Inc., Overland Park, KS.
 E.M.D. Construction Co., Inc., St. Paul, MN.
 E-Tech Consultants, Inc., Prairie Village, KS.
 Electra Log, Inc., Great Bend, KS.
 Eyman Service, Inc., Topeka, KS.
 Fairmont Mobile Home Park, Inc.,
 Fort Leavenworth, KS.
 Farmers Equity, Inc., Atwood, KS.
 Federal Hunting & Fishing Society, Raytown, MO.
 First Bible Baptist Church, Turon, KS.
 Flint Hills Express, Inc., Wichita, KS.
 FMCS, Inc., Stockton, KS.
 Garcia Construction, Inc., Humboldt, KS.
 G & G Leasing, Inc., Wichita, KS.
 GHI Inc., Prairie Village, KS.
 Guice, Inc., Wichita, KS.
 H & W Oil Corporation, Holyrood, KS.
 Hawthorne View Homes Association,
 Overland Park, KS.
 Heimerman Masonry, Inc., Garden Plain, KS.
 ILR Kansas, Inc., Kansas City, KS.
 Interactive Learning Systems, Inc., Topeka, KS.
 Kansas City Mobile Systems, Ltd., Lenexa, KS.
 Kansas Odd Fellows Eye Bank, St. John, KS.
 Kessler Lumber and Supply Company, Wichita, KS.
 La-Mil Investments, Inc., Parsons, KS.
 Landmark Construction Corporation of Kansas,
 Wichita, KS.
 Legal Process Service, Inc., Wichita, KS.
 Little Apple Oils, Inc., Beloit, KS.
 L & M Automotive, Inc., Salina, KS.
 London Pride, Inc., Shawnee Mission, KS.
 McBride & Dehmer Construction, Inc., Wichita, KS.
 Med-Gems, Inc., Wichita, KS.
 Messner-Roberts, Inc., Wichita, KS.
 Mid-Kansas Cap, Inc., El Dorado, KS.
 Midwest Post and Beam, Inc., Wichita, KS.
 Mitchell-Markowitz Construction Co., Inc.,
 Emporia, KS.
 M & N Pitching Inc., Dodge City, KS.
 Morning Star Inn, Inc., St. Marys, KS.
 Moshika Records Corporation, Wichita, KS.
 National Property Management Corp.,
 Shawnee Mission, KS.
 Nu-Way of Hutchinson, Inc., Hutchinson, KS.
 Paola, Kansas, Parent-Teacher Organization, Inc.,
 Paola, KS.
 Paul A. Schweitzer & Son, Inc., Sterling, KS.
 Payless Foods, Inc., Holton, KS.
 Perfection Homes, Inc., Salina, KS.
 Peterson Farms, Inc., Abilene, KS.
 Photoline Unlimited, Inc., Wichita, KS.
 R & W Distributing, Inc., Wichita, KS.
 Ray Forster Enterprises, Inc., Fallbrook, CA.
 Rembrandt Paint Contractors, Inc., Lawrence, KS.
 Rent Guide of Kansas, Inc., Shawnee Mission, KS.
 Ronald Rice Investments, Inc., Wichita, KS.
 Rotary Brake, Inc., Overland Park, KS.
 Sandhill Racing Association, Inc., Garden City, KS.
 Sanorama, Inc., Overland Park, KS.
 SCB, Inc., Overland Park, KS.
 Sedan Transmission Service, Inc., Garden City, KS.
 Sheppard Hydrometals Corporation, Wichita, KS.
 Slentz-McAllaster, Inc., Wichita, KS.
 Splendid Threads, Inc., Wichita, KS.
 State Sundries, Inc., Kansas City, KS.
 Stellar Exploration, Inc., Wichita, KS.
 Stonewolf Inc., Wakarusa, KS.
 Sturm Service, Inc., Kansas City, KS.
 Tad Gas, Inc., Olathe, KS.
 T.J. Hudgens Construction, Inc., Overland Park, KS.
 TD Green Racing, Inc., A Close Corporation,
 Burlington, KS.
 Terrace Club, Kansas City, KS.
 The Biddie Company, Inc., Shawnee, KS.
 The Bum Steer, Inc., Lawrence, KS.
 The Canton Pilot Incorporated, Canton, KS.
 The Hout Group, Ltd., Mission, KS.
 The Irish Jewel, Inc., Kansas City, KS.
 The Society for Pre-Hospital Emergency Response
 Effectiveness, Kansas City, KS.
 Thermal Barriers, Inc., Overland Park, KS.
 U.S.A. Gymnastics & Supply, Inc., Great Bend, KS.
 Vulcan Equipment Company, Olive Branch, MS.
 Webb Management Company, Salina, KS.
 Wehner's of Silver Lake, Inc., Rossville, KS.

Wheatheart Sales, Inc., Wichita, KS.
 William Graham, Inc., Wichita, KS.
 Yost Ranch, Inc., St. Francis, KS.
 Ziesch Oil, Inc., Hanston, KS.

Foreign Corporations

American Allergy Consultants, Inc., Atlanta, GA.
 Bullish Reserves Group, Inc., McCook, NE.
 C.F.S. Air Cargo, Inc., W. Warwick, RI.
 Chaz Oil Corporation, Agoura Hills, CA.
 Cullinet Software, Inc., Westwood, MA.
 D.P. Data Systems, Incorporated, Odessa, MO.
 Evangelical Lutheran Church in America, Chicago, IL.
 Evets Electric, Inc., Youngstown, OH.
 Express Services, Inc., Oklahoma City, OK.
 Fanning Engineers, Inc., Enid, OK.
 Fitzgerald, Dearman & Roberts, Inc.,
 Wilmington, DE.
 Fixed Based Operations, Inc., Wichita, KS.
 Flintrol Inc., Hutchinson, KS.
 IHSS, Inc., Barrington, IL.
 Imperial Freight Systems, Inc., Kansas City, MO.
 Jae Exploration and Development, Inc., Monroe, LA.
 Kemet Electronics Corporation, Greenville, SC.
 Kidde, Inc., Iselin, NJ.
 Layne Geosciences, Inc. (An Ohio Corporation),
 Cleveland, OH.
 Luckinbill, Inc., Enid, OK.
 Mac's Food, Inc., St. Louis, MO.
 Market America, Inc., Halstead, KS.
 Martha Lane Corporation, Palm Beach, FL.
 McCrary Industrial Sales, Inc., Shawnee Mission, KS.
 Merry Maids, Inc., Omaha, NE.
 Mid-Con Energy Corporation, Fort Scott, KS.
 Midco Exploration, Inc., Oak Brook, IL.
 Miller and Sons Waterproofing Company, Inc.,
 Grandview, MO.
 Monica Scott, Inc., Minneapolis, MN.
 Munson Electric, Inc., Cedar Rapids, IA.
 R. L. Sweet Lumber Company, Kansas City, KS.
 R. L. Sweet Lumber Company of Lee's Summit,
 Kansas City, KS.
 Reser's Fine Foods, Inc., Beaverton, OR.
 Shasta Beverages, Inc., Hayward, CA.
 Shiloh Resources, Inc., Casper, WY.
 Spectra International Ltd., Palm Harbor, FL.
 Standard Homes Company, Kansas City, KS.
 Steel & English Industrial Supplies, Inc.,
 Kansas City, MO.
 Teknekron Infoswitch Corporation, Fort Worth, TX.
 T.M.J. Builders, Inc., Little Rock, AR.
 Tascosa Industries, Inc., Hereford, TX.
 Telecommunication Resellers Through Advanced
 Computerization, Inc., Orlando, FL.
 Tiernay Metals, Redondo Beach, CA.
 Trek Exploration Co., Englewood, CO.
 United Markets, Inc., Broken Arrow, OK.
 Wakelin-Johnson Construction, Incorporated,
 Kansas City, MO.
 Williford Energy Company, Tulsa, OK.

BILL GRAVES
 Secretary of State

Doc. No. 008610

State of Kansas

DEPARTMENT OF ADMINISTRATION DIVISION OF ARCHITECTURAL SERVICES

NOTICE OF COMMENCEMENT OF NEGOTIATIONS FOR TECHNICAL SERVICES

Notice is hereby given of the commencement of negotiations for air and water balancing services of mechanical systems and infrared scans for state construction projects for the six-month period from January 1, 1990, to July 1, 1990.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies that are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Interested individuals or firms in the infrared scan field must be an independent testing company using trained personnel who work full time on infrared testing projects. Personnel shall be familiar with the operation of the infrared camera and capable of analyzing the results. The infrared survey shall be done with a Model No. 750 infrared camera as manufactured by AGA Corporation of Secaucus, New Jersey, or equal. Submit qualifications with letter of interest.

Firms interested in providing these services should submit their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Roger C. Linneman, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367.

The division intends to pre-approve a separate group of qualifying balancing contractors and firms performing infrared scans and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information should also be supplied with the response.

Any questions or expressions of interest should be directed to Roger Linneman on or before December 29.

EDWARD A. DE VILBISS, AIA
 Director, Division of
 Architectural Services

Doc. No. 008613

**State of Kansas
DEPARTMENT OF ADMINISTRATION**

**REQUEST FOR PROPOSALS
FOR OFFICE FACILITY SPACE**

The Division of Facilities Management will review preliminary proposals to lease an office facility in Topeka. Preliminary space requirements include a net rentable area of 12,000 to 15,000 square feet for 16 private offices, four conference and meeting rooms, open office areas, and 50 spaces for parking. Location in downtown Topeka and proximity to Statehouse is important. Occupancy must be available as soon as possible.

Submit information to the Division of Facilities Management, Department of Administration, Attention: Barry Greis, Architect, Room 305-N, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1286, no later than 2 p.m. Thursday, December 28.

A preliminary program outline and informational sheet for submittal are available at the address above or by contacting Jan Brown, (913) 296-1318.

SHELBY SMITH
Secretary of Administration

Doc. No. 008626

**State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for surveying and soil testing services for state construction projects for the six-month period from January 1, 1990, to July 1, 1990. Soil testing services would include testing and reporting prior to construction and inspection services during construction.

Interested firms should submit their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gerald R. Carter, AIA, Director of Planning and Design, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367.

The division intends to pre-approve a separate group of qualifying surveying and soil testing firms and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information should also be supplied with the response.

Any questions or expressions of interest should be directed to Gerald Carter on or before December 29.

EDWARD A. DE VILBISS, AIA
Director, Division of
Architectural Services

Doc. No. 008614

**State of Kansas
DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE CONCERNING
PROPOSED PERMIT ACTION**

The Secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) for the construction and operation of a rock crushing plant owned by Shawnee Rock Company, 17955 Holliday Drive, Shawnee.

This plant consists of two rock crushers having a total capacity of 450 tons per hour. The capacity of the two crushers operating in tandem is 400 tons per hour. The plant has equipment and machinery, such as sizing screens and conveyors, which are ancillary to the rock crushing and sizing operation. Water-spraying equipment is provided at the discharge point of each crusher and on a dust bin. A truck with a spray bar is available for watering plant roads.

A condition of the permit is that the water sprays be operated as necessary to achieve compliance with applicable regulations. The plant must demonstrate while operating at capacity that it can comply with these regulations before the conditional permit to be issued is made permanent.

The conclusion of KDHE is that this plant can comply with applicable regulations when utilizing the spraying equipment as necessary to achieve compliance.

Written materials, including the application and information related to the application submitted by Shawnee Rock Company, the draft permit, permit summary and the analysis of KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through January 15 by contacting Michael Boothe, Johnson County Environmental Department, 205 Flaming Road, Olathe 66061, (913) 780-5423. The materials also can be reviewed at the Bureau of Air and Waste Management offices in Building 740, Forbes Field, Topeka 66620. Questions concerning the proposed permit should be directed to L.C. Hinthier, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before January 15.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008612

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMITS

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 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
Mayor and City Council c/o City Hall P.O. Box 6 Dexter, KS 67038 Cowley County, Kansas	Grouse Creek	Secondary Wastewater Treatment Facility
Kansas Permit No: M-AR30-0001		Fed. Permit No. KS-0022667
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 108 W. 1st Enterprise, KS 67441 Dickinson County, Kansas	Smockey Hill River	Secondary Wastewater Treatment Facility
Kansas Permit No: M-SH08-0001		Fed. Permit No. KS-0027502
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 701 Bridge St. Humboldt, KS 66748 Allen County, Kansas	Neosho River	Secondary Wastewater Treatment Facility
Kansas Permit No: M-NE36-0001		Fed. Permit No. KS-0022632
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 City Hall Wetmore, KS 66550 Nemaha County, Kansas	Delaware River via Spring Creek	Secondary Wastewater Treatment Facility
Kansas Permit No: M-KS78-0001		Fed. Permit No. KS-0029122
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		Fed. Permit No. KS-0055979
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
The Monarch Cement Co. P.O. Box 187 Humboldt, KS 66748 Allen County, Kansas	Neosho River via Coal Creek via Coal Creek Impoundment Neosho River Basin	Domestic cooling and scrubber wastewater and pit dewatering
Kansas Permit No: I-NE36-B001		Fed. Permit No. KS-0000701
Description of Facility: This facility is engaged in quarrying and a cement plant operation. Domestic, cooling and scrubber wastewater are directed to a settling basin which overflows to a quarry impoundment. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Reno County Sewer District No. 202 Reno County Planning, Zoning and Utilities Department 206 W. 1st Hutchinson, KS 67501 Reno County, Kansas	Arkansas River via Devil's Ditch via North Fork of Devil's Ditch	Domestic and non-contact cooling wastewaters
Kansas Permit No: M-AR49-0006		Fed. Permit No. KS-0086428
Description of Facility: This is a proposed facility designed to serve both the H.A.B.I.T. Industrial Park and Residents within the boundaries of Reno County Sewer District No. 202. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to January 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-89-68/74) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. 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 from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT
Secretary of Health and Environment

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

CORRECTION NOTICE CONCERNING PERMANENT ADMINISTRATIVE REGULATION

In the Vol. 8, No. 45, November 9, 1989, issue of the *Kansas Register*, the following subsection (f)(2) of K.A.R. 28-4-401 (maternal and child health) was inadvertently omitted from page 1632:

(f)(2) assign the insurance benefits to hospitals and other providers of service for any medical treatment provided by services for children with special health care needs;

Copies of this regulation can be obtained by contacting Cassie Lauver, Kansas Department of Health and Environment, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-1310.

STANLEY C. GRANT
Secretary of Health and Environment

Doc. No. 008618

State of Kansas

STATE HISTORICAL SOCIETY STATE RECORDS BOARD

NOTICE OF MEETING

The Kansas State Records Board will meet at 2 p.m. Tuesday, December 19, in the fourth floor conference room of the Memorial Building, 120 W. 10th, Topeka. The board will consider a request from the State Department of Insurance for retention and disposition of noncurrent government records.

In addition, general administrative matters and other business will be discussed.

EUGENE D. DECKER
State Archivist and Secretary

Doc. No. 008615

(Published in the *Kansas Register*, December 14, 1989.)

SUMMARY NOTICE OF BOND SALE

\$1,030,703

**Oaklawn Improvement District
Sedgwick County, Kansas
General Obligation Sewer Bonds
(general obligation bonds payable
from unlimited ad valorem taxes)**

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale, dated as of November 29, 1989, prepared by Oaklawn Improvement District, Sedgwick County, Kansas, in connection with the bonds hereinafter described, sealed, written bids shall be received at the district's offices at 4426 Hemlock Court, Wichita, until 6 p.m. C.S.T. on Wednesday, December 20, 1989, for the purchase of the General Obligation Sewer Bonds, Series A, 1990, of the district, which are hereinafter de-

scribed. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the board of directors of the district.

The bonds to be sold are in the aggregate principal amount of \$1,030,703. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for these bonds, which may be obtained from the secretary of the district or from the district's financial advisor. Bids may be submitted by mail or may be delivered in person and must be received at the place and no later than the date and time hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the district, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing in the year 1991 shall be in the denomination of \$5,703. The bonds shall bear a dated date of January 1, 1990. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to redemption prior to their stated maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 1991, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$25,703	1991
25,000	1992
30,000	1993
30,000	1994
35,000	1995
35,000	1996
35,000	1997
40,000	1998
45,000	1999
45,000	2000
50,000	2001
55,000	2002
55,000	2003
60,000	2004
65,000	2005
70,000	2006
75,000	2007
80,000	2008
85,000	2009
90,000	2010

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal

of the bonds shall be paid upon the surrender thereof at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the district, and the full faith, credit and resources of the district will be pledged to the payment thereof. The district will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the district for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the district to the successful bidder, or at its direction, on or about Thursday, January 11, 1990, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, Wichita, Kansas, bond counsel, whose fees will be paid by the district. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The district's 1988 assessed valuation is as follows:

Assessed valuation of taxable tangible property	\$ 9,392,349
Taxable value of motor vehicles	1,210,319
Equalized assessed tangible valuation for computation of bonded debt limitations	\$10,602,668

Exclusive of the bonds described herein, the district has outstanding general obligation indebtedness at the date hereof in the amount of \$205,000. The district does have temporary notes outstanding in the aggregate amount of \$1,031,000, all of which will be retired upon the issuance of the bonds described herein.

Additional Information

For additional information regarding the district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the district's official statement and official bid forms for the bonds, all of which may be obtained from the undersigned or from the district's financial advisor, Brian E. Corrigan, The Columbian Securities Corporation, 550 N. 159th St. East, Wichita, KS 67230, (316) 733-0014.

Tina L. Mason, Secretary
Oaklawn Improvement District
4426 Hemlock Court
Wichita, KS

Doc. No. 008627

(Published in the Kansas Register, December 14, 1989.)

NOTICE OF REDEMPTION

**Industrial Revenue Bonds
(Osborne Industries, Inc.)**

**Series A, 1978, Dated August 1, 1978
of the
City of Osborne, Kansas**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 766 of the city of Osborne, Kansas, all of the outstanding Industrial Revenue Bonds, Series A, 1978 (Osborne Industries, Inc.), of the city of Osborne, Kansas, maturing on and after August 1, 1990, will be redeemed and prepaid on February 1, 1990 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate
61- 66	08/01/90	8.00%
67- 72	08/01/91	8.00%
73- 80	08/01/92	8.00%
81- 88	08/01/93	8.25%
89- 96	08/01/94	8.25%
97-104	08/01/95	8.25%
105-114	08/01/96	8.50%
115-124	08/01/97	8.50%
125-134	08/01/98	8.50%

The principal amount of the above described 1978 bonds shall become due and payable on February 1, 1990, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium of 3 percent, so called for redemption and payment.

On February 1, 1990, provided that funds are on hand to pay the specified redemption price, all the 1978 bonds will be due and payable at the principal office of The First State Bank & Trust Company, Osborne, Kansas, and from and after February 1, 1990, and interest on the 1978 bonds will cease to accrue. All coupons maturing subsequent to February 1, 1990, must be attached to and surrendered with said 1978 bonds.

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 1978 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated December 14, 1989.

The First State Bank &
Trust Company
P.O. Box 100
Osborne, KS 67473
Trustee

Doc. No. 008628

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of December 18 through December 31:

Date	Room	Time	Committee	Agenda
December 18	514-S	10:00 a.m.	Selected Senate Ways and Means and House Appropriations Regents Subcommittees	Staff review of Kansas State University and Fort Hays State University budgets.
December 19	514-S	9:00 a.m.		
December 20	514-S	10:00 a.m.	Selected Senate Ways and Means and House Appropriations Regents Subcommittees	Staff review of Wichita State University, Emporia State University, and Board of Regents' budgets.
December 21	514-S	9:00 a.m.		
December 26 to December 29		No meetings scheduled.		

EMIL LUTZ
Director of Legislative
Administrative Services

Doc. No. 008619

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 9:30 a.m. Monday, January 29, in Hearing Room B of the State Corporation Commission, fourth floor, Docking State Office Building, 915 Harrison, Topeka, to consider proposed changes in existing rules and regulations of the State Corporation Commission dealing with gas pipeline safety.

All interested parties may submit written comments prior to the hearing to the executive director of the commission at the address above. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to adoption of the proposed amendments. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for making amendments to the proposed changes.

The following is a brief summary of the proposed changes to the regulations and the anticipated fiscal impact of each proposed change:

K.A.R. 82-11-3. Transportation of natural and other gas by pipeline; annual reports and incident reports. The amendments to this regulation are intended to bring it into conformity with current federal regulations. There is no fiscal impact associated with the changes to this regulation.

K.A.R. 82-11-4. Transportation of natural and other gas by pipeline; minimum safety standards. The amendments to this regulation are intended to bring it into

conformity with current federal regulations. In addition, changes were made to the existing regulations to require a repair/replacement program to be instituted upon the detection of a certain number of leaks in a defined area. These changes affect the "External corrosion control" section dealing with "Buried or submerged pipelines installed before August 1, 1971" and "Monitoring." The fiscal impact associated with the changes to this section is estimated to be a fraction of one cent per 1,000 cubic feet of gas sold. Further, class 3 leaks are required to be rechecked at least every six months and repaired or replaced within 30 months. The fiscal impact associated with this change is estimated to be negligible.

K.A.R. 82-11-10. Drug testing. The addition of this new regulation is intended to bring the commission's pipeline safety rules and regulations into conformity with federal regulations. This section requires operators of pipeline facilities that deal in transportation of natural and other gas by pipeline, liquefied natural gas facilities or transportation of hazardous liquids by pipeline to test employees' operating, performing maintenance or emergency response services for the presence of prohibited drugs and provide an employee assistance program. The fiscal impact associated with this added section is estimated to be approximately \$50 per affected employee. These costs are not considered significant.

Copies of the full text of the proposed changes and the economic impact statement may be obtained by writing to the executive director of the State Corporation Commission at the address above.

JUDITH McCONNELL
Executive Director

Doc. No. 008609

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 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Tuesday, December 26, 1989

#26339

University of Kansas—PEST CONTROL SERVICE (EXCLUDING DORMS AND STUDENT RESIDENT AREAS)

#27935

University of Kansas Medical Center—REAGENTS AND SUPPLIES FOR ELECTROPHORESIS

#82150

Kansas Soldiers' Home—FURNISH ALL LABOR AND MATERIALS FOR REROOFING

Wednesday, December 27, 1989

#27474

University of Kansas Medical Center—FEBRUARY (1990) MEAT PRODUCTS

#27524

University of Kansas—FEBRUARY (1990) MEAT PRODUCTS

#28170

Department of Health and Environment—EIA KITS (CHLAMYDIA)

#82173

Larned State Hospital—INSTITUTIONAL DORM BEDS

#82179

University of Kansas Medical Center—FURNISH ALL LABOR AND MATERIALS FOR REPAIR OF CREMATORIUM

#82181

University of Kansas Medical Center—LIQUID SCINTILLATION COUNTER

#82184

Kansas State University—FURNISH AND INSTALL CCTV SYSTEM

#82185

Department of Transportation—WOOD AND STEEL POSTS

#82207

University of Kansas—TWISTED PAIR ETHERNET PARTS

#82208

University of Kansas—LAN SYSTEMS AND PARTS

Thursday, December 28, 1989

#27102

Statewide—MODEMS FOR MICROCOMPUTERS

#27451

Kansas Correctional Industries—ONE-GALLON POLYETHYLENE JUGS AND FIVE-GALLON CONTAINERS

#82191

Department of Transportation—BREAKAWAY BASE

Friday, December 29, 1989

#27931

Statewide—SECURITY OFFICERS' UNIFORM COMPONENTS

#82200

Kansas State University—REPAIR ABSORPTION UNIT

Tuesday, January 2, 1990

#82174

Department of Transportation—FUEL TANK MONITORING SYSTEM, various locations

#82197

Department of Transportation—LOADER/BACKHOE, Chanute and Topeka

#82198

Department of Transportation—BITUMINOUS MIXTURE, Hutchinson

#82199

Emporia State University—VEHICLE

#82201

Department of Health and Environment—MAILING CONTAINERS

#82230

Kansas State University—MICROCOMPUTERS

Thursday, January 4, 1990

#A-6194

Osawatomic State Hospital—ROOF REPLACEMENT, REHABILITATION CENTER SWIMMING POOL BUILDING

#A-6211

Winfield State Hospital and Training Center—ROOF REPLACEMENT, JUNIPER AND PERSONNEL BUILDINGS

#A-6213, 6214, 6215, 6216

Winfield State Hospital and Training Center—MISCELLANEOUS REPAIRS AND IMPROVEMENTS

#82194

Various state agencies—USED EQUIPMENT

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 008622

(Published in the *Kansas Register*, December 14, 1989.)

NOTICE OF DEFEASANCE

\$40,000,000

Sedgwick County, Kansas

Single Family Mortgage Revenue Bonds
(Multiple Originators and Servicers)

1981 Series A

CUSIP: 815618 and Suffix: BB8, BC6, BD4,
BE2, BJ1, BL6 and BM4

Notice is hereby given that, pursuant to the Indenture between Sedgwick County, Kansas, as issuer, and Continental Bank, National Association (formerly Continental Illinois National Bank and Trust Company of Chicago), as trustee, dated as of May 1, 1981 (the "1981 Indenture"), the issuer has irrevocably deposited with the trustee, in trust and irrevocably set aside for such payment, governmental obligations (as defined in the 1981 Indenture), maturing as to principal and interest in such amounts and at such times as will insure the availability of sufficient moneys to pay the principal of, premium, if any, and interest thereon to maturity or upon optional redemption on May 1, 1991, of the 1981 bonds maturing on or after May 1, 1992, of the Sedgwick County, Kansas, Single Family Mortgage Revenue Bonds (Multiple Originators and Servicers), 1981 Series A, and that the 1981 bonds and coupons, if any, are deemed to have been paid in accordance with Article VII of the 1981 Indenture and that the 1981 bonds maturing on or after May 1, 1992, are being called for optional redemption and payment on May 1, 1991, in accordance with Article III of the 1981 Indenture at a price of 103 percent of the principal amount thereof and accrued interest to the applicable redemption date in accordance with notices of call for redemption to be issued by the trustee.

Bonds maturing on May 1 in the years 1990 and 1991 and the interest coupons due at or prior to maturity shall be paid by the trustee and paying agent in accordance with the terms of said bonds and coupons.

This notice is given in conformity with the provisions of the 1981 defeased bonds and the 1981 Indenture providing for their issuance. The 1981 bonds will be paid from funds irrevocably deposited for this purpose in the Defeasance Account established with Continental Bank, National Association, as trustee for the 1981 bonds.

Dated December 15, 1989.

By: Continental Bank, National Association
Trustee for Sedgwick County, Kansas

Doc. No. 008629

State of Kansas

REAL ESTATE COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS

Article 1.—EXAMINATION AND REGISTRATION

86-1-10. Approval of courses of instruction; procedure. (a) Definition of school. As used in this regulation, "school" means an institution, school, association, agency, or organization which offers courses of education approved by the commission to meet any requirement of K.S.A. 58-3046a and amendments thereto.

(b) Request for course approval; notification of approval or disapproval; changes. To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and
(2) submit all information required by the commission for course and instructor approval at least 45 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) an application for real estate instructor, completed in accordance with subsection (d) of this regulation;

(C) the procedure for maintenance of attendance records; proposed dates and times of the course offering; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course;

(D) a course syllabus, including a detailed course outline and course objectives; and

(E) the course and instructor fees prescribed by K.A.R. 86-1-5.

Within 15 working days of receipt of request for approval, the school shall be notified by the commission, in writing, of its decision to approve or disapprove the course. The number of hours of credit to be given for attending the course shall be stipulated in any notice of approval. If the commission requires additional time to reach a decision, the school shall be notified by the commission, in writing, that the course is under review and of the date by which the commission expects to complete its review.

Each school shall notify the commission, in writing, at least 15 days prior to a significant change in a course approved by the commission. Such changes include changes in coordinator, instructor, name or location of school, dates and times the course is offered, location where the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, if the instructor meets the qualifications in subsection (d) of this regulation.

(c) Correspondence courses. Each school requesting initial approval of a correspondence or home study program course shall submit the following additional information:

(1) A copy of all course materials, including textbooks, student workbooks, and examinations with answers;

(2) the allotted time frame for completion of the course; and

(3) the amount of time allotted for examinations.

A school shall not issue a certificate of completion of a correspondence or home study program course approved by the commission to meet any requirement of K.S.A. 58-3046a, and amendments thereto, unless the student has received a passing grade of at least 70 percent. Each student's grade shall be based on having completed at least one proctored examination with a minimum passing grade of 70 percent, and at least 50 percent of the overall course grade shall be based on the proctored examination score or scores.

The proctor shall be the school coordinator or an instructor approved pursuant to subsection (d) of this regulation to teach any course offered by the school and approved by the commission.

(d) Request for instructor approval; notification of approval or disapproval. Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business or another academic area directly related to the course which the applicant intends to instruct;

(B) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(C) passing an instructor's examination approved by the commission.

(2) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(A) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

Within 15 working days of receipt of an application for instructor approval, the school coordinator shall be notified by the commission, in writing, of its decision to approve or disapprove the instructor. If the commission requires additional time to reach a decision, the school coordinator shall be notified by the commission, in writing, that the application is under review and of the date by which the commission expects to complete its review.

(e) Registration of approved courses; application for renewal. Registration of courses approved by the commission shall expire at the end of the calendar year. Each school shall be notified by the commission by November 1 that an application for renewal of courses and instructors is due and the necessary forms shall be sent to the school.

(f) Responsibilities of coordinator. The coordinator ap-

pointed by each school shall be responsible for regular and consistent evaluation of courses and instructors. When a school uses an instructor to teach an approved course for the first time, the coordinator shall ask each student in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and coordinator evaluations of specific instructors upon request of the commission.

(g) (1) Issuance of certificates; maintenance of records. Each school shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student within seven calendar days of completion of the course. Each school shall use certificate forms approved by the commission.

(2) A certificate shall not be issued to any student who was absent more than 10 percent of the classroom hours scheduled for courses registered, pursuant to K.A.R. 86-1-11, under the titles "principles of real estate," "broker pre-license course," and "salesperson's post-license course."

(3) Except as provided in paragraph (2) above, a certificate shall not be issued to any student who was absent during any portion of the classroom hours scheduled for any course required under K.S.A. 58-3046a and amendments thereto.

(h) Each school shall maintain for a minimum of three years, at their business address, records of students successfully completing a course approved by the commission. Attendance records shall be kept current and available for inspection by commission representatives upon request.

(i) Advertising. Schools shall not advertise a course as meeting the educational requirements of the Kansas real estate brokers' and salespersons' license act prior to placing verification of commission approval on file at the school. Schools shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. Schools, or agents of schools, shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1988 Supp. 58-3046a; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Jan. 29, 1990.)

86-1-13. Submission of evidence of course attendance. (a) As a prerequisite to taking the examination required by K.S.A. 58-3039, and amendments thereto, each applicant for an original license as a salesperson shall submit evidence required by subsection (a) of K.S.A. 58-3046a, and amendments thereto, to the testing service designated by the commission. The evidence submitted shall be a certificate of completion of a principles of real

(continued)

estate course, of not less than 30 hours, approved by the commission and attended by the applicant within 12 months immediately preceding the date of the examination.

(b) As a prerequisite to taking the examination required by K.S.A. 58-3039, and amendments thereto, each applicant for an original license as a broker shall submit evidence required by subsection (b) of K.S.A. 58-3046a, and amendments thereto, to the testing service designated by the commission. The evidence shall be a certificate of completion of a broker pre-license course, of not less than 24 hours, approved by the commission and attended by the applicant within 12 months immediately preceding the date of the examination.

(c) Each licensee shall submit to the commission a certificate of completion for each course for which credit is requested to meet the requirements of subsections (c) or (d) of K.S.A. 58-3046a and amendments thereto. If the school agrees, any licensee may appoint the school which offered the course as the licensee's agent for the purpose of submitting evidence to the commission of the licensee's completion of a course. If the school acts as the licensee's agent, the school shall:

(1) Obtain the licensee's written concurrence that the licensee understands that failure by the school to submit such evidence to the commission on a timely basis does not relieve the licensee of the responsibility to have required hours registered with the commission at or prior to the licensee's renewal due date;

(2) submit a roster to the commission within seven calendar days after course completion. If the course completion date is less than seven calendar days prior to any renewal date established by K.A.R. 86-1-4, the roster shall be postmarked or delivered to the commission no later than the renewal date. The roster shall be on a form approved by the commission and shall include the name of the school, the school code, the name of the course, the course code, the number of hours approved for credit, the date the course was completed, the full name and license number of each licensee who is issued a certificate of completion pursuant to K.A.R. 86-1-10(f)(1) and who appointed the school as agent, and the total number of licensees listed. Licensees shall be listed in alphabetical order on the roster. The roster may include licensees who did not appoint the school as agent, provided that such licensees are so designated on the roster. Each page of the roster shall be signed by the school coordinator; and

(3) include the word "COPY" in bold and conspicuous type in the upper right corner of any certificate of completion issued pursuant to K.A.R. 86-1-10(f)(1) to a licensee who appointed the school as the licensee's agent.

Any roster containing incorrect or incomplete licensee information may be returned to the school coordinator for correction and no credit hours may be entered into commission records for any such licensee until the licensee information is corrected and returned to the commission. Any roster not in compliance with any other requirement of paragraph (2) above may be returned to the school coordinator and no credit hours entered into commission records until the roster is corrected and returned to the commission. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1988 Supp. 58-3046a; effective, T-86-31,

Sept. 24, 1985; effective May 1, 1986; amended May 1, 1988; amended Jan. 29, 1990.)

E. W. YOCKERS
Director

Doc. No. 008606

State of Kansas
SOCIAL AND REHABILITATION SERVICES
PERMANENT ADMINISTRATIVE
REGULATIONS

Article 6.—MEDICAL ASSISTANCE PROGRAM—
CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-73. Deprivation in ADC. Each child, to be eligible for ADC, shall be deprived of parental support or care by reasons of the death, continued absence from the home, physical or mental incapacity, or unemployment of a parent. (a) Continued absence from the home. Continued absence from the home of either or both natural or adoptive parents shall be a basis for eligibility if the parent is physically absent from the home and the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child. Absence of a parent based solely on active military service shall not constitute deprivation under this provision.

(b) Physical or mental incapacity of a parent.

(1) Physical or mental incapacity of a parent shall be a basis for eligibility when either parent is physically or mentally incapacitated, the incapacity is expected to last at least 30 days and when the incapacity:

(A) Limits the parent's ability to support and care for the child. "Limits" means that, as a result of the incapacity, the parent is capable of only earning an applicable income which is less than public assistance payment standards;

(B) reduces substantially the parent's ability to support or care for the child. "Substantial" means a 30% reduction of gross earned income or adjusted gross income for the self-employed; or

(C) eliminates the parent's ability to support or care for the child.

(2) To be considered physically or mentally incapacitated under the above provision, a parent shall be:

(A) eligible for OASDI or SSI benefits based on disability or incapacity; or

(B) established as incapacitated by a psychologist, optometrist or a person licensed by the board of healing arts within the scope of that person's professional competence, or by a written team diagnostic evaluation from the veteran's administration, vocational rehabilitation, a mental health clinic or related types of agencies.

(c) Unemployment. The unemployment of the parent determined to be the principal wage earner shall be a basis for eligibility when the parent has been unemployed for at least 30 days before medical assistance is authorized and the child is not otherwise deprived of support because of death, absence, or incapacity of a parent. The principal wage earner shall be the parent who earned the greater amount of income in the 24-month period immediately

preceding the month of application. To be considered unemployed under this provision, a parent shall:

(1) Not have been fully employed for at least 30 days before medical assistance is authorized. A "fully employed" person is one who works 100 hours or more a month. If the parent's work is intermittent and is in excess of 100 hours for only a temporary period, or if the parent has worked less than 100 hours in each of the two prior months and is expected to be under the 100-hour standard during the next month, then the parent shall not be considered fully employed;

(2) not without good cause, within the last 30 days, have refused a bona fide offer of employment or training for employment;

(3) have had six or more quarters of work in a 13-calendar quarter period ending within one year before the application for medical assistance, or have received unemployment compensation under the state unemployment compensation law or under the United States law, or have qualified for unemployment compensation under the unemployment compensation law of the state within one year before the application for medical assistance. An individual shall be deemed qualified under the state's unemployment compensation law if the individual would have been eligible to receive the benefits upon filing an application, or if the individual had performed work not covered by the law which, if it had been covered, would (together with any covered work the individual performed) have made the individual eligible to receive the benefits upon filing an application. A quarter of work shall be a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31 in which the parent earned not less than \$50.00 or in which the parent participated in a work and training program;

(4) have applied for, and if eligible have not refused, unemployment compensation benefits; and

(5) be registered for employment with the division of employment, state department of human resources, job services center. This policy shall not apply to a parent who, if the parent were receiving ADC, would be exempt from participation in the KanWork program. The effective date of this regulation shall be February 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended May 1, 1986; amended July 1, 1989; amended Oct. 1, 1989; amended Feb. 1, 1990.)

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

State of Kansas

DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE REGULATIONS

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 exceptional children in regular education by providing regular education teachers with assistance in educational diagnosis, prescriptive decisions and educational interventions. No more than one-third of the consulting teacher 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 through age seven.

(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:

(1) Have one or more diagnosed conditions which cannot be medically corrected and are associated with educationally handicapping conditions; or

(2) test 25% or more below chronological age on criterion or norm referenced, validated test instruments in

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one or more of the following areas: cognitive development, sensory 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 communicative or learning skills.

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

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

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

(p) "Independent educational evaluation" means an evaluation conducted by 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 the vocal mechanism that interferes with communication or produces psycho-social maladjustment;

(3) "fluency deviation or impairment," which means a disruption in the normal flow of verbal expression that is 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) "Educable mentally retarded," 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) "trainable mentally retarded," 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.

(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 movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological 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:

(1) for gifted children, having attained 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 gifted child completes a local curriculum or reaches age 21, whichever occurs first;

(2) for handicapped children, until June 30, 1991, having attained 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 handicapped child completes a local curriculum or reaches age 21, whichever occurs first; and

(3) for handicapped children, on and after July 1, 1991, having attained age three on or before September 1 of the current school year, to and including the school year in which the handicapped child completes a local curriculum or reaches age 21, whichever 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) a liaison between the home, school and the community to prevent problems in learning and to promote quality education;

(2) consultation to teachers or other school staff in understanding the cultural and social factors related to a child's performance in school;

(3) coordination between the school and other community agencies to mobilize resources to enable the child to profit from the educational experience; and

(4) assistance through group and individual counseling with the child and family to affect the child's adjustment in school.

(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 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.

(11) "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.

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(mm) "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.

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

(oo) "Special purpose school" means any school for exceptional children which is operated by a private, non-profit 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.

(pp) "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.

(qq) "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 program" means any organized educational program which is directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

(vv) This regulation shall take effect July 1, 1990. (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, October 27, 1987; amended May 1, 1988; amended July 1, 1990.)

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 certificated and endorsed in their assigned categories of exceptionality and level of instruction;
- (2) compliance with pupil-teacher ratios;
- (3) the special education and related services identified in the individual education program of each student;
- (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 or needs 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 (2) 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 recommendation shall be considered by the state board of education 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.

(d) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, October 1, 1986; amended May 1, 1987; amended, T-88-40, October 27, 1987; amended May 1, 1988; amended July 1, 1990.)

91-12-25. Interrelated service units. (a) Any inter-

related service unit listed in Table 1 shall meet the following requirements.

(1) The teacher regularly assigned to the unit shall have full endorsement in one of the categorical areas of exceptionality being served in the interrelated service unit.

(2) Other instructional personnel having an endorsement in a categorical area or areas of exceptionality being served for which the regularly assigned teacher does not have endorsement, and support personnel as necessary, shall be provided to assist the regularly assigned teacher.

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

(c) Before any local education agency begins operating an interrelated service unit of a type not listed in Table 1, the local education agency shall submit to the special education administration section, for approval, a written plan describing in detail the services to be offered in the unit, number of students by categories of exceptionality and an explanation of how the requirements in subsection (a) of this regulation will be met.

(d) If a service unit of a type not listed in Table 1 is to be established during a school year, a plan as described in subsection (c) shall be submitted to the special education administration section within 30 days of the establishment of the service unit.

(e) The application under subsection (c) or (d) shall be approved or denied by the special education administration section within 15 days of receipt of the application. Approval of any plan under subsection (c) or (d) shall be valid only for the current school year. Approval may be sought on an annual basis.

(f) Class size and caseload limitations for those service units not listed in Table 1 shall be those for the categorical area being served with the most restrictive requirements. Where there are no class size and caseload limitations, these shall be established on an individual basis.

(g) 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 shall be as prescribed in Table I.

(h) This regulation shall take effect on July 1, 1990.

TABLE I

Class Size and Caseload for Programs for Interrelated Services

Administration Plan	Categorical Grouping	Para-professionals	Majority of students in less Restrictive Category	4 or more students in most Restrictive Category
Itinerant	BD/LD	0	18	15
		1 or more	24	18
Resource	BD/EMR	0	12	12
			16	16
		1 or more	No more than 8 at one time	No more than 8 at one time
			18	12
BD/LD	0	18	12	
		22	16	
		1 or more	No more than 10 at one time	No more than 8 at one time

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	EMR/LD	0	18	15
		1 or more	22	18
			No more than 10 at one time	No more than 10 at one time
	BD/EMR/LD	0	18	12
		1 or more	22	16
			No more than 10 at one time	No more than 8 at one time
Special Classroom	BD/EMR	0	12	8
		1	15	10
	BD/LD	0	10	8
		1 or more	14	10
	EMR/LD	0	12	10
		1 or more	15	14
	BD/EMR/LD	0	12	8
		1 or more	15	10
	EMR/TMR	0	Primary-12	Primary-8
			Intermed.-15	Intermed.-10
			Secondary-15	Secondary-12
	1 or more	Primary-15	Primary-11	
		Intermed.-18	Intermed.-13	
		Secondary-20	Secondary-15	

The chronological age or grade level span shall not exceed four 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; amended July 1, 1990.)

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 nonexceptional 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 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 during the school year in which the child is enrolled in the ninth grade or its equivalent.

(e) Progress toward graduation shall be annually monitored and recorded on an official transcript of credits.

(f) This regulation shall take effect on July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended July 1, 1990.)

91-12-34. Local comprehensive plan. (a) Each local education agency shall develop and submit to the special education administration section a comprehensive plan for providing special education services. Each local comprehensive plan shall include, as appropriate, a statement of assurance or an explanation of the procedures used by the local education agency regarding:

- (1) the provision of a free appropriate public education to exceptional children;
- (2) the protection of confidentiality of student records;
- (3) the implementation of systematic and ongoing screening procedures which locate children who may be exceptional;
- (4) the conducting of comprehensive evaluations;
- (5) the development of an individual education program for each student who is exceptional;
- (6) provision of activities to increase public awareness of services available;
- (7) the placement of each student in the least restrictive environment;
- (8) provision of an appropriate review of each exceptional student's placement;
- (9) the graduation of exceptional children;
- (10) procedural due process for exceptional children;
- (11) the development and use of a comprehensive system of personnel development;
- (12) evaluation of the effectiveness of programs in meeting the educational needs of exceptional children;
- (13) the suspension or expulsion of students who are handicapped; and
- (14) the provision of extended school year services to students who are handicapped.

(b) A comprehensive plan shall be submitted as required by the special education administration section. This plan shall be updated annually with those portions of the plan which are unchanged incorporated by reference.

(c) Each local comprehensive plan shall be adopted formally by the governing board of each school district or by the governing authority of the state institution or other organization proposing to offer approved special education services.

(d) Each local education agency shall appoint a special education advisory committee which includes parents of exceptional children. Members of the committee shall be appointed by the local education agency with input from local parent organizations. The special education advisory committee shall act in an advisory capacity to the local education agency and shall facilitate communication and participation by parents, community representatives, and educators to plan for meeting the needs of exceptional children.

(e) The local advisory committee shall review and comment upon the local comprehensive plan adopted by the local education agency.

(f) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990.)

91-12-38. Facilities. (a) All facilities for exceptional children shall be comparable to those for nonexceptional children within the same school building.

(b) If any local education agency operates a facility solely for exceptional children, the facility and the services and activities provided in the facility shall be comparable to those provided to nonexceptional children.

(c) All facilities for exceptional children shall be in age appropriate environments and each environment shall be appropriate for the instructional program being provided.

(d) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990.)

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) Documented screening procedures shall include:

(A) Mandatory hearing and vision screening; and

(B) age-appropriate assessments designed to identify possible physical, intellectual, social or emotional, language or perceptual deviations.

(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 age-appropriate assessments 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) Preassessment. No child enrolled in regular education shall be identified as exceptional until the preassessment team has:

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

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

(3) completed a record of the dates the preassessment team met, the names and positions or preassessment team members, and the team recommendations.

(d) Comprehensive evaluation. A referral for a comprehensive evaluation shall be made whenever screening or a preassessment 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 conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability, and at least one person qualified to conduct individual diagnostic examination of children. 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) Each 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) Each 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 licensed by the Kansas behavioral sciences regulatory board and reported to the Kansas state department of education.

(6) Each student shall be assessed in all areas related to the suspected exceptionality including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, educational performance, communicative status, motor abilities, and vocational skills. 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 a preassessment, and through examination of the child's records or conferences with parents and teachers, or both. If referral for an additional evaluation by other professionals is not indicated, the comprehensive examination may then be considered to be complete.

(7) After any child has been assessed in all areas related to a suspected disability, that child's evaluation team shall meet to determine whether the evaluation results indicate that the child meets eligibility criteria for special edu-

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cation 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.

(e) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended, T-88-40, October 27, 1987; amended May 1, 1988; amended July 1, 1990.)

91-12-41. Individualized education program. (a) An individualized education program (IEP) shall be developed for each child in need of special education services. The IEP shall be developed prior to placement in a special education program. This requirement shall not preclude temporarily placing an exceptional child in a special education program as part of the evaluation process before the individualized education program is finalized, if:

(1) The child has been determined, through the comprehensive evaluation, to be eligible for special education, but more information is needed to determine the most appropriate placement;

(2) an interim individualized education program is developed which sets out the specific conditions and timelines for the trial placement;

(3) the child's parents give written consent to the interim placement before it is carried out;

(4) a specific period of time, not exceeding 30 days, is set for completing the evaluation and making decisions about the most appropriate placement; and

(5) a meeting is conducted at the end of the trial period to finalize the child's IEP.

(b) The IEP shall be written and subsequently reviewed and revised as needed, but at least annually, in a meeting which includes:

(1) A representative or representatives of the local education agency, other than the child's teacher or teachers, who is qualified to provide, or supervise the provision of, special education services;

(2) the child's teacher or teachers as follows:

(A) For any child who is receiving special education, the teacher shall be the special education teacher with primary responsibility for implementing the child's individualized education program. If the child's primary handicap is a speech or language impairment, the teacher shall be the speech or language clinician;

(B) For a handicapped child who is being considered for placement in special education, the teacher shall be the child's regular classroom teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both;

(C) If the child is not in school or has more than one teacher, the local education agency shall designate which teachers will participate in the meeting;

(3) one or both of the child's parents, and when appropriate, the child;

(4) other individuals who, in the opinion of the parents or the local education agency, are necessary to complete the IEP; and

(5) for a student who is being evaluated for the first time, a member of the evaluation team or a person who is knowledgeable about the evaluation procedures used with the student and who is familiar with the results of the evaluation.

(c) Parents shall be notified of the individualized education program meeting at least 10 days prior to the meeting to ensure that they will have the opportunity to participate in developing the IEP. The notice shall indicate the date, time, location and purpose of the meeting and who will be in attendance. A reasonable attempt shall be made to schedule the meeting at a mutually agreed on time and place. Provision for interpreters or other facilitators shall be made for parents who are deaf or whose principal language is other than English.

(d) If any local education agency is unable to obtain parental participation, the individualized education program meeting shall be conducted without this participation. In such cases, the local education agency shall document the attempts made to arrange the meeting. The documentation shall include records of telephone calls made or attempted, copies of correspondence, and records of home visits.

(e) A copy of the individualized education program shall be provided to each parent.

(f) Each individualized education program shall include the following:

(1) A statement of the child's present level of educational performance. The statement shall include, as appropriate, health, vision, hearing, social and emotional status, general intelligence, educational performance, communicative status, motor abilities and vocational skills;

(2) a statement of annual goals which describe the educational performance anticipated within a year's time;

(3) a statement of short-term objectives which are measurable, and intermediate steps between the present level of performance and the annual goals;

(4) objective criteria, evaluation procedures, and data collection schedules for determining, at least every 12 weeks, whether the short-term objectives are being achieved;

(5) a statement of the specific special education services and related services needed by the child, even if not all of these services currently are available in the local education agency preparing the IEP. Any unique instructional media, methods, or behavior management procedures not ordinarily available to all students, but needed by this particular child for learning, shall be listed;

(6) a description of the extent to which the child will participate in regular classroom instruction and other academic and non-academic environments with nonexceptional children of the same age; and

(7) the projected date for the initiation of the prescribed services and anticipated duration of the services, including a description of any extended school year services to be provided.

(g) For any exceptional child who is not yet receiving

special education, the individualized education program shall be developed not later than 30 days from the date when it is determined that the child requires special education. These children shall remain in their current placement until the individualized education program is completed and parental permission is obtained or due process proceedings, including appeals, are completed.

(h) If a local education agency, through a contractual agreement, refers or places any child in another accredited special education program, the local education agency shall conduct the initial individualized education program conference and shall arrange for a representative of the receiving agency to participate. If a representative of the receiving agency cannot attend the meeting, the sending agency shall ensure participation by the receiving agency through other methods, including individual or conference telephone calls. The sending agency, however, shall ensure its involvement, as well as that of the child's parents, in any decision about that child's individualized education program. Both the child's parents and the sending local education agency shall agree to any proposed changes in the IEP before those changes are implemented. After the child enters the accredited or approved program, any meetings to review and revise the child's individualized education program may be initiated and conducted by the accredited or approved program personnel.

(i) If any exceptional child is enrolled in a parochial or other private school and receives special education services from a public education agency, that public agency shall:

(1) Initiate and conduct conferences to develop, review, or revise the initial individualized education program for the child; and

(2) ensure that a representative of the parochial or other private school attends each individualized education program conference. If the representative cannot attend, other methods to ensure participation shall be used, including individual or conference telephone calls.

(3) After the child enters a parochial or private school, any meetings to review and revise the child's individualized education program may be initiated and conducted by the parochial or private school.

(j) When an accredited, approved, parochial or private school initiates and conducts a child's individualized education program, responsibility for compliance with state or federal law or regulation regarding the child's special education shall remain with the local education agency.

(k) If any child is placed in a school district or state institution by court order, and the child is determined by the receiving agency to be exceptional, the receiving agency shall be responsible for developing and implementing an IEP for the child. If an exceptional child from a public school program is admitted to a state institution and the child has an IEP, the IEP shall be forwarded to the state institution for implementation and revision, as needed. Conversely, if it is determined by a state institution that an exceptional child will be returned to the community, the receiving district shall be responsible for implementation and revision of the IEP of the child.

(1) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective

May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended July 1, 1990.)

91-12-42. Placement and review. (a) Each exceptional child shall be educated in the least restrictive environment.

(b) When implementing the level of service recommended in any exceptional child's individualized education program, each local education agency shall follow these procedures:

(1) Placement in any special education services shall be considered as a trial placement and shall be subject to review and additional team planning. Each child shall be returned progressively to as near a normal setting as possible.

(A) At least annually, a determination shall be made as to the need for change to more intensive or less intensive special education services, and to a less restrictive or more restrictive environment.

(B) If the building level concept for monitoring a child's progress is not being employed, it shall be the responsibility of the special education teacher serving the child to inform the administrator of special education if a change in programming is indicated.

(2) Parents shall be kept apprised of the progress of their children.

(3) A conference shall be held annually to review and revise, as needed, each child's individualized education program.

(4) A comprehensive evaluation of an exceptional child shall be made any time conditions warrant or if any child's parent or teacher requests an evaluation. A comprehensive evaluation shall be made of each exceptional child not less than every three years.

(5) An informal follow-up to determine the status of any child for whom special education services have been terminated shall be carried out annually for at least two years following termination of the services.

(c) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990.)

91-12-44. Procedural due process. (a) The board of education of each school district shall:

(1) Draft and adopt special education due process procedures which are in compliance with requirements of K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes; and

(2) be responsible for all due process proceedings.
(b) Due process proceedings for the Kansas state school for visually handicapped and the Kansas state school for the deaf shall be adopted by the state board of education. Special education due process proceedings for other state institutions shall be adopted by the secretary of social and rehabilitation services.

(c) Before taking any special education action in regard to any child, each local education agency shall:

(1) Attempt to determine who is the lawful custodian of the child;

(2) if the lawful custodian of the child cannot be determined or cannot be found, cause proper proceedings to be instituted, pursuant to the Kansas code for care of

(continued)

children, to determine whether the child is in need of care;

(3) if the child is in the custody of the secretary of social and rehabilitation services and the parent is unknown or unavailable, notify the appropriate area office of the department of social and rehabilitation services; and

(4) mail or personally deliver to the lawful custodian the written notice required by K.S.A. 72-972, and any amendments to this statute.

(d) If special education action is proposed in regard to any person who is 18 years of age or older and the person has not been legally adjudicated to be an incapacitated person nor under the jurisdiction of a court as a child in need of care, due process shall be granted only to the person.

(e) This regulation shall take effect July 1, 1990. (Authorized by K.S.A. 72-963 and implementing K.S.A. 72-963 and 72-972; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990.)

91-12-51. Early childhood education for handicapped. (a) 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.

(b) 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.

(c) 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.

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

(e) Class size and caseload limitations for early childhood handicapped programs shall be as prescribed in Table II. No class size or caseload shall exceed the program's

ability to implement the individualized education programs of the children enrolled.

(f) This regulation shall take effect on July 1, 1990.

TABLE II

Class Size and Caseload for Programs for Early Childhood Education for Handicapped

CENTERBASED PROGRAM

Professional	Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three	Maximum Class Size	Maximum Caseload Handicapped
Regular Classroom				
1 EC & 1 ECH Consultant or 1 SE Consultant	1	1	18 (3 handicapped)	16
Integrated Classroom				
1 ECH	1	1	12 (5 handicapped)	10
1 ECH	2	1	12 (8 handicapped)	16
2 ECH or 1 ECH & 1 SE Team	2	NA	18 (12 handicapped)	24
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

Appropriate teacher endorsements include Early Childhood (EC), Early Childhood Handicapped (ECH), and other Special Education Endorsements (SE). Other special education appropriate professionals include speech and language clinicians, occupational therapists, and physical therapists.

HOME-BASED PROGRAM

ECH Teacher	Paraprofessional	Additional Professional	Maximum Caseload
1	0	0	16
1	1	0	20
1	2	0	24
1	3	0	28
1	0	1	28
1	1	1	32
1	2	1	34
1	3	1	36
1	0	2	38
1	1	2	40
1	2	2	42

Appropriate teacher endorsements include special education categorical endorsements and speech and language clinicians, 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, October 27, 1987; amended May 1, 1988; amended July 1, 1990.)

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) Class size and caseload limitations for programs for gifted shall be as prescribed in Table III.

(e) This regulation shall take effect on July 1, 1990.

TABLE III
Class Size and Caseload for
Programs for Gifted

Program Level	Administrative Plan	Maximum Class Size and Caseload
All levels	Consulting teacher	7/5
	Itinerant teacher	25-Increase to 30 with one or more paraprofessionals
	Resource room	35-Increase to 40 with one or more paraprofessionals
	Special classroom	20-Increase to 25 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990.)

91-12-53. Language, speech and hearing impaired.

(a) 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 shall be reviewed and assured by 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.

(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.

(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 each 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 performed by each paraprofessional assigned to assist them.

(2) Paraprofessionals may be employed to conduct hearing screening evaluations. If such persons are employed, their competence shall be reviewed as prescribed in K.A.R. 91-12-61.

(e) Audiological diagnostic services. For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:

(1) hearing screening;

(2) pure tone and bone condition testing, with contralateral masking;

(3) speech discrimination and speech reception audiometry;

(4) site-of-lesion battery; and

(5) hearing aid evaluation or consultation, or both.

(f) Facilities. Speech, language and hearing facilities shall meet the same requirements as outlined in K.A.R. 91-12-38.

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.

(continued)

- (g) Class size and caseload.
- (1) The maximum class size and caseload for speech 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. The chronological age or grade span shall not exceed four years.

(h) This regulation shall take effect on July 1, 1990.

TABLE IV
Class Size and Caseload for Speech and Language Programs

GROUP SIZE	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
	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 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.
CASELOAD MAXIMUMS	No limit.	25-55 students.	15-25 students.	15 students with paraprofessional.

TABLE V
Class Size and Caseload for Programs for Hearing Impaired

Program Level	Administrative Plan	Number of Students
All levels	Consultative	As appropriate.
All levels	Itinerant	15
All levels	Resource room	As appropriate.
Preschool	Home-based	20
Preschool or Primary	Special class	4
		Increase to 6 with one or more paraprofessionals
Intermediate or Secondary	Special class	8
		Increase to 11 with one or more paraprofessionals

EMR Secondary		15
		Increased to 20 with one or more paraprofessionals
TMR Primary	All programs	8
		Increased to 11 with one or more paraprofessionals
TMR Intermediate		10
		Increased to 13 with one or more paraprofessionals
TMR Secondary		12
		Increased to 15 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, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990.)

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. The adaptive behavior shall be assessed in more than one environment. This assessment shall be for the purpose of identifying children who are mentally retarded.

(b) Class size and caseload limitations for educable mentally retarded and trainable mentally retarded students shall be as prescribed in Table X.

(c) This regulation shall take effect on July 1, 1990.

TABLE X
Class Size and Caseload Limitation for Programs for EMR and TMR

Program Level	Administrative Plan	Maximum Class Size and Caseload
EMR Primary	All programs	12
		Increased to 15 with one or more paraprofessionals
EMR Intermediate		15
		Increased to 18 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; amended July 1, 1990.)

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 and that are designed to identify children with behavior disorders. Such procedures may include student and parent interviews, a family history, personality rating scales and inventories, and projective tests;

(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 a child who is out-of-school, 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 mental

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

(b) In addition to meeting the requirements of K.A.R. 91-12-23, 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.

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

(d) This regulation shall take effect on July 1, 1990.

TABLE VI
Class Size and Caseload for Programs for Behavior Disorders

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; amended July 1, 1990.)

91-12-56. Physically and other health impaired. (a) If screening procedures indicate a physical or health im-

pairment, the local education agency shall include the following as part of the comprehensive evaluation:

(1) Evaluations by therapists, nurses, physicians, and other qualified health providers to determine conclusively whether a physical or health impairment exists; and

(2) comprehensive evaluation to determine the extent to which the physical or other health impairment restricts or prevents meaningful and productive participation in general or special education environments.

(b) Identification of autistic children.

(1) In addition to the requirements of K.A.R. 91-12-40, the following criteria shall be met if a child is to be identified as autistic:

(A) Onset of autistic characteristics before 30 months of age;

(B) pervasive lack of responsiveness to other people and to the environment;

(C) gross deficits in speech and language development; and

(D) absence of delusions, hallucinations, loosening of associations, and incoherence as are typical in schizophrenia.

(2) Any local education agency may identify a child as autistic even though the child currently is not exhibiting all the characteristics of autism, if the child once exhibited all the characteristics of autism, and currently is unable to benefit from education without special education and related services.

(c) The type of special education services provided to physically and other health impaired children shall be determined by educational needs.

(d) Class size and caseload limitations.

(1) Class size and caseload limitations for physically and other health impaired children shall be determined upon the basis of the delivery model used, the extent of services needed and the distances that must be traveled to provide services.

(2) If any local education agency establishes a separate classroom for autistic children, the class size ratio shall be as prescribed in Table VII.

TABLE VII
Class Size for Special Classes for Autistic Students

Number of Students	Teacher	Paraprofessionals
1	1	0
2-3	1	1
4-6	1	2

(e) Teachers assigned to autistic classrooms shall be approved on the basis of a special education endorsement most appropriate to the children's functional and chronological age levels.

(f) This regulation shall take effect on July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990.)

91-12-57. Severely multiply handicapped and deaf-blind. (a) Children shall not be placed in an educational program for severely multiply handicapped on the basis of their one, most severe, disability, but on their unique learning characteristics and instructional needs.

(b) In addition to the requirements of K.A.R. 91-12-

(continued)

40, additional specialized assessments shall be sought to assist in the educational program planning as necessary. Such assessments may include tests by medical personnel, physical or occupational therapists, or ophthalmologists. A multidisciplinary team shall conduct a systematic, in-depth appraisal of each child to assure that one dominant impairment does not prevent the identification and assessment of other disabilities. Such dominant impairments may include cerebral palsy, deafness, or blindness.

(c) Class size limitations shall be as prescribed in Table VIII.

(d) This regulation shall take effect July 1, 1990.

TABLE VIII

Class Size and Caseload for Programs for Severely Multiply Handicapped and Deaf-Blind

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Special Classroom	2—With one or more paraprofessionals to a maximum of 4 students 5—Two or more paraprofessionals to a maximum of 8 students

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990.)

91-12-53. 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) Each child's regular teacher or a regular teacher qualified to teach a child of that age 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 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 dissenting 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 shall be as prescribed in Table IX.

(c) This regulation shall take effect on July 1, 1987.* [July 1, 1990] see Editor's Note following regulation.

TABLE IX
Class Size and Caseload for Programs
for Learning Disabled

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, October 1, 1986; amended May 1, 1987; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990.)

* (Editor's note: The Kansas Department of Education has informed the Secretary of State's Office of a clerical error in K.A.R. 91-12-58. Where the effective date "July 1, 1987" appears, the Secretary of State has inserted in lieu thereof "July 1, 1990.")

91-12-59. Visually impaired. (a) Screening and identification. In addition to the requirements of K.A.R. 91-12-40, when visual impairment is the suspected disability, the child's parent shall provide any recommended treatment or correction or both resulting from an eye examination by an eye specialist prior to the comprehensive evaluation.

(b) Class size or caseloads. The class size or caseload of each teacher of the visually handicapped children shall be established from the individualized education programs of the identified students served by that teacher.

(c) Mandatory state reporting. All legally blind children age birth to 21 years shall be reported, as soon as identified, to the special education administration section.

(d) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990.)

91-12-60. Related services. (a) Categorical special education reimbursement may be authorized for art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, special music education, speech or language services, and transportation by the Kansas state department of education. Requests for reimbursement for any other related service shall be submitted to the special education administration section. Requests shall be approved or disapproved on an individual basis.

(b) Local education agencies shall not be responsible for the delivery of medical treatment, but shall be re-

sponsible for the provision of medical services for diagnostic or evaluation purposes which are necessary to the educational planning and programming for each exceptional child.

(c) Local education agencies shall be responsible for the provision of school health services, including clean intermittent catheterization, which allow any child to be maintained in the least restrictive environment.

(d) School districts shall not be responsible for psychological, psychiatric, or social services required to treat generalized mental health problems. Psychotherapy shall not be considered medical in nature, and its provision shall not be a responsibility of the public schools.

(e) The following related services shall be treated as a special education service if any child's individualized education program indicates that that child cannot continue to function in regular education without the service or services:

(1) Occupational therapy, physical therapy, paraprofessionals, or transportation when needed to maintain students in regular education; and

(2) interpreters for any deaf child who, without this service, would have to be educated in a more restrictive environment.

(f) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 12-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended July 1, 1990.)

91-12-61. Paraprofessionals in special education. (a) No special education paraprofessional shall:

(1) Be solely responsible for a classroom or a professional support or related service;

(2) select or administer formal diagnostic or psychological instruments or interpret the results of those instruments unless authorized under K.A.R. 91-12-62;

(3) program or prescribe educational activities or materials for the students without the supervision and guidance of the teacher;

(4) be solely responsible for preparing lesson plans or initiating original concept instruction;

(5) be assigned to work with one or more of the most difficult students the majority of the school day merely for the convenience of the teacher;

(6) be employed in lieu of needed itinerant special education personnel;

(7) be utilized as a substitute teacher, unless the paraprofessional possesses the appropriate certificate; or

(8) be enrolled as an elementary or secondary school student.

(b) Assignment.

(1) Any paraprofessional may be assigned to a regular classroom program where one or more special education students are being maintained, but that paraprofessional shall be supervised by a special education teacher who meets the requirements in K.A.R. 91-12-22 (rr) (1) through (4), and shall be assigned duties that relate solely to the education of exceptional children.

(2) Each local education agency shall obtain individual approval from the special education administration section for any paraprofessional whose only assignment is to assist

(continued)

students with one or more hearing, physical or visual impairments in a regular classroom program.

(3) No more than three paraprofessionals, whether full time or part time, shall be assigned to a single professional, unless otherwise prescribed in these rules and regulations. No paraprofessional shall be assigned to more than two professionals.

(4) Any paraprofessional assigned to an itinerant professional may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and the paraprofessional at least twice each week. If the itinerant professional is not present each day, the paraprofessional shall be assigned to, and supervised by, a designated principal or regular classroom teacher.

(5) Each paraprofessional who is assigned to a work site that is off school property shall be assigned to a special education teacher.

(A) The special education teacher shall work with the paraprofessional and the student a minimum of twice a week.

(B) A designated person at the off-school property location shall monitor the paraprofessional when the special teacher is not present.

(c) Approval of paraprofessional programs.

(1) Inservice program standards. Each local education agency shall file with the special education administration a plan for inservice training for special education instructional paraprofessionals. At the conclusion of each school year, a report shall be filed that describes the training that occurred during the school year.

(2) Each inservice training program shall include:

(A) An orientation session; and

(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed. Each special education instructional paraprofessional shall receive no less than 20 clock hours of inservice training per school year.

(d) Each special education instructional paraprofessional shall possess a paraprofessional I, II, or III permit.

(1) The requirements for a Paraprofessional I permit shall be participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. The local education agency may choose to substitute all or part of the above requirements with an equivalent amount of appropriate college coursework taken during the school year. Each paraprofessional, without prior experience as an instructional paraprofessional, shall be approved and shall receive a paraprofessional I permit after participation in 20 clock hours of inservice training.

(2) The requirements for a paraprofessional II permit shall be:

(A) Two years experience as an instructional paraprofessional;

(B) completion of 30 semester college hours of approved academic work, an equivalent 450 clock hours of approved inservice training, or a combination of each of the two totaling 450 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(3) The requirements for a paraprofessional III permit shall be:

(A) Three years experience as an instructional paraprofessional;

(B) completion of 60 semester hours of approved academic work; an associate degree from an approved training program for instructional paraprofessionals; a certificate from an approved training program for instructional paraprofessionals from a vocational technical school; an equivalent 900 clock hours of approved inservice training; or a combination of these totaling 900 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(e) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended July 1, 1990.)

91-12-62. School psychology services. (a) The related service of school psychology shall be provided as required to assist an exceptional child to benefit from special education. The services shall be provided by a school psychologist certificated and endorsed by the state board of education or by a clinical psychologist licensed by the Kansas behavioral sciences regulatory board.

(b) The ratio of total student population to one school psychologist shall not exceed 1500 to 1.

(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 who are provisionally endorsed as a school psychologist shall be considered professionals for reimbursement purposes.

(e) 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.

(f) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1988; amended July 1, 1990.)

91-12-63. School social work services. (a) The related service of school social work shall be provided as required

to assist an exceptional child to benefit from special education. The services shall be provided by a school social worker certificated and endorsed by the state board of education or by a master social worker licensed by the Kansas behavioral sciences regulatory board.

(b) The ratio of total student population to one school social worker shall not exceed 1500 to 1.

(c) School social work paraprofessionals shall:

(1) Hold a baccalaureate degree in social work;

(2) perform tasks related to school social work for which they are trained;

(3) not be involved in intervention techniques, including psychotherapy;

(4) be under the direct supervision of a school social worker who provides monitoring and assistance at least two hours per week for each paraprofessional; and

(5) hold a paraprofessional permit.

(d) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990.)

91-12-65. Vocational programs. (a) Each local education agency shall adopt procedures for assuring participation of handicapped students in vocational programs. Such procedures shall include:

(1) An assessment of the interests, abilities, and special needs required for participation in vocational programs and transition to adult life planning for each handicapped student;

(2) adaptation of curriculum, instruction, equipment, and facilities designed to meet the needs of each handicapped student participating in vocational programs;

(3) counseling services designed to facilitate the transition from school to post-school employment and career opportunities; and

(4) information concerning the opportunities available in regular and adapted vocational education programs. Such information shall be provided at least one year before a student enters the grade level in which vocational education programs are first generally available, but no later than 9th grade, and shall include the requirements for eligibility for enrollment in such vocational education programs.

(b) This regulation shall take effect July 1, 1990. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990.)

91-12-70. Compulsory attendance in special education services. (a) When a determination has been made under K.S.A. 72-972 to 72-975, inclusive, and any amendments to those statutes, that a person is an exceptional child, other than a gifted child, it shall be the duty of the lawful custodian of the child to require the child to attend the special education services provided for the child, from age five until the child reaches age 16 or completes the special education curriculum for that child, whichever comes first.

(b) This regulation shall take effect on July 1, 1990. (Authorized by K.S.A. 72-963; implementing K.S.A. 1988 Supp. 72-962 and K.S.A. 72-977; effective May 1, 1985; amended July 1, 1990.)

91-12-73. Availability of services. (a) Each local

board of education shall make available special education and related services for all school age exceptional children.

(b) On and after September 1, 1991, such services shall be made available for each handicapped child between age three as of September 1 of the current school year and the age at which regular education services are offered to non-exceptional children. Such services shall not be compulsory upon any child.

(c) Such services shall also be made available, though not compulsory upon any child, to and including the school year in which the exceptional child reaches age 21 or completes the special education curriculum for that child, whichever event comes first.

(d) Services for children under age three shall be authorized but not mandated and nothing in these rules and regulations shall be construed to prevent the use of local funds or state special education categorical funds for preschool children from birth to age three.

(e) This regulation shall take effect on July 1, 1990. (Authorized by K.S.A. 72-963; implementing K.S.A. 1988 Supp. 72-962 and K.S.A. 72-966; effective July 1, 1990.)

DR. LEE DROEGEMUELLER
Commissioner of Education

Doc. No. 008608

State of Kansas

OFFICE OF SECRETARY OF STATE

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

BILL GRAVES
Secretary of State

(Published in the *Kansas Register*, December 14, 1989.)

HOUSE BILL No. 2004

AN ACT relating to property taxation; concerning the exemption of merchants' and manufacturers' inventories therefrom; amending K.S.A. 79-201m and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 79-201m is hereby amended to read as follows: 79-201m. To the extent herein specified, merchants' and manufacturers' inventory shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas.

(a) As used in this section:

(1) "Merchant" means and includes every person, company or corporation who shall own or hold, subject to their control, any tangible personal property within this state which shall have been purchased primarily for resale in the ordinary course of business without modification or change in form or substance, and without any intervening use, except that, an incidental use, including but not limited to the rental or lease of any such property, shall not be deemed to be an intervening use;

(2) "manufacturer" means and includes every person, company or corporation who is engaged in the business of transforming, refining or combining materials and labor to convert tangible personal property from one form to another including packaging; and

(3) "inventory" means and includes those items of tangible

(continued)

personal property that: (1) Are primarily held for sale in the ordinary course of business (finished goods); (2) are in process of production for such sale (work in process); or (3) are to be consumed either directly or indirectly in the production of finished goods (raw materials and supplies). A capital asset subject to depreciation or cost recovery accounting for federal income tax purposes that is retired from regular use by its owner and held for sale or as standby or surplus equipment by such owner shall not be classified as inventory.

(b) The provisions of this section shall not apply to any tangible personal property of a public utility as defined by K.S.A. 79-5a01, and amendments thereto.

The provisions of this section shall apply to all taxable years commencing after December 31, 1988.

Sec. 2. K.S.A. 79-201m is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, December 14, 1989.)

HOUSE BILL No. 2001

AN ACT concerning property taxation: relating to the dates for payment of property taxes levied in 1989; concerning the procedure for protest of taxes; concerning distribution to taxing subdivisions; concerning the levy of 1989 property taxes; concerning interest rates on delinquent taxes; providing authority for taxing districts to issue tax anticipation notes; relating to assessment-sales ratio study publication date; amending K.S.A. 79-1436 and K.S.A. 1988 Supp. 79-501, 79-1437, 79-2004, 79-2004a and K.S.A. 1989 Supp. 12-1678a and 79-2004a and repealing the existing sections; also repealing K.S.A. 1987 Supp. 79-2005, as amended by section 324 of chapter 356 of the 1988 Session Laws of Kansas.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1988 Supp. 79-2004 is hereby amended to read as follows: 79-2004. (a) Except as provided by subsection (d), any person charged with real estate property taxes on the tax books in the hands of the county treasurer may pay, at such person's option, the full amount thereof on or before December 20 of each year, or $\frac{1}{2}$ thereof on or before December 20 and the remaining $\frac{1}{2}$ on or before June 20 next ensuing. If the full amount of the real estate property taxes listed upon any tax statement is \$10 or less the entire amount of such tax shall be due and payable on or before December 20.

In case the first half of the real estate property taxes remains unpaid after December 20, the first half of the tax shall draw interest at the rate per annum prescribed by subsection (b) of K.S.A. 79-2968, and amendments thereto, and may be paid at any time prior to June 20 following by paying $\frac{1}{2}$ of tax together with interest at above such rate from December 20 to date of payment. And All real estate property taxes of the preceding year and accrued interest thereon which remain due and unpaid on June 21 shall draw accrue interest at the rate per annum prescribed by subsection (b) of K.S.A. 79-2968, and amendments thereto, from June 20 until paid, or until the real estate property is sold for taxes by foreclosure as provided by law. Except as provided by subsection (c), all interest herein provided shall be credited to the county general fund, and whenever any such interest is paid the county treasurer shall enter the amount of interest so paid on the tax rolls in the proper column and account for such sum.

(b) Whenever any date prescribed in subsection (a) for the payment of real estate property taxes occurs on a Saturday or Sunday, such date for payment shall be extended until the next-following regular business day of the office of the county treasurer.

(c) The board of county commissioners may enter into an agreement with the governing body of any city located in the county for the distribution of part or all of the interest paid on special assessments levied by the city which remain unpaid.

(d) (1) With respect to property tax levied upon real property in 1989, and in lieu of the provisions prescribed in subsection (a), any person may pay the full amount thereof on or before January 16, 1990, or $\frac{1}{2}$ thereof on or before January 16, 1990, and the remaining $\frac{1}{2}$ on or before June 20, 1990. With respect to property tax levied upon real property in 1989, the valuation of which is the subject of a protest pursuant to K.S.A. 79-2005, and amendments thereto, any person so appealing or protesting may pay $\frac{1}{4}$ thereof on or before January 16, 1990, $\frac{1}{4}$ thereof on or before March 20, 1990, and the remaining $\frac{1}{2}$ on or before June 20, 1990. If the full

amount of the real property taxes is \$10 or less, the entire amount thereof shall be due and payable on or before January 16, 1990.

(2) In the event the first half of the real property taxes remains unpaid after January 16, 1990, the first half of the tax shall draw interest at the rate of 12% per annum, and may be paid at any time prior to June 20, 1990, by paying $\frac{1}{2}$ of the tax together with interest at such rate from January 16, 1990, to the date of payment. In the event that any $\frac{1}{4}$ of the real property taxes remains unpaid after the date upon which such $\frac{1}{4}$ is required to be paid, such $\frac{1}{4}$ shall draw interest at the rate of 12% per annum, and may be paid at any time prior to June 20, 1990, by paying such $\frac{1}{4}$ together with interest from the date such $\frac{1}{4}$ was due to the date of payment. All real property taxes levied in 1989 and accrued interest thereon which remain due and unpaid on June 21, 1990, shall accrue interest at the rate of 12% per annum, from June 20, 1990, until paid or until such property is sold for taxes pursuant to law. Except as provided by subsection (c), all interest herein provided shall be credited to the county general fund, and whenever any such interest is paid, the county treasurer shall enter the amount of interest so paid on the tax rolls in the proper column and account for such sum.

Sec. 2. K.S.A. 1988 Supp. 79-2004a is hereby amended to read as follows: 79-2004a. (a) Except as provided in subsection (c), any person, firm, unincorporated association, company or corporation taxpayer charged with personal property taxes on the tax books in the hands of the county treasurer may at its such taxpayer's option pay the full amount thereof on or before December 20 of each year, or $\frac{1}{2}$ thereof on or before December 20 and the remaining $\frac{1}{2}$ thereof on or before June 20 next ensuing, except that: (1) All unpaid personal property taxes of the preceding year must first be paid, except that; and (2) if the full amount of the personal property taxes listed upon any tax statement shall be \$10 or less the entire amount of such taxes shall be due and payable on or before December 20.

In the event anyone charged with personal property taxes shall fail to pay the first half thereof on or before December 20, the full amount thereof shall become immediately due and payable.

In case the first half of the taxes remains unpaid after December 20, the entire and full amount of personal property taxes charged shall draw interest at the rate per annum prescribed by K.S.A. 79-2968(b), and amendments thereto, from December 20 to date of payment. All personal property taxes of the preceding year and interest thereon which shall remain due and unpaid on June 21 shall draw interest at the rate per annum prescribed by K.S.A. 79-2968(b), and amendments thereto, from June 20 until paid. All interest herein provided for shall be credited to the county general fund and retained by the county, and whenever any such interest is paid, the county treasurer shall enter the amount of interest so paid on the tax rolls in the proper column and account for such sum.

(b) Whenever any date prescribed in subsection (a) for the payment of personal property taxes occurs on a Saturday or Sunday, such date for payment shall be extended until the next-following regular business day of the office of the county treasurer.

(c) (1) With respect to property tax levied upon personal property in 1989, and in lieu of the provisions prescribed in subsection (a), any taxpayer may pay the full amount thereof on or before January 16, 1990, or $\frac{1}{2}$ thereof on or before January 16, 1990, and the remaining $\frac{1}{2}$ on or before June 20, 1990. If the full amount of the personal property taxes is \$10 or less, the entire amount thereof shall be due on or before January 16, 1990.

(2) In the event the first half of the personal property taxes remains unpaid after January 16, 1990, the entire and full amount of personal property taxes shall become immediately due and payable, and such amount shall accrue interest at the rate of 12% per annum, from January 16, 1990, to the date of payment. All personal property taxes levied in 1989 and interest thereon which remain unpaid on June 21, 1990, shall accrue interest at the rate of 12% per annum, from June 20, 1990, until paid. All interest herein provided shall be credited to the county general fund and retained by the county, and whenever any such interest is paid, the county treasurer shall enter the amount of interest so paid on the tax rolls in the proper column and account for such sum.

Sec. 3. K.S.A. 1988 Supp. 79-2005 is hereby amended to read as follows: 79-2005. (a) Any taxpayer, before protesting the payment of such taxpayer's taxes, shall be required, either at the time of paying such taxes, or, if the whole or part of the taxes are paid prior

to December 20, no later than December 20, or, with respect to taxes levied in 1989, if the whole or part of the taxes are paid on or before January 16, 1990, no later than January 16, 1990, to file a written statement with the county treasurer, on forms approved by the director of property valuation state board of tax appeals and provided by the county treasurer, clearly stating the grounds on which the whole or any part of such taxes are protested and citing any law, statute or facts on which such taxpayer relies in protesting the whole or any part of such taxes. The county treasurer shall forward a copy of the written statement of protest to the county appraiser who shall within 15 days of the receipt thereof, schedule ~~an informal~~ a formal meeting with the taxpayer or such taxpayer's agent or attorney with reference to the property in question. The county appraiser shall review the appraisal of the taxpayer's property with the taxpayer or such taxpayer's agent or attorney and may change the valuation of the taxpayer's property, if in the county appraiser's opinion a change in the valuation of the taxpayer's property is required to assure that the taxpayer's property is valued according to law, and shall, within five business days thereof, notify the taxpayer and the state board of tax appeals, in the event the valuation of the taxpayer's property is changed, in writing of the results of the ~~informal~~ formal meeting. The state board of tax appeals may within 30 days review such change and schedule a hearing thereon upon a finding that the taxpayer's property may not be valued according to law. If the state board of tax appeals takes no action within such 30 day period, the results of the formal meeting shall be final.

(b) If the grounds of such protest shall be that the valuation or assessment of the property upon which the taxes so protested are levied is illegal or void, such statement shall further state the exact amount of valuation or assessment which the taxpayer admits to be valid and the exact portion of such taxes which is being protested.

(c) If the grounds of such protest shall be that any tax levy, or any part thereof, is illegal, such statement shall further state the exact portion of such tax which is being protested.

(d) Upon the filing of a written statement of protest, the grounds of which shall be that any tax levied, or any part thereof, is illegal, the county treasurer shall mail a copy of such protest to the governing body of the taxing district making the levy being protested.

(e) Within 30 days after notification of the results of the ~~informal~~ formal meeting, the protesting taxpayer must file an application for refund with the may, if aggrieved by the results of the formal meeting with the county appraiser, appeal such results to the board of county commissioners, or the hearing officer or panel appointed pursuant to K.S.A. 79-1602, of the county wherein the property is located by filing a notice of such appeal with the county clerk, or, at the taxpayer's option, the taxpayer may appeal the results of the formal meeting directly to the state board of tax appeals, on forms approved by the state board of tax appeals and provided by the county treasurer, together with a copy of the written statement of protest. A copy of the written notification of the results of the formal meeting with the county appraiser shall be provided by the county appraiser.

(f) Upon receipt of the application for refund copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser, the board of county commissioners or hearing officer or panel shall within 30 days of such receipt hear the taxpayer's appeal and shall within 15 days thereafter notify the taxpayer and the state board of tax appeals, in the event the valuation of the taxpayer's property is changed. The state board of tax appeals may within 45 days review such change and schedule a hearing thereon upon a finding that the taxpayer's property may not be valued according to law. If the state board of tax appeals takes no action within such 45 day period, the decision of the board of county commissioners or the hearing officer or panel shall be final. If the taxpayer remains aggrieved by the results of such hearing, such taxpayer may appeal such results to the state board of tax appeals within 30 days of the date of such notice. Thereupon, the board shall docket the same and notify the taxpayer and the county treasurer of such fact. In addition thereto if the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(g) After examination of the application for refund copy of the

written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser, the board shall fix a time and place for hearing conduct a hearing in accordance with the provisions of the Kansas administrative procedure act, unless waived by the interested parties in writing, and shall notify the taxpayer and the county treasurer of the time and place so fixed. The county treasurer shall then notify the clerk, secretary or presiding officer of the governing body of any taxing district affected by such application for refund, of the time and place for hearing. In addition thereto if the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(h) In the event of a hearing, the same shall be originally set not later than 90 days after the filing of the application copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser with the board. In all instances where the board sets a request for hearing and requires the representation of the county by its attorney or counselor at such hearing, the county shall be represented by its county attorney or counselor.

(i) When a determination is made as to the merits of an application for refund the tax protest, the board shall enter render and serve its order thereon and give notice of the same to the taxpayer, county treasurer, and other interested parties as determined by the board by mailing to each a certified copy of its order. The county treasurer shall notify all affected taxing districts of the amount by which tax revenues will be reduced as a result of a refund. The date of an order, for purposes of filing an appeal to the district court, shall be the date of certification.

(j) If a protesting taxpayer fails to file such application for refund a copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser with the board within the time limit prescribed, such protest shall become null and void and of no effect whatsoever.

(k) In the event the board orders that a refund be made and no appeal is taken from such order, the county treasurer shall, as soon thereafter as reasonably practicable, refund to the taxpayer such protested taxes from tax moneys collected but not distributed. Upon making such refund, the county treasurer shall charge the fund or funds having received such protested taxes.

(l) Whenever, by reason of the refund of taxes from any fund, it will be impossible to pay for the imperative functions of such fund for the current budget year, the governing body of the taxing district affected shall issue no-fund warrants in an amount necessary to pay such refund. Such warrants shall conform to the requirements prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such section and may be issued without the approval of the state board of tax appeals. The governing body of such taxing district shall make a tax levy at the time fixed for the certification of tax levies to the county clerk next following the issuance of such warrants sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and the tax levy limitations imposed by article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto, shall not apply to such levies.

(m) The county treasurer shall disburse to the proper funds all portions of taxes paid under protest and shall maintain a record of all portions of such taxes which are so protested and shall notify the governing body of the taxing district levying such taxes thereof and the director of accounts and reports if any tax protested was levied by the state.

(n) This statute shall not apply to the valuation and assessment of property assessed by the director of property valuation and it shall not be necessary for any owner of state assessed property, who has an appeal pending before the board of tax appeals, to protest the payment of taxes under this statute solely for the purpose of protecting the right to a refund of taxes paid under protest should that owner be successful in that appeal.

Sec. 4. K.S.A. 1989 Supp. 12-1678a is hereby amended to read as follows: 12-1678a. (a) For the purposes of this section, taxes shall include ad valorem property taxes, local gross earnings taxes, special

(continued)

assessments and all other taxes and fees collected with or at the same time as ad valorem property taxes.

(b) The board of county commissioners of any county may invest the undistributed taxes of any taxing subdivision in the possession of the county treasurer pursuant to the provisions of this section. The moneys shall be invested pursuant to K.S.A. 12-1675 and 12-1676, and amendments thereto.

(c) The county treasurer shall distribute the taxes collected for each taxing subdivision within or partially within the county as follows:

(1) On or before January 20, July 20 and October 31, the estimated amount collected for and owed to the taxing subdivision, but not less than the amount actually collected as of not more than 20 days prior to the distribution date, and on or before the last business day before March 5, May 20 and September 5, not less than 95% of the estimated amount collected for and owed to each taxing subdivision but not less than the amount actually collected as of not more than 20 days prior to the distribution date. Except as provided in subsection (d), no payments of any interest earned on the investment of the tax collections shall be paid to the taxing subdivisions.

(2) *In addition to the distributions required by the foregoing provisions of this section, the county treasurer shall make a distribution on February 5, 1990, of the estimated amount collected for and owed to each taxing subdivision, but not less than the amount actually collected as of January 17, 1990.*

(3) To those taxing subdivisions which request special payment in advance of the dates provided by subsection (c)(1), in order to meet the expenditure needs of the taxing subdivisions as certified by the chief financial officer or governing body thereof, as follows: The amount requested, but not exceeding the amount actually collected for and owed to the taxing subdivision. When requesting an advance payment, the chief financial officer or the governing body of the taxing subdivision shall certify that the taxing subdivision has neither sufficient cash on hand nor any investment which can be converted to cash to meet the expenditure needs of the taxing subdivision. Except as provided by this subsection, the county treasurer shall distribute the payment requested. No payment shall be made under this subsection between December 1 of any year and January 1 of the next succeeding year, or between June 1 and July 1 of any year.

(d) The board of county commissioners and the governing body of any taxing subdivision within or partially within the county may enter into agreements providing for the distribution of taxes and any interest earnings thereon in a manner alternative to the methods provided by this section, and any such agreements now in existence shall not be deemed to be invalidated by this enactment.

(e) All moneys received by the county as interest upon the investment of undistributed taxes, and not paid to taxing subdivisions as provided or authorized shall be retained by the county treasurer and shall be paid into the general fund of the county.

New Sec. 5. (a) The governing body of any taxing subdivision which submitted a budget and certified the amount of property tax to be levied for the year 1989 upon taxable tangible property within the subdivision is hereby authorized to amend such budget and amount of property tax to be levied for the purpose of reducing the amount of taxes to be so levied without notice and hearing at any time prior to January 16, 1990. Such amended budget and certificate of the amount of property tax to be levied shall be filed in the office of the county clerk.

(b) The county clerk shall make the reduction so requested and certified and compute reduced tax levy rates based thereon. Thereupon the county clerk shall place the tax upon a supplemental tax roll of properties affected thereby and certify the same to the county treasurer.

(c) The reduction in property taxes resulting from the operation of subsection (a) shall be deducted from each taxpayer's 1989 property tax bill. In the event a taxpayer has paid all of the 1989 property tax, the amount of such reduction shall be credited against the 1990 property tax levied upon such taxpayer's tangible property.

(d) Any governing body amending its budget as provided herein may be billed by the county for all reasonable direct and indirect administrative costs incurred by the county in making the adjustments provided for herein.

New Sec. 6. (a) The governing body of any taxing district, upon making a finding that it will have insufficient moneys on hand to meet its budgeted financial obligations as a result of any delay in the actual receipt of general property taxes during the year 1990, may issue tax anticipation notes. Notes issued pursuant to this act shall be authorized by resolution of the governing body thereof, which shall specify the maximum amount that may be issued based on the estimated additional cash needs of the taxing district resulting from delayed property tax receipts. The resolution may provide that the amount of notes actually issued at any one time shall be based on the periodic cash flow needs of the district, as determined by the chief elected or appointed governing body officer and the chief financial officer thereof, after consultation with the county treasurer, which shall not exceed the total amount authorized by the governing body. No tax anticipation notes shall be sold unless signed by the mayor, chairman, president, or other chief officer of the governing body and by the clerk or other chief financial officer of the district. The term of such notes shall be limited so that the principal and interest thereon shall be payable solely from revenues received by the taxing district during the fiscal year in which they were issued. Tax anticipation notes issued pursuant to this act may be sold to any purchaser, but shall not be sold at an effective interest rate higher than the lowest bid received from not less than three financial institutions located within this state. The notes may also be purchased by the taxing district from its utility or other enterprise funds, as determined by the governing body thereof. The interest on such tax anticipation notes shall be exempt from any taxes levied by the state and any taxing subdivision thereof.

(b) Nothing in this section shall prohibit the issuance of no-fund warrants, under the provisions of K.S.A. 79-2938, and amendments thereto, and K.S.A. 79-2005, and amendments thereto, in the event that additional tax revenue is needed in 1991 to retire such warrants.

(c) Tax anticipation notes issued under the authority of this act shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of this state.

(d) The provisions of this section shall expire on December 31, 1990.

Sec. 7. K.S.A. 79-1436 is hereby amended to read as follows: 79-1436. It shall be the duty of the director of property valuation, with the cooperation and assistance of registers of deeds, county appraisers or county clerks acting in the capacity of appraisers, and their deputies and clerks, to prepare and compile a listing of every tract or piece of real estate which has been or shall be either sold, transferred or contracted to be sold or transferred in each county and school district of the state, the conveyance or agreement evidencing the same having been recorded in the office of the register of deeds of such county. On forms provided by the director, such county officials shall monthly record the required information for collection by agents of the director who shall check to see that all transferred properties are included and shall make such further investigations as may be necessary to verify or supplement the information provided on the certificates of value and the reports prepared by the county officials. Such reports shall show:

(1) The date of the sale, transfer or agreement as evidenced by the date of the execution of the instrument;

(2) the purchase price of the particular tract or piece of real estate as shown by the instrument;

(3) the value of such tract or piece of real estate as reflected by the certificate of value;

(4) the amount of any mortgage on such tract or piece of real estate assumed by the purchaser, including any purchase money mortgage, executed by the purchaser;

(5) the assessed valuation of such tract or piece of real estate as of the date the instrument was executed as shown by the county assessment roll January 1 of the year for which the assessment-sales ratio study is published;

(6) the classification and subclassification, if any, of the property sold, transferred or contracted for sale; and

(7) such other information as the director deems necessary to carry out the purposes of this act. The director and the director's agents shall have the right of access to the assessment rolls and other records in the offices of the county clerks, county appraisers and registers of deeds for the purpose of securing information required by this act.

The provisions of this section shall apply to all taxable years commencing after December 31, 1988.

Sec. 8. K.S.A. 1988 Supp. 79-1437 is hereby amended to read as follows: 79-1437. (a) Upon securing information of real estate sales from the counties, the director shall determine, as nearly as possible, the sale price of each tract or piece of real estate and the ratio of the assessed valuation to the sale price. The director shall determine the average ratio of all sales of urban real estate and rural real estate and for each classification of property and for all classes combined in each county and unified school district for the twelve-month period ending on August 31 of such year. As soon as practicable after the certification of tax rolls to the county clerk, the director shall quarterly notify the board of county commissioners of each county and the school board of each unified school district of the ratios determined for such county or school district for the preceding quarter. In addition, the director shall determine the average ratio of all sales in all counties and unified school districts of the state for such twelve-month period. In determining the ratio of sales as required in this section, the director of property valuation shall, in all sales of property in which there is to be a change in the classification or subclassification of the property, place such sale in the proper classification or subclassification, and such sale resulting in a change of classification shall not be used in determining the ratio of the prior classification. Preliminary ratios for each twelve-month period shall be published annually by the director not later than December 15 next following the close of such period, in convenient form for the use and information of the legislature, taxpayers and other interested parties and public officers, and the final such ratios shall be published in such form not later than April 30 next ensuing. The annual report of the director of property valuation published as required by this section shall include reports of county and unified school district ratios of urban real estate and rural real estate, ratios for the classifications of property established by K.S.A. 79-1459 and amendments thereto and ratios for a combination of all classes of property within each county and unified school district. In addition thereto, such report shall include reports of statewide average ratios of sales of urban real estate, sales of rural real estate and of all sales

in all counties and unified school districts of the state for the period hereinbefore prescribed.

(b) If after publication of the annual report and prior to June 30 of the next ensuing year the director determines that any property is improperly classified or was improperly included in determining such ratios, the director shall correct such error or exclude such property and redetermine the ratios for any county or unified school district. The director shall report any such corrections made to the affected county or unified school district.

(c) The provisions of this section shall apply to all taxable years commencing after December 31, 1988.

Sec. 9. K.S.A. 1988 Supp. 79-501 is hereby amended to read as follows: 79-501. Each parcel of real property shall be appraised at its fair market value in money, the value thereof to be determined by the appraiser from actual view and inspection of the property; and. The price at which such real property would sell at auction or forced sale shall not may be taken as the a criterion of such fair market value in money in the market place of such sale if the appraiser believes such price to be a reasonable factor in arriving at fair market value. The price at which real property would sell at auction may be taken as the criterion of fair market value in money if the appraiser determines such sale to be an arms-length transaction between a willing buyer and seller. In addition, land devoted to agricultural use shall be valued as provided by K.S.A. 79-1476, and amendments thereto. Tangible personal property shall be appraised at its fair market value in money except as provided by K.S.A. 79-1439, and amendments thereto. All such real and tangible personal property shall be assessed at the rate prescribed by K.S.A. 79-1439, and amendments thereto.

New Sec. 10. Every escrow agent responsible for payment of real estate taxes shall provide to the mortgagor a statement containing the property tax levied thereon in 1989, prior to January 16, 1990.

Sec. 11. K.S.A. 79-1436 and K.S.A. 1988 Supp. 79-501, 79-1437, 79-2004, 79-2004a and 79-2005 and K.S.A. 1987 Supp. 79-2005, as amended by section 324 of chapter 356 of the 1988 Session Laws of Kansas, and K.S.A. 1989 Supp. 12-1678a are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

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