

**Agency 91**  
**Kansas State Department of Education**

**Editor's Note:**

Regulations adopted under constitutional authority exempt from general filing act. See, Opinion of Attorney General No. 81-236.

Filing requirements for regulations adopted under constitutional authority. See K.S.A. 72-7514b.

*Articles*

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- 91-2. STANDARDS AND PROCEDURES FOR ACCREDITING HIGH SCHOOLS. *(Not in active use)*
- 91-3. STANDARDS AND PROCEDURES FOR ACCREDITING JUNIOR HIGH SCHOOLS. *(Not in active use)*
- 91-4. STANDARDS AND PROCEDURES FOR ACCREDITING ELEMENTARY SCHOOLS. *(Not in active use)*
- 91-5. DRIVER AND TRAFFIC SAFETY EDUCATION COURSES.
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- 91-17. SPECIAL HIGH SCHOOLS. *(Not in active use)*
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- 91-21. DISORGANIZATION OF A UNIFIED SCHOOL DISTRICT BY ELECTION.
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- 91-23. STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL HIGH SCHOOLS. *(Not in active use)*
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- 91-25. COMMUNITY COLLEGES.
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- 91-27. STANDARDS AND PROCEDURES FOR ACCREDITING AREA VOCATIONAL-TECHNICAL SCHOOLS AND VOCATIONAL SCHOOLS. *(Not in active use)*
- 91-28. STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL PURPOSE SCHOOLS. *(Not in active use)*
- 91-29. PROCEDURES FOR EMPLOYEES OF THE KANSAS STATE SCHOOLS FOR THE DEAF AND VISUALLY HANDICAPPED TO PARTICIPATE IN TAX SHELTERED ANNUITIES.

*Articles*

- 91-30. ACCREDITATION. (*Not in active use*)  
 91-31. ACCREDITATION.  
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**Article 1.—CERTIFICATE REGULATIONS**

**91-1-1.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-1-1a.** (Authorized by and implementing K.S.A. 72-1388; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-2.** (Authorized by and implementing K.S.A. 72-1387, 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1976; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-3.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-4.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-19, June 19, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; modified, L. 1975, ch. 359, May 1, 1975; amended May 1, 1978; amended, E-79-34, Dec.

20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-5.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended, E-68-10, March 19, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1975; amended Feb. 15, 1977; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-6.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-67-16, Aug. 25, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; revoked May 1, 1979.)

**91-1-7.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; revoked May 1, 1982.)

**91-1-8.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-9.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1975; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-10.** (Authorized by and implementing K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended May

1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-11.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1980.)

**91-1-12.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-71-38, Sept. 22, 1971; amended Jan. 1, 1972; revoked May 1, 1979.)

**91-1-12a.** (Authorized by and implementing K.S.A. 72-1388; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-13.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-1-14.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-15.** (Authorized by K.S.A. 71-1388, and implementing K.S.A. 72-1383, 72-1388, 72-5412; effective Jan. 1, 1966; amended, E-67-7, June 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1982.)

**91-1-16.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1980.)

**91-1-17.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-74-10, Dec. 7, 1973; amended May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**91-1-18.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-1-19.** (Authorized by and implementing K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-73-3, Nov. 16, 1972; amended May 1, 1975; amended May 1, 1976; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-20.** (Authorized by K.S.A. 72-1388; ef-

fective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-1-21.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1982.)

**91-1-22.** (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sept. 22, 1971; amended Jan. 1, 1972; amended, E-72-25, Aug. 25, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-24, April 22, 1974; modified, L. 1975, ch. 360, May 1, 1975; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-23.** (Authorized by K.S.A. 72-1388; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1979; amended, E-80-22, Dec. 12, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-24.** (Authorized by K.S.A. 1979 Supp. 72-7513; effective May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

**91-1-25.** (Authorized by K.S.A. 72-1388; effective May 1, 1980; revoked May 1, 1982.)

**91-1-26.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; revoked June 30, 2003.)

**91-1-27.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1984; amended June 1, 1988; revoked June 30, 2003.)

**91-1-27a.** This regulation shall be revoked on June 30, 2003. (Authorized by K.S.A. 1984 Supp. 72-1388, as amended by sec. 1 of 1985 HB 2461; implementing K.S.A. 1984 Supp. 72-1388, as amended by sec. 1 of 1985 HB 2461, 72-1394; effective May 1, 1986; revoked June 30, 2003.)

**91-1-27b.** This regulation shall be revoked

on June 30, 2003. (Authorized by K.S.A. 72-1388; implementing K.S.A. 72-1396; effective May 1, 1986; amended March 13, 1989; amended Sept. 3, 1990; revoked June 30, 2003.)

**91-1-27c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-27d.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Sec. 2(a) of the Kansas Constitution; effective June 29, 1992; revoked June 30, 2003.)

**91-1-28.** This regulation shall be revoked June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1986; amended May 1, 1987; amended June 1, 1988; revoked June 30, 2003.)

**91-1-29.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-30.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended June 1, 1993; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-30a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1986; amended Aug. 15, 1994; revoked June 30, 2003.)

**91-1-31.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kans. Const. Art. 6, Sec. 2; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1984; revoked June 30, 2003.)

**91-1-32.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1984; amended July 1, 1989; amended July 1, 1991; revoked June 30, 2003.)

**91-1-32a.** This regulation shall be revoked on and after July 1, 1989. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective July 12, 1985; amended March 12, 1986; revoked July 1, 1989.)

**91-1-33.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1986; amended June 1, 1988; amended March 13, 1989; revoked June 30, 2003.)

**91-1-34.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; amended Jan. 28, 1991; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-35.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-36.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

**91-1-37.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-38.** This regulation shall be revoked on and after July 1, 1989. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 1, 1989.)

**91-1-39.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-40.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-41.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-42.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-43.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-44.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended June 1, 1988; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-45.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-46.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-47.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-48.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-49.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-50.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-51.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-52.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2, effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked June 30, 2003.)

**91-1-53.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-54.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-55.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-56.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended April 25, 1994; revoked Sept. 15, 2000.)

**91-1-57.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; revoked June 30, 2003.)

**91-1-58.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1,



1987; amended July 1, 1989; amended Sept. 3, 1990; revoked June 30, 2003.)

**91-1-59.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1985.)

**91-1-60.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; effective (permanent) May 1, 1982; amended May 1, 1984; amended July 1, 1989; revoked June 30, 2003.)

**91-1-61.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended (temporary) Dec. 14, 1984; amended (permanent) May 1, 1985; revoked May 19, 2000.)

**91-1-62.** This regulation shall be revoked July 1, 1991. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked July 1, 1991.)

**91-1-63.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; revoked Sept. 15, 2000.)

**91-1-64.** (Authorized by and implementing Kans. Const., Art. 6, Sec. 2; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1984; revoked May 1, 1986.)

**91-1-65.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended effective (temporary) July 9, 1982; (permanent) May 1, 1983; revoked Sept. 15, 2000.)

**91-1-66. School nurse endorsement.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 9, 1982.)

**91-1-67.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-68.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1982; revoked Sept. 2, 1991.)

**91-1-68a.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended June 26, 1995; amended Oct. 6, 2000; revoked Aug. 6, 2004.)

**91-1-68b.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended June 26, 1995; amended Oct. 6, 2000; revoked Aug. 6, 2004.)

**91-1-68c.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended June 26, 1995; amended Dec. 27, 1996; amended Oct. 6, 2000; revoked Aug. 6, 2004.)

**91-1-68d.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended June 26, 1995; amended Oct. 6, 2000; revoked Aug. 6, 2004.)

**91-1-68e.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 26, 1995; amended Oct. 6, 2000; revoked Aug. 6, 2004.)

**91-1-69.** (Authorized by and implementing Kansas Constitution, Article 6, Section 2; effective May 1, 1982; amended May 1, 1983; revoked Sept. 2, 1991.)

**91-1-70.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-70a.** The “professional standards for the accreditation of schools, colleges, and departments of education,” as published by the national council on the accreditation of teacher education (NCATE) in January 2001, including the “glossary of NCATE terms,” are adopted by reference. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1997; amended Jan. 4, 2002.)

**91-1-70b.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1997; revoked Oct. 6, 2000.)

**91-1-71.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (tem-

porary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-72.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-73.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-74.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-75.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-76.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-77.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-78.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-79.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended July 1, 1989; revoked Sept. 15, 2000.)

**91-1-80.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1984; amended Sept. 3, 1990; amended July 1, 1994; revoked Sept. 15, 2000.)

**91-1-81.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1987; revoked Sept. 15, 2000.)

**91-1-82.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Con-

stitution; effective Jan. 8, 1982; amended Sept. 3, 1990; revoked June 30, 2003.)

**91-1-83.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; amended May 1, 1987; revoked June 30, 2003.)

**91-1-84.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-84a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Sec. 2(a); effective May 1, 1984; revoked June 30, 2003.)

**91-1-85.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended July 1, 1989; amended Aug. 15, 1994; revoked June 30, 2003.)

**91-1-86.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-87.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-88.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-89.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-90.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Sect. 2; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1984; revoked June 30, 2003.)

**91-1-91.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked June 30, 2003.)

**91-1-91a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked June 30, 2003.)

**91-1-92.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended July 1, 1989; amended Aug. 15, 1994; revoked June 30, 2003.)

**91-1-93.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-93a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended July 12, 1985; amended June 11, 1986; amended March 11, 1987; amended Aug. 15, 1994; revoked June 30, 2003.)

**91-1-94.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-95.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-96.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-97.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-98.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-99.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-100.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-101.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; revoked Sept. 3, 1990.)

**91-1-101a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked June 30, 2003.)

**91-1-101b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988; amended Sept. 2, 1991; revoked June 30, 2003.)

**91-1-102.** This regulation shall be revoked July 1, 1994. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 1, 1994.)

**91-1-102a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-103.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

**91-1-104.** This regulation shall be revoked July 1, 1994. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 1, 1994.)

**91-1-104a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked July 1, 1994.)

**91-1-104b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas



Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-104c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-105.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-106.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-106a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106d.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106e.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106f.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106g.** This regulation shall be re-

voked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106h.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106i.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106j.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106k.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106l.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-106m.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-107.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-107a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended June 1, 1988; amended July 1, 1989; revoked June 30, 2003.)

**91-1-108.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-108a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1984; revoked June 30, 2003.)

**91-1-108b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; amended May 1, 1987; revoked June 30, 2003.)

**91-1-108c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked June 30, 2003.)

**91-1-109.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-109a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Sec. 2(a); effective May 1, 1984; revoked June 30, 2003.)

**91-1-110.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution, effective January 8, 1982; revoked Sept. 3, 1990.)

**91-1-110a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended July 12, 1985; amended June 1, 1993; revoked June 30, 2003.)

**91-1-110b.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988; revoked July 1, 1994.)

**91-1-110c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-111.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-111a.** (Authorized by and implementing Kansas Constitution, Article 6, Sec. 2(a); effective May 1, 1984; revoked Sept. 15, 2000.)

**91-1-112.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-112a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 1, 1988; amended Sept. 2, 1991; revoked July 1, 1994.)

**91-1-112b.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked July 1, 1994.)

**91-1-112c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-112d.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; revoked June 30, 2003.)

**91-1-113.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-113a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; revoked July 1, 1994.)

**91-1-113b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-114.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-114a.** This regulation shall be revoked on June 30, 2003. (Authorized by and im-

plementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-115.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-115a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-116.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-117.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-117a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-118.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-118a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-119.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-119a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987; revoked June 30, 2003.)

**91-1-119b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987; revoked June 30, 2003.)

**91-1-119c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987; revoked June 30, 2003.)

**91-1-119d.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987; revoked June 30, 2003.)

**91-1-119e.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987; revoked June 30, 2003.)

**91-1-119f.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked June 30, 2003.)

**91-1-119g.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 10, 1987; revoked June 30, 2003.)

**91-1-120.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked June 30, 2003.)

**91-1-121.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked June 30, 2003.)

**91-1-122.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; revoked June 30, 2003.)

**91-1-123.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

**91-1-123a.** This regulation shall be re-

voked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 3, 1990; revoked June 30, 2003.)

**91-1-124.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-125.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-126.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-127.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-127a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-128.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-128a.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended July 1, 1989; revoked Jan. 5, 1996.)

**91-1-128b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1991; revoked June 30, 2003.)

**91-1-129.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-129a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended March 12, 1986; amended July 1, 1989; revoked June 30, 2003.)

**91-1-130.** This regulation shall be revoked on June 30, 2003. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked June 30, 2003.)

**91-1-131.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1986; amended July 1, 1989; revoked June 30, 2003.)

**91-1-132.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-132a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a), of the Kansas Constitution; effective May 1, 1985; amended June 1, 1988; amended Sept. 3, 1990; revoked June 30, 2003.)

**91-1-133.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-134.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-135.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-135a.** (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; revoked Sept. 15, 2000.)

**91-1-136.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-137.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-137a.** (Authorized by and implementing Kansas Constitution, Article 6, Section



2(a); effective May 1, 1985; revoked Sept. 15, 2000.)

**91-1-138.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-138a.** (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; revoked Sept. 15, 2000.)

**91-1-139.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-140.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

**91-1-140a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution, Article 6, Sect. 2(a); effective May 1, 1984; revoked June 30, 2003.)

**91-1-141.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1987; revoked June 30, 2003.)

**91-1-142.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-143.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Sept. 15, 2000.)

**91-1-144.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; revoked Sept. 15, 2000.)

**91-1-145.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 14, 1986; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-146. Reserved.**

**91-1-146a.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended Oct. 6, 2000; revoked June 30, 2003.)

**91-1-146b.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983; amended May 1, 1985; revoked June 30, 2003.)

**91-1-146c.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; revoked June 30, 2003.)

**91-1-146d.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended June 1, 1988; amended Jan. 5, 1996; revoked June 30, 2003.)

**91-1-146e.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing K.S.A. 1999 Supp. 72-9603; effective May 1, 1988; amended Oct. 6, 2000; revoked June 30, 2003.)

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

**91-1-148a.** This regulation shall be revoked on June 30, 2003. (Authorized by, and implementing Kansas Constitution Article 6, Section 2(a); effective May 1, 1985; amended (temporary) July 12, 1985; (permanent) May 1, 1986; revoked June 30, 2003.)

**91-1-149.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective March 13, 1989; revoked June 30, 2003.)

**91-1-150.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1989; amended Sept. 2, 1991; revoked June 30, 2003.)

**91-1-153.** This regulation shall be revoked on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 28, 1991; revoked June 30, 2003.)

**91-1-200. Definition of terms.** (a) "Accomplished teaching license" means a license issued to an individual who has successfully completed an advanced performance assessment designated by the state board for the purpose of identifying accomplished teaching, or who has achieved national board certification.

(b) "Accredited experience" means teaching experience gained, under contract, in a school accredited by the state board or a comparable agency in another state while the teacher holds an endorsement valid for the specific assignment. A minimum of 90 consecutive days of substitute teaching in the endorsement area of academic preparation and in the same teaching position shall constitute accredited experience. Other substitute teaching experiences shall not constitute accredited experience.

(c) "All levels" means early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(d) "Alternative teacher education program" means a program to prepare persons to teach by a means other than the traditional, college-based, teacher-education program.

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

(f) "Content assessment" means an assessment designated by the state board to measure subject matter knowledge for an endorsement.

(g) "Deficiency plan" means a detailed schedule of instruction from an approved program that, if completed, will qualify an individual for full endorsement in a subject. The individual who is to receive the instruction and a representative of the institution at which the instruction is to be given shall sign each deficiency plan.

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

(i) "Emergency substitute teaching license" means a license issued to an individual that allows access to practice as a substitute teacher as defined by S.B.R. 91-31-34(b).

(j) "Endorsement" means the legend printed on each license that identifies the subject in which an individual has specialization.

(k) "Exchange license" means a two-year license issued under the exchange license agreement.

(l) "Initial license" means the first license that an individual holds to begin practice while preparing for the professional license.

(m) "Institutional verification" means acknowledgment that an individual has successfully completed a program within an accredited unit.

(n) "Interim alternative license" means a license that allows temporary access to practice to an individual who has completed an alternative teacher education program and been issued a license in another state.

(o) "Licensure" means the granting of access to practice teaching, administration, or school services in Kansas public schools.

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

(q) "Mentor" means a teacher or administrator who holds a professional license assigned by an LEA to provide support, modeling, and conferencing to a beginning professional.

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

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

(t) "Pedagogical assessment" means an assessment designated by the state board to measure teaching knowledge.

(u) "Performance assessment" means an assessment designated by the state board to measure an individual's ability to implement the knowledge and skills of a teacher, administrator, or school services provider.

(v) "Prekindergarten" means a program for children three and four years old.

(w) "Professional license" means a license issued to an individual based on successful completion of a performance assessment and maintained by professional development.

(x) "Provisional school specialist endorsement license" means a license issued to an individual that allows access to practice as a school specialist

while the individual is in the process of completing requirements for the school specialist license.

(y) “Provisional teaching endorsement license” means a license issued to an individual that allows access to practice in an endorsement area while the individual is in the process of completing requirements for that endorsement.

(z) “Recent credit or recent experience” means credit or experience earned during the six-year period immediately preceding the filing of an application.

(aa) “Restricted district leadership license” means a license that allows an individual limited access to practice in a district administrative role under a special arrangement among the individual, a Kansas teacher education institution, and an LEA.

(bb) “Restricted teaching license” means a license that allows an individual limited access to practice under a special arrangement among the individual, a Kansas teacher education institution, and an LEA.

(cc) “Standards board” means the teaching and school administration professional standards advisory board.

(dd) “State board” means the state board of education.

(ee) “Subject” means a specific teaching area within a general instructional field.

(ff) “Substitute teaching license” means a license issued to an individual that allows access to practice as a substitute as defined in S.B.R. 91-31-34(b).

(gg) “Teacher education institution” means a college or university that has an accredited administrative unit for the purpose of preparing teachers.

(hh) “Transitional license” means a license that allows temporary access to practice to an individual who held a license but who does not meet recent credit, recent experience, or renewal requirements to qualify for an initial or professional license.

(ii) “Valid credit” and “credit” mean a semester hour of credit earned in, or validated by, a college or university that is on the accredited list maintained by the state board.

(jj) “Visiting scholar teaching license” means a license that allows an individual who has documented exceptional talent or outstanding distinction in a particular subject area temporary, limited access to practice. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Con-

stitution; effective July 1, 2003; amended July 1, 2003; amended July 18, 2008.)

**91-1-201. Type of licensure.** (a) The following types of licenses shall be issued by the state board:

- (1) Accomplished teaching license;
- (2) initial licenses, including the following:
  - (A) Initial school leadership license;
  - (B) initial school specialist license; and
  - (C) initial teaching license;
- (3) emergency substitute teaching license;
- (4) exchange school specialist license;
- (5) exchange teaching license;
- (6) foreign exchange teaching license;
- (7) interim alternative license;
- (8) professional licenses, including the following:
  - (A) Professional school leadership license;
  - (B) professional school specialist license; and
  - (C) professional teaching license;
- (9) provisional school specialist endorsement license;
- (10) provisional teaching endorsement license;
- (11) restricted district leadership license;
- (12) restricted school specialist license;
- (13) restricted teaching license;
- (14) substitute teaching license;
- (15) transitional license; and
- (16) visiting scholar teaching license.

(b) (1) Each initial license shall be valid for two years from the date of issuance.

(2) An initial teaching license may be issued for one or more of the following levels:

- (A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);
- (B) early childhood through late childhood (kindergarten through grade 6);
- (C) late childhood through early adolescence (grades 5 through 8);
- (D) early adolescence through late adolescence and adulthood (grades 6 through 12); or
- (E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each initial school leadership license shall be issued for all levels.

(4) Each initial school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(c)(1) Each professional license shall be valid on the date of issuance. Each license shall expire

on the license holder's fifth birthdate following issuance of the license.

(2) A professional teaching license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each professional school leadership license shall be issued for all levels.

(4) Each professional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(d) (1) Each accomplished teaching license shall be valid for 10 years from the date of issuance.

(2) An accomplished teaching license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(e) Each substitute teaching license shall be valid on the date of issuance and shall be issued for all levels. Each substitute license shall expire on the license holder's fifth birthdate following issuance of the license.

(f) The first emergency substitute teaching license issued to an individual shall be valid for the school year in which it is issued and shall be issued for all levels. Each subsequent renewal of an emergency substitute license shall be valid for two consecutive school years.

(g) Each visiting scholar teaching license shall be valid through June 30 of the school year for

which it is issued and shall be issued for the level corresponding with the teaching assignment.

(h)(1) Each exchange license shall be valid for two years from the date of issuance.

(2) An exchange teaching license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each exchange school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(i) Each foreign exchange teaching license shall be valid through June 30 of the school year for which it is issued and shall be valid for the level corresponding with the teaching assignment.

(j) (1) Each restricted teaching license shall be valid for the school year in which the license is issued and shall be reissued for two additional consecutive school years if the local education agency submits progress reports as required in S.B.R. 91-1-203 (h)(2).

(2) A restricted teaching license may be issued for one or more of the following levels:

(A) Late childhood through early adolescence (grades 5 through 8);

(B) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(C) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(k) (1) Each restricted school specialist license shall be valid for three consecutive school years from the date of issuance.

(2) Each restricted school specialist license shall be issued for all levels.

(l) (1) Each restricted district leadership license shall be valid for three years from the date of issuance.

(2) A restricted district leadership license shall be issued for all levels.

(m) (1) Each transitional license shall be valid for the school year in which the license is issued.



(2) Each transitional license shall be nonrenewable.

(3) A transitional license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(n)(1) Each interim alternative license shall be valid for one year from the date of issuance.

(2) The initial one-year term shall be automatically extended for one additional one-year term if the licensee demonstrates progress toward achieving an initial or professional license. Each interim alternative license shall be nonrenewable after two years.

(3) An interim alternative license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(o) (1) Each provisional teaching endorsement license shall be valid for two years from the date of issuance.

(2) A provisional teaching endorsement license may be issued for one or more of the following levels:

(A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);

(B) early childhood through late childhood (kindergarten through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(p) (1) Each provisional school specialist license shall be valid for two years from the date of issuance.

(2) A provisional school specialist endorsement license shall be issued for all levels.

(q) (1) A nonrenewable license shall be issued to each applicant who meets all other requirements for an initial license except the assessments.

(2) Each nonrenewable license shall be valid only through June 30 of the school year for which the license is issued. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Jan. 2, 2004; amended Aug. 25, 2006; amended Aug. 10, 2007; amended July 18, 2008.)

**91-1-202. Endorsements.** (a) Each license issued by the state board shall include one or more endorsements.

(b) Endorsements available for teaching at the early childhood license level (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3) shall be as follows:

- (1) Early childhood;
- (2) early childhood unified;
- (3) deaf or hard-of-hearing;
- (4) visually impaired; and
- (5) school psychologist.

(c) Endorsements available for teaching at the early childhood through late childhood license level (kindergarten through grade 6) shall be as follows:

- (1) Adaptive special education;
- (2) early childhood through late childhood generalist;
- (3) English for speakers of other languages (ESOL);
- (4) functional special education; and
- (5) gifted.

(d) Endorsements available for teaching at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:

- (1) Adaptive special education;
- (2) English for speakers of other languages (ESOL);
- (3) English language arts;
- (4) functional special education;
- (5) gifted;
- (6) history (comprehensive);

- (7) mathematics; and  
 (8) science.
- (e) Endorsements available for teaching at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:
- (1) Adaptive special education;
  - (2) agriculture;
  - (3) biology;
  - (4) business;
  - (5) chemistry;
  - (6) communication technology;
  - (7) earth and space science;
  - (8) English for speakers of other languages (ESOL);
  - (9) English language arts;
  - (10) family and consumer science;
  - (11) functional special education;
  - (12) gifted;
  - (13) journalism;
  - (14) mathematics;
  - (15) physics;
  - (16) power, energy, and transportation technology;
  - (17) production technology;
  - (18) psychology;
  - (19) speech and theatre;
  - (20) technology education; and
  - (21) history and government.
- (f) Endorsements available for teaching at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:
- (1) Adaptive special education;
  - (2) art;
  - (3) deaf or hard-of-hearing;
  - (4) English for speakers of other languages (ESOL);
  - (5) foreign language;
  - (6) functional special education;
  - (7) gifted;
  - (8) health;
  - (9) instrumental music;
  - (10) music;
  - (11) physical education;
  - (12) visually impaired; and
  - (13) vocal music.
- (g) Endorsements available for school leadership at all levels shall be as follows:
- (1) Building leadership;
  - (2) district leadership; and
  - (3) program leadership.
- (h) Endorsements available for school specialist fields at all levels shall be as follows:
- (1) Library media specialist;
  - (2) reading specialist;
  - (3) school counselor; and
  - (4) school psychologist.
- (i) Endorsements available for the foreign exchange teaching license shall be issued in the content area and valid only for the local education agency approved by the commissioner.
- (j) Endorsements available for the restricted teaching license shall be issued in the content area and valid only for the local education agency approved by the state board.
- (k) Endorsements available for the provisional teaching endorsement license at the early childhood through late childhood license level (kindergarten through grade 6) shall be as follows:
- (1) Adaptive special education;
  - (2) English for speakers of other languages (ESOL);
  - (3) functional special education; and
  - (4) gifted.
- (l) Endorsements available for the provisional teaching endorsement license at the early childhood license level (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3) shall be as follows:
- (1) Early childhood; and
  - (2) early childhood unified.
- (m) Endorsements available for the provisional teaching endorsement license at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:
- (1) Adapted special education;
  - (2) English for speakers of other languages (ESOL);
  - (3) English language arts;
  - (4) functional special education;
  - (5) gifted;
  - (6) history (comprehensive);
  - (7) mathematics; and
  - (8) science.
- (n) Endorsements available for the provisional teaching endorsement license at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:
- (1) Adaptive special education;
  - (2) agriculture;
  - (3) biology;
  - (4) business;
  - (5) chemistry;

- (6) communication technology;
- (7) earth and space science;
- (8) English for speakers of other languages (ESOL);
- (9) English language arts;
- (10) family and consumer science;
- (11) functional special education;
- (12) gifted;
- (13) journalism;
- (14) mathematics;
- (15) physics;
- (16) power, energy, and transportation technology;
- (17) production technology;
- (18) psychology;
- (19) speech and theatre;
- (20) technology education; and
- (21) history and government.

(o) Endorsements available for the provisional teaching endorsement license at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:

- (1) Adaptive special education;
- (2) art;
- (3) deaf or hard-of-hearing;
- (4) English for speakers of other languages (ESOL);
- (5) foreign language;
- (6) functional special education;
- (7) gifted;
- (8) health;
- (9) instrumental music;
- (10) music;
- (11) physical education;
- (12) visually impaired; and
- (13) vocal music.

(p) Endorsements available for provisional school specialist endorsement license at all levels shall be as follows:

- (1) Library media specialist;
- (2) reading specialist; and
- (3) school counselor.

(q) Each applicant for a license with an adaptive or functional special education endorsement, or a gifted, visually impaired, or deaf or hard-of-hearing endorsement, shall have successfully completed one of the following:

- (1) A state-approved program to teach general education students; or
- (2) a professional education component that allows students to acquire the following:

- (A) Knowledge of human development and learning;
- (B) knowledge of general education foundations;
- (C) knowledge of interpersonal relations and cultural influences;
- (D) knowledge of teaching methodology; and
- (E) the ability to apply the acquired knowledge to teach nonexceptional students. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Aug. 25, 2006; amended Aug. 10, 2007.)

**91-1-203. Licensure requirements.** (a) Initial licenses.

(1) Each applicant for an initial teaching license shall submit to the state board the following:

- (A) An official transcript verifying the granting of a bachelor's degree;
- (B) verification from an accredited institution by the unit head or designee of completion of a teacher education program;
- (C) verification of successful completion of a pedagogical assessment as determined by the state board;
- (D) verification of successful completion of an endorsement content assessment as determined by the state board;
- (E) verification of eight semester hours of recent credit;
- (F) an application for an initial license; and
- (G) the licensure fee.

(2) Each applicant for an initial school leadership license shall submit to the state board the following:

- (A) An official transcript verifying the granting of a graduate degree;
- (B) verification from an accredited institution by the unit head or designee of completion of a graduate-level school leadership program;
- (C) verification of a minimum 3.25 cumulative GPA on a 4.0 scale in graduate coursework;
- (D) verification of successful completion of a school leadership assessment as determined by the state board;
- (E) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;
- (F) an application for an initial school leadership license;
- (G) the licensure fee; and
- (H) verification of three years of experience in

a state-accredited school while holding a professional teaching license, a professional school specialist license, a professional clinical license, or a full vocational-technical certificate.

(3) Each applicant for an initial school specialist license shall submit to the state board the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate-level school specialist program;

(C) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(D) verification of a minimum 3.25 cumulative GPA on a 4.0 scale in graduate coursework;

(E) if application is made for a library media specialist endorsement, school counselor endorsement, or reading specialist endorsement, a currently valid professional teaching license;

(F) verification of successful completion of a school specialist assessment as determined by the state board;

(G) an application for an initial school specialist license; and

(H) the licensure fee.

(b) Professional licenses.

(1) Each applicant for an initial professional teaching license shall submit to the state board the following:

(A) Verification of successful completion of the teaching performance assessment prescribed by the state board while employed in a school accredited by the state board or by a national or regional accrediting agency recognized by the state board;

(B) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(C) an application for professional teacher license; and

(D) the licensure fee.

(2) Each applicant for an initial professional school leadership license shall submit to the state board the following:

(A) Verification of successful completion of the school leadership performance assessment prescribed by the state board while employed in a school accredited by the state board or by a national or regional accrediting agency recognized by the state board;

(B) verification of at least one year of recent

accredited experience or at least eight semester hours of recent credit;

(C) an application for professional school leadership license; and

(D) the licensure fee.

(3) Each applicant for an initial professional school specialist license shall submit to the state board the following:

(A) Verification of successful completion of the school specialist performance assessment prescribed by the state board while employed in a school accredited by the state board or by a national or regional accrediting agency recognized by the state board;

(B) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(C) an application for professional school specialist license; and

(D) the licensure fee.

(c) Accomplished teaching licenses. Each applicant for an initial accomplished teaching license shall submit to the state board the following:

(1) Verification of achieving national board certification issued by the national board for professional teaching standards;

(2) verification of a currently valid Kansas professional teaching license;

(3) an application for an accomplished teaching license; and

(4) the licensure fee.

(d) Substitute teaching license. Each applicant for an initial substitute teaching license shall submit to the state board the following:

(1) An official transcript from an accredited institution verifying the granting of a bachelor's degree;

(2) verification from an accredited institution of completion of an approved teacher education program;

(3) an application for substitute teaching license; and

(4) the licensure fee.

(e) Emergency substitute teaching license. Each applicant for an emergency substitute teaching license shall submit to the state board the following:

(1) An official transcript verifying the completion of at least 60 semester hours of general education coursework, professional education coursework, or a combination of these types of coursework;



(2) an application for emergency substitute teaching license; and

(3) the licensure fee.

(f) Visiting scholar teaching license.

(1) Each applicant for a visiting scholar teaching license shall submit to the state board the following:

(A) An application for a visiting scholar teaching license and the appropriate fee;

(B) written verification from an administrator of an accredited or approved local education agency that the applicant will be employed if the license is issued; and

(C) documentation of exceptional talent or outstanding distinction in one or more subjects or fields.

(2) Upon receipt of an application for a visiting scholar teaching license, the following requirements shall be met:

(A) The application and documentation submitted shall be reviewed by the commissioner of education or the commissioner's designee. As deemed necessary, other steps shall be taken by the commissioner of education or the commissioner's designee to determine the applicant's qualifications to be issued a visiting scholar teaching license.

(B) A recommendation to the state board shall be made by the commissioner of education or the commissioner's designee on whether this license should be issued to the applicant.

(3) The decision of whether a visiting scholar teaching license should be issued to any applicant shall be made by the state board.

(g) Foreign exchange teaching license.

(1) Each applicant for a foreign exchange teaching license shall submit to the state board the following:

(A) An application for a foreign exchange teaching license and the appropriate fee;

(B) an official credential evaluation by a credential evaluator approved by the state board and listed on the state board's web site;

(C) verification of employment from the local education agency, including the teaching assignment, which shall be to teach in the content area of the applicant's teacher preparation or to teach the applicant's native language; and

(D) verification of the applicant's participation in the foreign exchange teaching program.

(2) The foreign exchange teaching license may be renewed for a maximum of two additional

school years if the licensee continues to participate in the foreign exchange teaching program.

(h) Restricted teaching license.

(1) Each applicant for a restricted teaching license shall submit to the state board the following:

(A) An application for a restricted teaching license and the appropriate fee;

(B) an official transcript or transcripts verifying completion of an undergraduate or graduate degree in the content area or with equivalent coursework in the area for which the restricted license is sought;

(C) verification of a minimum 2.50 cumulative grade point average on a 4.0 scale; and

(D) documentation of the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position which the applicant is to fill;

(ii) the local education agency will employ the applicant if the license is issued;

(iii) the local education agency will assign a licensed teacher with three or more years of experience to serve as a mentor for the applicant;

(iv) the local educational agency will provide, within the first six weeks of employment, a new teacher orientation or induction program for the applicant; and

(v) the local education agency has collaborated with a Kansas teacher education institution regarding the program the applicant will pursue to obtain full licensure, and it will provide accommodations to the applicant, including release time, in order to work with the mentor teacher and to complete coursework needed for full licensure; and

(E) a statement from the licensing officer of a Kansas teacher education institution attesting to the following:

(i) The applicant has on file a written plan that will qualify the applicant for full licensure in the content area for which the restricted certificate is sought;

(ii) the plan for program completion can be completed in not more than three years and contains a specific designation of the coursework that is to be completed each year;

(iii) the program provided to the applicant will meet the institution's approved professional education standards;

(iv) the institution will provide the applicant with on-site support at the employing local edu-

cation agency, including supervision of the applicant's teaching experience; and

(v) the institution has collaborated with the employing local education agency concerning the applicant's program.

(2) Each local education agency that employs a person holding a restricted teaching license shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification that the applicant has attained passing scores on content assessment required by the state board of education by the end of the first year;

(B) verification from the chief administrative officer of the employing local education agency attesting to the following information:

(i) The applicant's contract will be renewed; and

(ii) the local education agency will continue to assign an experienced mentor teacher to the applicant and provide accommodations to the applicant to work with the mentor teacher and to complete the applicant's plan for full licensure;

(C) a statement from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) The applicant has made appropriate progress toward completion of the applicant's plan to qualify for full licensure; and

(ii) the institution will continue to support the applicant, on-site, as necessary; and

(D) an official transcript verifying that the applicant has attained at least a 2.50 GPA on a 4.0 scale in those courses specified in the applicant's plan for full licensure.

(3) Each applicant who is unable to provide any verification or statement required in paragraph (2) of this subsection shall no longer be eligible to hold a restricted teaching license and shall return any previously issued restricted teaching license to the state board.

(i) Restricted school specialist license.

(1) Each applicant for a restricted school specialist license with endorsement for school library media or school counselor shall submit to the state board the following:

(A) An application for a restricted school specialist license and the appropriate fee;

(B) an official transcript or transcripts verifying completion of a graduate degree in the content area of counseling or library media;

(C) verification of a minimum of three years of full-time professional counseling or librarian experience;

(D) verification of a minimum 3.25 cumulative grade point average on a 4.0 scale in graduate coursework; and

(E) documentation that the following are met:

(i) The local education agency has made reasonable attempts to locate and hire a licensed person for the restricted school specialist position that the applicant is to fill;

(ii) the local education agency will employ the applicant if the license is issued;

(iii) the local education agency has an agreement with an experienced school specialist in the same content area to serve as a mentor for the applicant;

(iv) the local educational agency will provide, within the first six weeks of employment, an orientation or induction program for the applicant;

(v) the local education agency has collaborated with a Kansas teacher education institution regarding the program that the applicant will pursue to obtain full licensure; and

(vi) the local education agency will provide release time for the candidate to work with the mentor and to work on progress toward program completion; and

(F) a statement from the licensing officer of a Kansas teacher education institution attesting to the following:

(i) The applicant has on file a written plan that will qualify the applicant for full licensure in the school specialist content area for which the restricted license is sought;

(ii) the plan for program completion can be completed in not more than three years and contains a specific designation of the coursework that is to be completed each year;

(iii) the program provided to the applicant will meet the institution's approved professional education standards;

(iv) the institution will provide the applicant with on-site support; and

(v) the institution has collaborated with the employing local education agency concerning the applicant's program.

(2) Each applicant shall verify successful completion of the pedagogical assessment as determined by the state board during the term of the restricted school specialist license.

(3) Each local education agency that employs a person holding a restricted school specialist li-

cense shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted school specialist license. This progress report shall include the following:

(A) Verification that the applicant has attained passing scores on the content assessment required by the state board of education by the end of the first year;

(B) verification from the chief administrative officer of the employing local education agency attesting to the following:

(i) The applicant's contract will be renewed; and

(ii) the local education agency will continue to assign an experienced mentor teacher to the applicant and provide accommodations to the applicant to work with the mentor teacher and to complete the applicant's plan for full licensure;

(C) a statement from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) The applicant has made appropriate progress toward completion of the applicant's plan to qualify for full licensure; and

(ii) the institution will continue to support the applicant, on-site, as necessary; and

(D) an official transcript verifying that the applicant has attained at least a 3.25 GPA on a 4.0 scale in the courses specified in the applicant's plan for full licensure.

(4) Each applicant who is unable to provide any verification or statement required in paragraph (2) of this subsection shall no longer be eligible to hold a restricted school specialist license and shall return any previously issued restricted school specialist license to the state board.

(j) Restricted district leadership license.

(1) Each applicant for a restricted district leadership license shall submit to the state board the following:

(A) An application, with appropriate fees, for the restricted district leadership license;

(B) verification of three years of accredited teaching experience under an appropriate valid professional license or five years of related leadership experience;

(C) an official transcript verifying that the applicant holds a graduate degree;

(D) verification of a minimum 3.25 cumulative GPA on a 4.0 scale in graduate coursework;

(E) verification from the chief administrative officer or the president of the board of education

of an accredited or approved local education agency attesting to the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position that the applicant is to fill;

(ii) the local education agency will employ the candidate if the restricted district leadership license is issued;

(iii) the local education agency has collaborated with a Kansas teacher education institution regarding the candidate;

(iv) the local education agency has an agreement with an experienced district administrator holding a similar assignment to serve as a mentor for the candidate; and

(v) the local education agency will provide release time for the candidate to work with the administrator mentor and to work on progress toward program completion; and

(F) verification from the licensing officer at a Kansas teacher education institution attesting to the following:

(i) The institution will provide a program for the candidate that leads to the initial license in district leadership that can be completed within a three-year time limit;

(ii) the applicant has on file a plan for program completion for the restricted district leadership license with a specific timeline detailing coursework to be completed successfully each year;

(iii) the institution will provide a program equivalent to the institution's approved program, but may choose to modify the delivery model;

(iv) the institution is collaborating with the school district providing employment; and

(v) the institution will provide the candidate with on-site support.

(2) Each local education agency that employs a person holding a restricted district leadership license shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification of completion of a school leadership assessment prescribed by the state board by the end of the second year;

(B) a statement from the chief administrative officer of the employing local education agency attesting to the following:

(i) The local education agency will offer an additional year of employment to the candidate; and

(ii) the local education agency will continue to assign a mentor and provide release time;

(C) verification from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) Normal progress has been made by the candidate on the deficiency plan for the restricted district leadership license;

(ii) the candidate has maintained a 3.25 GPA on a 4.0 scale on program courses; and

(iii) the institution will continue to provide the candidate with on-site support.

(k) Transitional license.

(1) Each applicant for a transitional license shall submit to the state board the following:

(A) Verification of meeting the requirements for an initial or professional license as provided in S.B.R. 91-1-203(a) or (b) or S.B.R. 91-1-204(c), except for recent credit or recent experience; or

(B) verification of having previously held an initial or professional Kansas license or certificate that is expired;

(C) an application for a transitional license; and

(D) the licensure fee.

(2) Any person who holds a transitional license issued under paragraph (k)(1)(A) may upgrade that license to an initial or professional license by submitting to the state board the following:

(A) Verification of accredited experience during the term of the transitional license; or

(B) (i) Verification of having successfully completed eight hours of recent credit; or

(ii) verification of meeting the requirements prescribed in S.B.R. 91-1-205(b)(3)(C), if the person meets the requirements of S.B.R. 91-1-206 and S.B.R. 91-1-215 through 219.

(3) Any person who holds a transitional license issued under paragraph (k)(1)(B) may upgrade that license to an initial or professional license by submitting to the state board verification of meeting the requirements prescribed in S.B.R. 91-1-205(a)(2) or (b).

(l) Provisional teaching endorsement license.

(1) Each applicant shall hold a currently valid initial or professional license at any level and shall submit to the state board the following:

(A) Verification of completion of at least 50 percent of an approved teacher education program in the requested endorsement field;

(B) a deficiency plan to complete the approved program requirements from the licensing officer of a teacher education institution;

(C) verification of employment and assignment to teach in the provisional endorsement area;

(D) an application for a provisional endorsement teaching license; and

(E) the licensure fee.

(2) Each applicant for a provisional teaching endorsement license for adaptive, functional, or gifted special education shall hold a currently valid initial or professional license and shall submit to the state board the following:

(A) Verification of completion of coursework in the areas of methodology and the characteristics of exceptional children and special education, and completion of a practicum in the specific special education field;

(B) a deficiency plan to complete the approved program requirements for the licensing officer of a teacher education institution;

(C) verification of employment and the assignment to teach in the provisional endorsement area;

(D) an application for a provisional endorsement teaching license; and

(E) the licensure fee.

(m) Provisional school specialist endorsement license. Each applicant shall hold a currently valid professional license as described in S.B.R. 91-1-201 (a)(7) and shall submit to the state board the following:

(1) Verification of completion of 50 percent of an approved school specialist program;

(2) a deficiency plan for completion of the approved school specialist program from the licensing officer at a teacher education institution;

(3) verification of employment and assignment in the school specialty endorsement area for which licensure is sought;

(4) for a provisional school counselor endorsement license, verification from the employing local education agency that a person holding a professional school counselor specialist license will be assigned to supervise the applicant during the provisional licensure period;

(5) an application for a provisional school specialist license; and

(6) the licensure fee. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Jan. 2, 2004; amended Aug. 5, 2005; amended Aug. 10, 2007; amended July 18, 2008.)

#### **91-1-204. Licensure of out-of-state and**



**foreign applicants.** (a) Notwithstanding any other licensure regulation, any person who meets the requirements of this regulation may be issued a license by the state board.

(b) Exchange teaching or school specialist license. Any applicant for an initial Kansas teaching or school specialist license who holds a valid teaching or school specialist license with one or more full endorsements issued by a state that has been approved by the state board for exchange licenses may be issued a two-year license, if the applicant's endorsements are based on completion of a state-approved program in that state.

(c)(1) Any person who holds a valid teaching, school leadership, or school specialist license issued by another state may apply for either an initial or a professional license.

(2) To obtain an initial teaching license, each applicant specified in paragraph (c)(1) shall submit the following:

(A) An official transcript verifying the granting of a bachelor's degree;

(B) verification from the unit head or designee of an accredited institution that the applicant has completed a state-approved teacher education program;

(C) verification of successful completion of a pedagogical assessment prescribed by the state board or evidence of successful completion of a pedagogical assessment in the state in which the applicant holds a license;

(D) verification of successful completion of an endorsement content assessment prescribed by the state board or evidence of successful completion of an endorsement content assessment in the state in which the applicant holds a license;

(E) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(F) an application for a Kansas license; and

(G) the licensure fee.

(3) To obtain a professional teaching license, each applicant specified in paragraph (c)(1) shall submit the following:

(A) An official transcript verifying the granting of a bachelor's degree;

(B) verification from the unit head or designee of an accredited institution that the applicant has completed a state-approved teacher education program;

(C) a copy of the applicant's currently valid out-of-state professional license;

(D) (i) Evidence of successful completion of

pedagogical, content, and performance assessments prescribed by the state board or evidence of successful completion of the three assessments in the state in which the applicant holds the professional license;

(ii) verification of at least three years of recent accredited experience under an initial or professional license; or

(iii) verification of at least five years of accredited experience under an initial or professional license;

(E) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(F) an application for a Kansas license; and

(G) the licensure fee.

(4) To obtain an initial school leadership license, each out-of-state applicant shall submit the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate-level school leadership program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(D) verification of successful completion of a school leadership assessment as determined by the state board;

(E) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(F) an application for initial school leadership license;

(G) the licensure fee; and

(H) verification of three years of experience in a state-accredited school while holding a professional teaching license, a professional school specialist license, a professional clinical license, a leadership license, or a full vocational-technical certificate.

(5) To obtain an initial school specialist license, each out-of-state applicant shall submit the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate-level school specialist program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(D) if application is made for a library media specialist endorsement, school counselor endorse-

ment, or reading specialist endorsement, a currently valid professional teaching license;

(E) verification of successful completion of a school specialist assessment as determined by the state board;

(F) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(G) an application for an initial school specialist license; and

(H) the licensure fee.

(6) To obtain a professional school leadership license, each out-of-state applicant shall submit the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate-level school leadership program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(D) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(E) verification of three years of experience in a state-accredited school while holding a professional teaching license, a professional school specialist license, a professional clinical license, a leadership license, or a full vocational certificate;

(F) (i) Evidence of successful completion of the school leadership assessment and completion in a state-accredited school of the school leadership performance assessment prescribed by the state board or evidence of successful completion of the two assessments in the state in which the applicant holds a professional leadership license; or

(ii) verification of at least three years of recent accredited experience in a school leadership position while holding a valid professional school leadership license;

(G) an application for the professional school leadership license; and

(H) the licensure fee.

(7) To obtain a professional school specialist license, each out-of-state applicant shall submit the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate-level specialist program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(D) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(E) if application is made for a library media specialist endorsement, school counselor endorsement, or reading specialist endorsement, a currently valid professional teaching license;

(F) (i) Evidence of successful completion of the school specialist assessment and completion in a state-accredited school of the school specialist performance assessment prescribed by the state board or evidence of successful completion of the two assessments in the state in which the applicant holds a professional school specialist license; or

(ii) verification of at least three years of recent accredited experience in a school specialist position while holding a valid professional school specialist license;

(G) an application for the professional school specialist license; and

(H) the licensure fee.

(8)(A) Any person who holds a valid professional school specialist license as a school counselor in another state where the counselor license is issued without a classroom teaching requirement may apply for a professional school specialist license with endorsement for school counselor.

(B) To obtain a professional school specialist license with endorsement for school counselor, each applicant specified in paragraph (c)(8)(A) shall submit to the state board the following:

(i) An official transcript verifying the granting of a graduate degree;

(ii) verification from an accredited institution by the unit head or designee of completion of a graduate-level school counselor program;

(iii) verification of a minimum 3.25 cumulative GPA on a 4.0 scale in graduate coursework;

(iv) verification of at least three years of recent accredited experience as a school counselor;

(v) evidence of successful completion of the school counselor assessment prescribed by the state board or evidence of successful completion of a school counselor content assessment in the state in which the applicant holds a license; and

(vi) evidence of successful completion of the pedagogical assessment prescribed by the state board or evidence of successful completion of a pedagogical assessment in the state in which the applicant holds a license.

(d)(1) Any person who holds a valid professional teaching license in another state and has earned national board certification issued by the national

board for professional teaching standards may apply for an accomplished teaching license, which shall be valid for as long as the national board certificate is valid.

(2) To obtain an accomplished teaching license, each applicant specified in paragraph (d)(1) shall submit the following:

(A) Evidence of current national board certification;

(B) verification of a valid professional teaching license issued by another state;

(C) an application for an accomplished teaching license; and

(D) the licensure fee.

(e)(1) Interim alternative license. Any person who holds a valid license in another state earned through completion of an alternative teacher-education program may apply for an interim alternative license.

(2) To obtain an interim alternative license, each applicant specified in paragraph (e)(1) shall submit to the state board the following:

(A) An official transcript verifying the granting of a bachelor's degree;

(B) a copy of the applicant's currently valid out-of-state license;

(C) verification of completion of the alternative teacher-education program;

(D) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(E) an application for an interim alternative license; and

(F) the licensure fee.

(3) Any person who holds an interim alternative license and whose alternative teacher-education program was offered by an accredited college or university and included a supervised student teaching or internship requirement may apply to have the interim alternative license upgraded to a professional license by submitting to the state board the following:

(A) Verification of successful completion of the teaching performance assessment; and

(B)(i) Verification of either a minimum of three years of accredited experience under a professional license; or

(ii) verification of successful completion of a pedagogical assessment prescribed by the state board and successful completion of an endorsement content assessment prescribed by the state board.

(4) Any person who holds an interim alternative

license and whose alternative teacher-education program was not offered by an accredited college or university or did not include a supervised student teaching or internship requirement may apply to have the interim alternative license upgraded to an initial or professional license by submitting to the commissioner of education, within the first six months of validity of the interim alternative license, a request for review of the application by the licensure review committee.

(f) Any person who has completed an education program from a foreign institution outside of the United States may receive an initial license if, in addition to meeting the requirements for the initial license as stated in S.B.R. 91-1-203, that person submits the following:

(1) An official credential evaluation by a credential evaluator approved by the state board; and

(2) if the person's primary language is not English, verification of passing scores on an English proficiency examination prescribed by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Aug. 10, 2007; amended July 18, 2008.)

**91-1-205. Licensure renewal requirements.** (a) Initial licenses.

(1) Any person, within five years of the date the person was first issued an initial license, may apply for renewal of the initial license by submitting an application for renewal of the initial license and the licensure fee.

(2) Any person who does not renew the initial license within five years of the date the initial license was issued may obtain one or more additional initial licenses only by meeting the requirements in S.B.R. 91-1-203 (a). The assessments required by S.B.R. 91-1-203 (a) shall have been taken not more than one year before the date of application for the initial license, or the applicant may verify either eight semester hours of recent graduate-level credit related to one or more endorsements on the initial license or one year of recent accredited experience.

(3) A person who does not successfully complete the teaching performance assessment during four years of accredited experience under an initial teaching license shall not be issued an additional initial teaching license, unless the person successfully completes the following retraining requirements:

(A) A minimum of 12 semester credit hours

with a minimum cumulative GPA of 2.50 on a 4.0 scale, earned through the verifying teacher education institution and addressing the deficiencies related to the teaching performance assessment criteria; and

(B) following completion of the required credit hours, an unpaid internship supervised by the verifying teacher education institution and consisting of at least 12 weeks, with attainment of a grade of "B" or higher.

(4) A person who does not successfully complete the school specialist or school leadership performance assessment during four years of accredited experience shall not be issued an additional initial school specialist or school leadership license, unless the person successfully completes the following retraining requirements:

(A) A minimum of six semester credit hours with a minimum cumulative GPA of 3.25 on a 4.0 scale, earned through the verifying teacher education institution and addressing the deficiencies related to the performance assessment criteria; and

(B) following completion of the required credit hours, an unpaid internship supervised by the verifying teacher education institution and consisting of at least 12 weeks, with attainment of a grade of "B" or higher.

(b) Professional licenses. Any person may renew a professional license by submitting the following to the state board:

(1) An application for renewal;

(2) the licensure fee; and

(3) verification that the person, within the term of the professional license being renewed, meets any of the following requirements:

(A) Has completed all components of the national board for professional teaching standards assessment for board certification;

(B) has been granted national board certification;

(C)(i) Has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council if the applicant holds an advanced degree; or

(ii) has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council, including at least 80 points for college credit, if the applicant does not hold an advanced degree;

(D) has completed a minimum of eight credit

hours in an approved program or completed an approved program;

(E) if the person holds an advanced degree, submits to the state board verification of having completed three years of recent accredited experience during the term of the most recent license. Each person specified in this paragraph shall be limited to two renewals; or

(F) if the person is participating in an educational retirement system in Kansas or another state, has completed half of the professional development points specified in paragraph (b)(3)(C).

(c) Accomplished teaching licenses.

(1) Any person may renew an accomplished teaching license by submitting to the state board the following:

(A) Verification of achieving renewal of national board certification since the issuance of the most recent accomplished teaching license;

(B) an application for accomplished teaching license; and

(C) the licensure fee.

(2) If a person fails to renew the national board certificate, the person may apply for a professional license by meeting the renewal requirement for a professional license specified in paragraph (b)(3)(C) or (D).

(d) Substitute teaching license. Any person may renew a substitute teaching license by submitting to the state board the following:

(1) Verification that the person has earned, within the last five years, a minimum of 50 professional development points under an approved individual development plan filed with a local professional development council;

(2) an application for a substitute teaching license; and

(3) the licensure fee.

(e) Provisional teaching endorsement license. An individual may renew a provisional teaching endorsement license one time by submitting to the state board the following:

(1) Verification of completion of at least 50 percent of the deficiency plan;

(2) verification of continued employment and assignment to teach in the provisional endorsement area;

(3) an application for a provisional endorsement teaching license; and

(4) the licensure fee.

(f) Provisional school specialist endorsement license. Any individual may renew a provisional



school specialist endorsement license by submitting to the state board the following:

- (1) Verification of completion of at least 50 percent of the deficiency plan;
- (2) verification of continued employment and assignment as a school specialist;
- (3) an application for a provisional school specialist endorsement license; and
- (4) the licensure fee.

(g) Any person who fails to renew the professional license may apply for a subsequent professional license by meeting the following requirements:

- (1) Submit an application for a license and the licensure fee; and
- (2) provide verification of one of the following:
  - (A) Having met the requirements of paragraph (b)(3) of this regulation; or
  - (B) having at least three years of recent, out-of-state accredited experience under an initial or professional license.

(3) If a person seeks a professional license based upon recent, out-of-state accredited experience, the person shall be issued the license if verification of the recent experience is provided. The license shall be valid through the remaining validity period of the out-of-state professional license or for five years from the date of issuance, whichever is less. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Aug. 25, 2006; amended July 18, 2008.)

**91-1-206. Professional development plans for license renewal.** (a) Any person filing a professional development plan with a local professional development council for licensure renewal purposes under S.B.R. 91-1-205 (b) shall develop a plan that includes activities in one or more of the following areas:

- (1) Content endorsement standards as adopted by the state board;
- (2) professional education standards as adopted by the state board; or
- (3) service to the profession.

(b) Each person who is employed by or who works or resides within any Kansas unified school district shall be eligible to file a professional development plan with that district's local professional development council for licensure renewal purposes.

(c) Each individual submitting a professional

development plan shall ensure that the plan meets the following conditions:

- (1) The plan results from cooperative planning with a designated supervisor.
- (2) The plan is signed by the individual submitting the plan and by the individual's supervisor, if the supervisor agrees with the plan.
- (3) The plan is reviewed and approved by the local professional development council.

(d) If a person is unable to attain approval of an individual development plan through a local professional development council, the person may appeal to the licensure review committee for a review of the proposed individual development plan. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Jan. 2, 2004.)

**91-1-207. Renewal of certificates issued before July 1, 2003.** (a) Each applicant renewing a valid certificate issued before July 1, 2003 shall renew that certificate based on the renewal requirements in effect at the time of the issuance of the certificate.

(b) Upon renewal of a certificate issued before July 1, 2003, the applicant shall be issued the appropriate license with content endorsements obtained before July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended July 18, 2008.)

**91-1-208. General requirements.** (a) Application procedures. Application for each license, renewal, or duplicate license shall be made by the person seeking the license. Application shall be made on a form provided by the state department of education. The form shall be filled out completely, including all names under which the applicant has been known. The application shall be submitted by mail or in person, with the correct fee and, when required, official documentation to the certification section, state department of education.

(b) Renewal period. A license may be renewed up to six months before its expiration date.

(c) License registration. Each teacher or other licensed person employed in a public school shall file a valid license in the office of the superintendent of the district in which the person is employed.

(d) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing

Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-209. Additional endorsements.** (a)

Any person who holds a currently valid teaching, school service, or school leadership license may add additional endorsements to that license by submitting to the state board the following:

(1) Verification from an accredited institution by a unit head or designee of completion of an approved content area program;

(2) verification of successful completion of the appropriate endorsement content assessment prescribed by the state board;

(3) an application for an added endorsement; and

(4) the application fee.

(b)(1) Any person who holds a currently valid teaching license with a science endorsement at the early adolescence through late adolescence and adulthood level may add an additional science endorsement for that level by submitting to the state board the following:

(A) Verification of successful completion of the appropriate science endorsement content assessment prescribed by the state board;

(B) an application for an added endorsement; and

(C) the application fee.

(2) This subsection shall remain in force and effect only through June 30, 2012.

(c)(1) Any person who holds a currently valid teaching license at any level may add a content area endorsement for the late childhood through early adolescence level by submitting to the state board the following:

(A) Verification from an accredited institution by a unit head or designee of completion of 15 semester credit hours in the content area for which endorsement is sought;

(B) verification of one of the following:

(i) A pedagogy course for the late childhood through early adolescence level; or

(ii) recent accredited experience of one year or more in one of the grades 5 through 8;

(C) verification of successful completion of the appropriate content assessment prescribed by the state board;

(D) an application for an added endorsement; and

(E) the application fee.

(2) Teaching endorsements for adaptive, functional, gifted, deaf or hard-of-hearing, and visually

impaired shall not be available under this subsection.

(3) This subsection shall remain in force and effect only through June 30, 2012.

(d)(1) Any person who holds a currently valid teaching license with a content area endorsement at the early adolescence through late adolescence and adulthood level may add an additional content area endorsement for that level by submitting to the state board the following:

(A) Verification from an accredited institution by a unit head or designee of completion of 50 percent or more of an approved content area program, including the content methods course;

(B) verification of successful completion of the appropriate endorsement content assessment prescribed by the state board;

(C) an application for an added endorsement; and

(D) the application fee.

(2) Any person who holds a currently valid teaching license with a content area endorsement at the late childhood through early adolescence level may add the same content area endorsement at the early adolescence through late adolescence and adulthood level by submitting to the state board verification of meeting the requirements specified in paragraph (d)(1).

(3) Teaching endorsements for adaptive, functional, gifted, deaf or hard-of-hearing, and visually impaired shall not be available under this subsection.

(4) This subsection shall remain in force and effect only through June 30, 2012.

(e)(1) Any person who holds a valid out-of-state teaching license with an additional endorsement that was earned by completion of coursework specified by the other state may add that endorsement to the person's Kansas license by submitting to the state board the following:

(A) A copy of the out-of-state license showing the endorsement;

(B) verification that the person completed the specified coursework;

(C) verification of successful completion of the appropriate endorsement content assessment prescribed by the state board or evidence of successful completion of an endorsement content assessment in the state in which the applicant holds a license;

(D) an application for an added endorsement; and

(E) the licensure fee.

(2) This subsection shall remain in force and effect only through June 30, 2012.

(f)(1) Except as prescribed in paragraph (f)(2), any person who holds a valid teaching license may add an additional teaching endorsement by submitting to the state board the following:

(A) Verification of successful completion of the endorsement content assessment prescribed by the state board;

(B) an application for an added endorsement; and

(C) the application fee.

(2) Teaching endorsements for early childhood, early childhood unified, early childhood through late childhood generalist, adaptive, functional, gifted, deaf or hard-of-hearing, or visually impaired shall not be available under paragraph f)(1).

(3) This subsection shall remain in force and effect only through June 30, 2012. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended Aug. 10, 2007; amended July 18, 2008.)

**91-1-210. License extension based upon military service.** Any holder of a current initial or professional teaching, school specialist, or leadership license who enters active military service during the period the license is valid shall be granted an extension of the expiration date equal to the time in calendar days of active military service if all of the following requirements are met:

(a) Entry into active military service is on a full-time, 24-hour-per-day basis and occurs during a time of emergency as determined by the state board of education.

(b) An application for extension is submitted within one year after discharge or separation from active military service under honorable conditions.

(c) Verification of the length of time of active military service is provided.

(d) Application is made for an extension of the license.

(e) The licensure fee is paid. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 18, 2008.)

**91-1-211. Licensure review committee.**

(a) A licensure review committee shall be established as provided in this rule and regulation to review the qualifications of applicants who desire

to be licensed in the state of Kansas but who do not satisfy all the requirements for licensure.

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

(c) The licensure review committee shall review cases referred to it by the commissioner of education. The licensure review committee shall make a written recommendation to the state board to either approve or deny each application for licensure and shall state, in writing, the reasons for the recommendation given. The recommendation of the licensure review committee shall be reviewed by the state board, and the application for licensure shall be either approved or denied. The applicant shall be notified, in writing, of the decision of the state board.

(d) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-212. Restricted licenses.** (a) An individual may apply for a restricted teaching license or a restricted district leadership license.

(b) Each restricted teaching license shall be valid for three years from the date of issuance and shall be issued for one or more of the following levels:

(1) Early childhood (birth through grade 3);

(2) early childhood through late childhood (kindergarten through grade 6);

(3) late childhood through early adolescence (grades 5 through 8);

(4) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(5) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(c) Each restricted district leadership license shall be valid for three years from the date of issuance and shall be issued for all levels.

(d) Restricted teaching license.

(1) Each applicant for a restricted teaching license shall submit to the state board the following:

(A) An application for a restricted teaching license and the appropriate fee;

(B) an official transcript or transcripts verifying completion of an undergraduate or graduate degree in the content area in which the restricted license is sought;

(C) verification of a minimum 2.50 cumulative grade point average;

(D) documentation of the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position which the applicant is to fill;

(ii) the local education agency will employ the applicant if the license is issued;

(iii) the local education agency will assign a licensed teacher with three or more years of experience to serve as a mentor for the applicant; and

(iv) the local education agency has collaborated with a Kansas teacher education institution regarding the program the applicant will pursue to obtain full licensure, and the agency will provide accommodations to the applicant, including release time, in order to work with the mentor teacher and to complete coursework needed for full licensure; and

(E) a statement from the licensing officer of a Kansas teacher education institution attesting to the following:

(i) The applicant has on file a written plan that will qualify the applicant for full licensure in the content area for which the restricted certificate is sought;

(ii) the plan for program completion can be completed in not more than three years and contains a specific designation of the coursework that is to be completed each year;

(iii) the program provided to the applicant will meet the institution's approved program standards;

(iv) the institution will provide the applicant with on-site support at the employing local education agency, including supervision of the applicant's internship; and

(v) the institution has collaborated with the employing local education agency concerning the applicant's program.

(2) Each local education agency that employs a person holding a restricted teaching license shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification that the applicant has attained

passing scores on content assessment required by the state board of education by the end of the second year;

(B) verification from the chief administrative officer of the employing local education agency attesting to the following information:

(i) The applicant's contract will be renewed; and

(ii) the local education agency will continue to assign an experienced mentor teacher to the applicant and provide accommodations to the applicant to work with the mentor teacher and to complete the applicant's plan for full licensure;

(C) a statement from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) The applicant has made appropriate progress toward completion of the applicant's plan to qualify for full certification; and

(ii) the institution will continue to provide the applicant with on-site support, as necessary; and

(D) an official transcript verifying that the applicant has attained at least a 2.50 GPA in those courses specified in the applicant's plan for full licensure.

(e) Restricted district leadership license.

(1) Each applicant for a restricted district leadership license shall submit to the state board the following:

(A) An application, with appropriate fees, for the restricted district leadership license;

(B) verification of either three years of accredited teaching experience under an appropriate valid professional license or five years of related leadership experience;

(C) an official transcript verifying that the applicant holds a graduate degree;

(D) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(E) verification from the chief administrative officer or the president of the board of education of an accredited or approved local education agency attesting to the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position that the applicant is to fill;

(ii) the local education agency will employ the candidate if the restricted district leadership license is issued;

(iii) the local education agency has collaborated with a Kansas teacher education institution regarding the candidate;

(iv) the local education agency has an agree-



ment with an experienced district administrator holding a similar assignment to serve as a mentor for the candidate; and

(v) the local education agency will provide release time for the candidate to work with the administrator mentor and to work on progress toward program completion; and

(F) verification from the licensing officer at a Kansas teacher education institution attesting to the following:

(i) The institution will provide a program for the candidate that leads to the conditional license in district leadership that can be completed within a three-year time limit;

(ii) the applicant has on file a plan for program completion for the restricted district leadership license with a specific timeline detailing coursework to be completed successfully each year;

(iii) the institution will provide a program equivalent to the institution's approved program, but may choose to modify the delivery model;

(iv) the institution is collaborating with the school district providing employment; and

(v) the institution will provide the candidate with on-site support.

(2) Each local education agency that employs a person holding a restricted district leadership license shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification of completion of a school leadership assessment prescribed by the state board by the end of the second year;

(B) a statement from the chief administrative officer of the employing local education agency attesting to the following:

(i) The local education agency will offer an additional year of employment to the candidate; and

(ii) the local education agency will continue to assign a mentor and provide release time;

(C) verification from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) Normal progress has been made by the candidate of the deficiency plan for the restricted district leadership license;

(ii) an official transcript verifies that the candidate has maintained a 3.25 GPA in program courses; and

(iii) the institution will continue to provide the candidate with on-site support.

(f) This regulation shall expire on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 13, 2002.)

**91-1-213.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 13, 2002; amended Jan. 2, 2004; revoked Aug. 5, 2005.)

**91-1-214. Criminal history records check.** (a) Each person making initial application for a Kansas certificate or license or for renewal of an expired certificate or license shall submit, at the time of application, a complete set of legible fingerprints of the person taken by a qualified law enforcement agency. Fingerprints submitted pursuant to this regulation shall be released by the department of education to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation.

(b) Each applicant shall pay the appropriate fee for the criminal history records check, to be determined on an annual basis.

(c) In addition to any other requirements established by regulation for the issuance of any certificate or license specified in subsection (a), the submittal of fingerprints shall be a prerequisite to the issuance of any certificate or license by the state board. Any person making application who does not comply with the provisions of this regulation shall not be issued a certificate or license. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 13, 2002.)

**91-1-215. In-service education definitions.** (a) "Content endorsement standards" means those standards adopted by the state board that define the skills and knowledge required for the specific content endorsements prescribed in K.A.R. 91-1-202.

(b) "Educational agency" means a public school district, accredited nonpublic school, area professional development center, institution of postsecondary education authorized to award academic degrees, the Kansas state department of education, and any other organization that serves school districts.

(c) "In-service education" means professional development and staff development and shall include any planned learning opportunities pro-

vided to licensed personnel employed by a school district or other authorized educational agency for purposes of improving the performance of these personnel in already held or assigned positions.

(d) “In-service education plan” and “plan” mean a detailed program for provision of professional or staff development, or both.

(e) “Noncontractual times” means periods of time during which an employee is not under a contractual obligation to perform services.

(f) “Professional development” means continuous learning that is based on individual needs and meets both of the following criteria:

(1) The learning prepares a person for access to practice, maintains the person’s access to practice, builds an individual’s knowledge or skills, or is requested by the employing educational agency.

(2) The learning positively impacts the individual or the individual’s students, school or school district.

(g) “Professional development council” and “PDC” mean a representative group of licensed personnel from an educational agency that advises the governing body of the educational agency in matters concerning the planning, development, implementation, and operation of the educational agency’s in-service education plan.

(h) “Professional development plan” means a written document describing the in-service education activities to be completed during a specified period of time by the individual filing the plan.

(i) “Professional development point” means one clock-hour of in-service education. One semester hour of college credit shall count as 20 professional development points.

(j) “Professional education standards” means those standards adopted by the state board that specify the knowledge, competencies, and skills necessary to perform in a particular role or position.

(k) “Service to the profession” means any activity that assists others in acquiring proficiency in instructional systems, pedagogy, or content, or that directly relates to licensure of professional educators, accreditation processes, or professional organizations.

(l) “Staff development” means continuous learning offered to groups of professionals that develops the skills of those professionals to meet common goals, or the goals of a school or school district.

(m) “State board” means the state board of education.

This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-216. Procedures for promulgation of in-service education plans; approval by state board; area professional development centers’ in-service programs.** (a) An in-service education plan to be offered by one or more educational agencies may be designed and implemented by the board of education or other governing body of an educational agency, or the governing bodies of any two or more educational agencies, with the advice of representatives of the licensed personnel who will be affected.

(b) Procedures for development of an in-service plan shall include the following:

(1) Establishment of a professional development council;

(2) an assessment of in-service needs;

(3) identification of goals and objectives;

(4) identification of activities; and

(5) evaluative criteria.

(c) Based upon information developed under subsection (b) of this regulation, the educational agency shall prepare a proposed in-service plan. The proposed plan shall be submitted to the state board by August 1 of the school year in which the plan is to become effective.

(d) The plan shall be approved, approved with modifications, or disapproved by the state board. The educational agency shall be notified of the decision by the state board within 60 days of submission of the plan.

(e) An approved plan may be amended at any time by following the procedures specified in this regulation.

(f) Each area professional development center providing in-service education for licensure renewal shall provide the in-service education through a local school district, an accredited non-public school, an institution of postsecondary education, or an educational agency that has a state-approved in-service education plan.

(g) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-217. In-service education professional development council.** (a) Each profes-

sional development council shall meet the following criteria:

(1) Be representative of the educational agency's licensed personnel; and

(2) include at least as many teachers as administrators, with both selected solely by the group they represent.

(b) Each council shall have the following responsibilities:

(1) To participate in annual training related to roles and responsibilities of council members, including responsibilities under these regulations, K.A.R. 91-1-215 through K.A.R. 91-1-219;

(2) to develop operational procedures; and

(3) to develop a five-year plan that may be approved by the governing body of the educational agency and is based upon criteria established by the state board.

(c) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-218. Awarding of professional development points.** (a) In awarding professional development points, each educational agency shall designate that one professional development point is equal to one clock-hour of in-service education.

(b) If a person documents completion of an in-service activity, the person shall be awarded professional development points equal to the number of clock-hours completed.

(c) If a person who has earned points for completion of an in-service activity later verifies that the person has applied the skills or knowledge gained, the person shall be awarded two times the number of professional development points that were earned for completion of the in-service activity. Evidence of application of the knowledge gained through the in-service activity shall be presented to the professional development council and may include any of the following:

(1) Independent observation;

(2) written documentation; or

(3) other evidence that is acceptable to the PDC.

(d) If a person who has earned points for application of knowledge or skills learned through in-service activities verifies that the application of the knowledge or skills has had a positive impact on student performance or the educational program of the school or school district, the person

shall be awarded three times the number of professional development points that were earned for completion of the in-service activity. Evidence of impact upon student performance or school improvement shall be presented to the professional development council and may include any of the following:

(1) Independent observation;

(2) written documentation;

(3) evidence of improved student performance; or

(4) other evidence that is acceptable to the PDC.

(e) A person shall be awarded professional development points for activities related to service to the profession upon the basis of the number of clock-hours served. The person shall be awarded one point for each clock-hour of service. The person shall submit verification of service to the professional development council.

(f) For purposes of renewing a license, a professional development council shall not impose a limit on the number of professional development points that may be earned. However, a council may impose limits on the number of professional development points that may be earned for purposes related to employment or other local matters.

(g) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003.)

**91-1-219. Expenditures for an in-service education program.** (a) Education agencies may receive in-service education funds for the following expenditures:

(1) Consultant fees and honorariums;

(2) travel expenses for consultants;

(3) cost of materials used in training;

(4) salaries of substitute teachers for certified staff who have filed an individual development plan, but these salaries shall not exceed 25 percent of the total in-service education expenditures;

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

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

(7) salaries paid to certified staff, during non-contractual times, for participation in district-level or building-level training or other staff development activities.

(b) Education agencies shall not receive in-service education funds for the following expenditures:

- (1) Rental or facilities;
- (2) utilities;
- (3) equipment;
- (4) administrative expenses; and
- (5) salaries of teachers attending in-service workshops or conferences during contractual times, or the salaries of council members.

(c) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing K.S.A. 2000 Supp. 72-9603; effective July 1, 2003.)

**91-1-220. Technical education certificate.** (a) Any individual may apply for a restricted technical education certificate or a full technical education certificate.

(b) (1) Each restricted technical education certificate shall be valid for two years from the date of issuance and shall be valid for instruction in grades 9 through 12.

(2) Each restricted technical education certificate shall be valid for providing instruction in technical programs for trade and industry, health occupations, specialized occupational family and consumer sciences, horticulture, technology education, marketing, and business and computer technology.

(c) Each applicant for a restricted technical education certificate shall submit the following to the state board:

(1) Verification that a local education agency will employ the applicant in a technical program if the certificate is issued;

(2) verification of at least 4,000 hours of occupational work experience in the technical education content area in which the certificate is sought;

(3) documentation of the following:

(A) A written plan to qualify for full certification during the four-year period immediately following issuance of the initial restricted technical education certificate. The plan shall be based upon completion of the requirements of a training program for a full technical education certificate;

(B) verification from the employing local education agency that the agency has assigned a certified or licensed teacher with at least three years

of experience to serve as a mentor for the applicant; and

(C) verification from the employing local education agency that the agency will provide, within the first six weeks of employment, a new teacher orientation or induction program that addresses, at a minimum, lesson plan development, teaching methodologies, student assessment, and classroom management;

(4) an application for a restricted technical education certificate; and

(5) the certificate fee.

(d) Any individual may renew a restricted technical education certificate one time. Each applicant for renewal shall submit the following to the state board:

(1) Verification of successful completion of any recognized competency exam or of having obtained an appropriate occupational license if instructing in any technical program for which an exam or license is required;

(2) verification of completion, within the first six weeks of employment, of a new teacher orientation or induction program that addressed, at a minimum, lesson plan development, teaching methodologies, student assessment, and classroom management;

(3) verification of completion of at least 50 percent of the applicant's plan of study;

(4) verification of continued employment in the technical program;

(5) an application for a restricted technical education certificate; and

(6) the certificate fee.

(e) To qualify for a full technical education certificate, each individual holding a restricted technical education certificate shall meet the requirements for a full technical education certificate during the period of validity of the individual's restricted certification.

(f) (1) Each full technical education certificate shall be valid for five years from the date of issuance and shall be valid for instruction in grades 9 through 12.

(2) Each full technical education certificate shall be valid for instruction in technical programs for trade and industry, health occupations, specialized occupational family and consumer sciences, horticulture, technology education, marketing, and business and computer technology.

(3) Each applicant for a full technical education certificate shall submit the following to the state board:



(A) An application for a full technical education certificate and the appropriate fee;

(B) documentation of successful completion of a training program for technical education certification as specified in subsection (g) of this regulation;

(C) verification of successful completion of two years of teaching experience in a technical education program; and

(D) verification of attendance at one or more annual conferences related to the content area during each year of the restricted certificate period.

(g) Each applicant for a full technical education certificate shall have successfully completed a training program of at least 18 semester credit hours or the equivalent number of professional development points approved through a local professional development council. At a minimum, each training program shall provide instruction in each of the following areas for the minimum credit hours or points indicated:

(1) The foundations of technical education and the impact on the content specialty, including the importance of vocational-technical education in today's society. A minimum of three semester credit hours or 60 professional development points shall be required;

(2) the development and use of curricula within the vocational or technical program, including the ability to adapt and modify curricula to provide developmentally appropriate experiences for all students. A minimum of two semester credit hours or 40 professional development points shall be required;

(3) the instruction of students with special needs. A course on exceptional children consisting of a minimum of two semester credit hours shall be required;

(4) the importance of workplace experience and integration of supervised experience into the curriculum. A minimum of three semester credit hours or 60 professional development points shall be required;

(5) the school improvement process. A minimum of one semester credit hour or 20 professional development points shall be required;

(6) classroom management techniques. A minimum of two semester credit hours or 40 professional development points shall be required;

(7) the development of effective teaching methods, including the use of instructional strategies that encourage development of cognitive skills, in-

cluding decision making, critical thinking, and problem solving with regard to technical education issues and problems. A minimum of two semester credit hours or 40 professional development points shall be required;

(8) the utilization of various assessment techniques. A minimum of one semester credit hour or 20 professional development points shall be required; and

(9) the utilization of technology as an instructional tool within the program area. A minimum of two semester credit hours or 40 points shall be required.

(h) Any person may renew a full technical education certificate by submitting the following to the state board:

(1) An application for renewal and the required fee; and

(2) (A) Verification that the person, within the term of the current full technical education certificate, has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include at least annual attendance at professional conferences in the technical education field; or

(B) if the applicant holds an advanced degree, verification that the person, within the term of the current full technical education certificate, has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include at least annual attendance at professional conferences in the technical education field.

(i) Any person whose full technical education certificate has expired may apply for a transitional technical education certificate by submitting to the state board the following:

(1) An application for a transitional certificate; and

(2) the certification fee.

(j) Any person may upgrade a transitional technical education certificate to a full education technical certificate by submitting to the state board verification of meeting the renewal requirements in paragraph (h)(2). (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 5, 2005; amended July 18, 2008.)

**91-1-221. Technical education special needs certificate.** (a) Any individual may apply for a restricted technical education special needs certificate or a full technical education special needs certificate.

(b) (1) Each restricted technical education special needs certificate shall be valid for two years from the date of issuance and shall be valid for instruction in grades 9 through 12.

(2) Each restricted technical education special needs certificate shall be valid for providing instruction in technical programs for trade and industry, health occupations, specialized occupational family and consumer sciences, horticulture, technology education, marketing, and business and computer technology.

(c) Each applicant for a restricted technical education special needs certificate shall submit the following to the state board:

(1) Verification that a local education agency will employ the applicant to provide instruction to special needs students in a technical program if the certificate is issued;

(2) verification of at least 4,000 hours of occupational work experience in the technical education content area in which the certificate is sought;

(3) documentation of the following:

(A) A written plan to qualify for full certification during the term of the restricted technical education special needs certificate. The plan shall be based upon completion of the requirements of a training program for a full technical education special needs certificate;

(B) verification from the employing local education agency that the agency has assigned a certified technical education teacher or licensed special education teacher, with at least three years of experience, to serve as a mentor for the applicant; and

(C) verification from the employing local education agency that the agency will provide, within the first six weeks of employment, a new teacher orientation or induction program that addresses, at a minimum, lesson plan development, teaching methodologies, student assessment, and classroom management;

(4) an application for a restricted vocational technical special needs certificate; and

(5) the certificate fee.

(d) Any individual may renew a technical education special needs certificate one time. Each applicant for renewal shall submit the following to the state board:

(1) Verification of successful completion of a recognized competency exam or of having obtained an appropriate occupational license if instructing in any technical program for which an exam or license is required;

(2) verification of completion, within the first six weeks of employment, of a new teacher orientation or induction program that addressed, at a minimum, lesson plan development, teaching methodologies, student assessment, and classroom management;

(3) verification of completion of at least 50 percent of the applicant's plan of study;

(4) verification of continued employment to provide special education services in the technical program;

(5) an application for a restricted technical education special needs certificate; and

(6) the certificate fee.

(e) To qualify for a full technical education special needs certificate, each individual holding a restricted technical education special needs certificate shall meet the requirements for a full technical education special needs certificate during the period of validity of the individual's restricted certification.

(f) (1) Each full technical education special needs certificate shall be valid for five years from the date of issuance and shall be valid for instruction in grades 9 through 12.

(2) Each full technical education special needs certificate shall be valid for providing instruction in technical programs for trade and industry, health occupations, specialized occupational family and consumer sciences, horticulture, technology education, marketing, and business and computer technology.

(3) Each applicant for a full technical education special needs certificate shall submit the following to the state board:

(A) An application for a full technical education special needs certificate and the appropriate fee;

(B) documentation of successful completion of a training program for technical education special needs certification as specified in subsection (g);

(C) verification of successful completion of two years of teaching experience in a technical education special needs program; and

(D) verification of attendance at one or more annual conferences related to the content area during each year of the restricted certificate period.

(g) Each applicant for a full technical education

special needs certificate shall have successfully completed a training program of at least 27 semester credit hours or the equivalent number of professional development points approved through a local professional development council. The program shall include a minimum of 18 credit hours or the equivalent number of professional development points in technical education requirements. The remainder of the credit hours or professional development points shall meet the special education requirements. At a minimum, each training program shall provide instruction in each of the following areas for the minimum credit hours or points indicated:

(1) The technical education training program specified in K.A.R. 91-1-220(g).

(2) The following special education requirements:

(A) Principles of special education, including an understanding of special education legal requirements concerning transition, interagency collaboration, eligibility, evaluation, IEP development, progress monitoring, and parental participation. A minimum of three semester credit hours or 60 professional development points shall be required;

(B) effective classroom management techniques and appropriate behavior management for the following groups of students: all students, students with moderate intervention needs, and students with significant intervention needs. A minimum of two semester credit hours or 40 professional development points shall be required;

(C) effective instructional practices that have a research base for students with disabilities, including differentiated assignments, cooperative learning, grouping patterns, and effective collaboration with other educational professionals. A minimum of two semester credit hours or 40 professional development points shall be required;

(D) assistive technology. A minimum of one semester credit hour or 20 professional development points shall be required; and

(E) writing measurable IEP goals and engaging in progress monitoring, and formative and summative assessments. A minimum of one semester credit hour or 20 professional development points shall be required.

(h) Any person may renew a full technical education special needs certificate by submitting the following to the state board:

(1) An application for renewal and the required fee; and

(2)(A) Verification that the person, within the term of the current full technical education special needs certificate, has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include annual attendance at one or more professional conferences in the technical education field; or

(B) if the applicant holds an advanced degree, verification that the person, within the term of the full technical education special needs certificate, has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include at least annual attendance at professional conferences in the technical field.

(i) Any person whose full technical special needs certificate has expired may apply for a transitional technical special needs certificate by submitting to the state board the following:

(1) An application for a transitional certificate; and

(2) the certification fee.

(j) Any person may upgrade a transitional technical special needs certificate to a full technical special needs certificate by meeting the renewal requirements in subsection (h). (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 5, 2005; amended July 18, 2008.)

**91-1-230. Institutional accreditation and program approval definitions.** (a) "Academic year" means July 1 through the following June 30.

(b) "Annual report" means a document that an institution submits to the commissioner on a yearly basis in which the information specified by the commissioner concerning unit standards and operations, programs offered by the unit, and statistical data is presented.

(c) "Approved," when used to describe a teacher education program, means that the program meets the program standards prescribed in regulations adopted by the state board.

(d) "Approved with stipulation," when used to describe a teacher education program, means that the program has deficiencies in meeting the program standards prescribed in regulations adopted

by the state board that the institution shall correct before being approved.

(e) “Commissioner” means the state commissioner of education or the commissioner’s designee.

(f) “Evaluation review committee” means the standing committee of the teaching and school administration professional standards board, or its successor, that is responsible for making accreditation and program approval recommendations to the state board.

(g) “Focused visit” means the on-site visit to a teacher education institution that has limited accreditation by the state board and is seeking full accreditation.

(h) “Full accreditation” means the status assigned to a teacher education institution that is determined through a focused visit to meet substantially the accreditation standards adopted by the state board.

(i) “Initial visit” means the first on-site visit to a teacher education institution that is seeking accreditation for the first time from the state board.

(j) “Institutional candidate” means the designation assigned to an institution that is seeking accreditation for the first time and that has met the accreditation preconditions specified by the state board.

(k) “Institutional candidate visit” means an on-site visit that takes place following the designation of institutional candidate status to a teacher education institution.

(l) “Institutional report” means a document that describes how a teacher education institution meets the accreditation standards adopted by the state board.

(m) “Limited accreditation” means the status assigned to a teacher education institution that is determined through an initial visit to meet substantially the accreditation standards adopted by the state board.

(n) “Not approved,” when used to describe a teacher education program, means that the program fails substantially to meet program standards adopted by the state board.

(o) “Program report” means a written document that describes coursework, assessment instruments, and performance criteria used in a program to achieve the program standards established by the state board.

(p) “Progress report” means a written document that addresses the stipulations that are noted if a new program is approved with stipulation.

(q) “Review team” means a group of persons appointed by the commissioner to review and analyze reports from teacher education institutions and prepare reports based upon the review and analysis.

(r) “State board” means the state board of education.

(s) “Student teaching” means preservice clinical practice for individuals preparing to become teachers.

(t) “Teacher education institution” and “institution” mean a college or university that offers at least a four-year course of study in higher education and maintains a unit offering teacher education programs.

(u) “Teacher education program” and “program” mean an organized set of learning activities designed to provide prospective school personnel with the knowledge, competencies, and skills to perform successfully in a specified educational position.

(v) “Upgrade report” means a written document that addresses the stipulations noted if an existing program is approved with stipulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004.)

**91-1-231. Procedures for initial accreditation of teacher education institutions.**

(a) Statement of intent. Each teacher education institution that desires accreditation by the state board shall submit a written statement of its intent to seek accreditation to the commissioner at least 24 months before the institution desires to have its initial visit. Upon receipt of this statement, the initial visit shall be scheduled by the commissioner.

(b) Preconditions.

(1) At least three semesters before the initial visit, the teacher education institution shall submit to the commissioner a preconditions report addressing each of the preconditions specified by the state board.

(2) Upon receipt of a preconditions report, the report shall be referred by the commissioner to the appropriate committee of the standards board. The committee shall review the report and determine whether all of the preconditions have been met.

(3) If all of the preconditions have been met, the committee shall recommend to the commis-



sioner that the institution be designated an institutional candidate.

(4) If the committee determines that the preconditions have not been met, the committee shall notify the institution of the committee's determination and shall advise the institution that it may submit, within 30 days of the notice, additional or revised documentation for consideration by the committee.

(5) If additional or revised documentation is submitted, the committee shall review the documentation and make a final recommendation to the commissioner.

(6) The final determination of whether the preconditions are met shall be made by the commissioner. If the preconditions are met, the institution shall be designated as an institutional candidate.

(c) Institutional candidate visit. Following designation as an institutional candidate, an institutional candidate visit shall be scheduled by the commissioner. If it is determined, based upon the institutional candidate visit, that an institution has the ability to meet the requirements of a teacher education institution, the institution may submit programs for approval and proceed with a self-study and institutional report.

(d) Limited accreditation.

(1) To attain the status of limited accreditation, an institution shall schedule an initial visit for the institution with the commissioner and submit an institutional report that shall be in the form and shall contain the information prescribed by the commissioner. The institutional report shall be submitted at least 60 days before the date of the initial visit scheduled for the institution.

(2) After the initial visit, the institution shall be either granted limited accreditation or denied accreditation following the procedure set forth in K.A.R. 91-1-232.

(3) Each institution shall retain the status of limited accreditation for three academic years, unless the status is changed by the state board.

(4) For licensing purposes, each institution that is granted limited accreditation shall be deemed to have full accreditation.

(e) Full accreditation.

(1) (A) Any institution that has been granted limited accreditation from the state board may apply for full accreditation by scheduling a focused visit of the institution with the commissioner and submitting an institutional report that shall be in

the form and shall contain the information prescribed by the commissioner.

(B) Each institution shall schedule the focused visit to be completed at least one year before the institution's limited accreditation expires.

(C) Each institution shall submit its institutional report at least 60 days before the date of the focused visit to the institution.

(D) After the focused visit, the institution shall be either granted full accreditation or denied accreditation following the procedures set forth in K.A.R. 91-1-232.

(2) Subject to subsequent action by the state board, the full accreditation of any teacher education institution shall be effective for seven academic years. However, each teacher education institution granted full accreditation by the state board shall submit an annual report to the commissioner on or before October 1 of each year.

(f) Renewal of accreditation. Any institution may request renewal of its accreditation status by following the procedures specified in K.A.R. 91-1-70a.

(g) Change of accreditation status.

(1) The accreditation status of any teacher education institution may be changed or revoked by the state board if, after providing an opportunity for a hearing, the state board finds that the institution has failed to meet substantially the accreditation standards adopted by the state board, that the institution has made substantial changes to the unit, or that other just cause exists.

(2) The duration of the accreditation status of an institution may be extended by the state board.

(3)(A) If limited or full accreditation of an institution is denied or revoked, the institution shall not admit any new students into its teacher education unit.

(B) The institution may recommend for licensure only those students who complete their programs by the end of the semester in which the accreditation denial or revocation occurs. The institution shall provide written notice to all other students in its teacher education unit at the time of accreditation denial or revocation that the institution is no longer authorized to recommend students for licensure. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004.)

**91-1-232. On-site visits; recommendation; appeal.** (a) On-site visits.

(1) After the scheduling of either an initial visit

or a focused visit, an on-site review team shall be appointed by the commissioner. The team shall be appointed at least 60 days before the date of the visit. The chairperson of the on-site review team and the number of on-site review team members shall be designated by the commissioner. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(2) In accordance with procedures adopted by the state board, each on-site review team shall examine and analyze the institutional report, conduct an on-site review of the teacher education institution, and prepare a report expressing the findings and conclusions of the review team. The on-site review team report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to the evaluation review committee and to an appropriate representative of the teacher education institution.

(3) Any institution may prepare a written response to an on-site review team report. This response shall be prepared and submitted to the commissioner within 30 days of receipt of the on-site review team's report. Each response shall be forwarded by the commissioner to the evaluation review committee.

(b) Recommendation and appeal.

(1) The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate accreditation status to be assigned to the teacher education institution, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(2) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(3) If a request for a hearing is submitted according to paragraph (b)(2), the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be as-

signed to the teacher education institution, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(4) If a request for a hearing is not submitted within the time allowed under paragraph (2) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004.)

**91-1-233. Reserved for possible future use.**

**91-1-234. Innovative or experimental programs.** (a) Any teacher education institution desiring to offer an innovative or experimental program to prepare personnel for positions for which no program currently exists, or to utilize a new approach or method for the preparation of education personnel in an existing program, shall submit a written application to the state board for consideration for approval of the proposed program. The application shall include the following:

(1) A written statement of the purpose and objectives of the proposed program;

(2) documentation of the need for the proposed program;

(3) a written statement of the competencies to be acquired by persons who complete the proposed program. These competencies shall include the knowledge and skills required for a beginning teacher or other school professional. This statement of competencies shall be based upon the purpose and objectives of the program;

(4) a written description of the curricula to be used in the proposed program;

(5) a written statement of the administrative structure for governance of, and responsibility for, the proposed program. This statement shall include a designation of the appropriate division, school, college, or department within the institution to act within the framework of general institutional policies on all matters relating to the pro-

gram. The statement shall also include a designation of the financial and human resources that will be dedicated to the program during its initial five years of operation; and

(6) a timetable that specifies the following information:

(A) The sequence of activities that will occur;

(B) the anticipated schedule of evaluative checkpoints;

(C) identification of competencies to be acquired by the students; and

(D) provisions for program design changes, if necessary, at selected intervals in the program.

The timetable shall give the approximate dates on which periodic program reports are to be submitted to the appropriate institutional officials and the state board.

(b) Each teacher education institution offering an innovative or experimental program shall provide for continuing evaluation of the program, including performance criteria and follow-up at specified intervals. The provisions concerning evaluation of the program shall include a definition and specification of the kinds of evidence that will be gathered and reported. Each evaluation shall provide information to identify areas in the program that need improvement and to suggest new directions for program development. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 10, 2007.)

**91-1-235. Procedures for initial approval of teacher education programs.** (a) Application.

(1) Each teacher education institution that desires to have any new program approved by the state board shall submit an application for program approval to the commissioner. The application shall be submitted at least 12 months before the date of implementation.

(2) Each institution shall submit with its application a program report containing a detailed description of each proposed program, including program coursework based on standards approved by the state board, and the performance-based assessment system that will be utilized to collect performance data on candidates' knowledge and skills. Each program report shall be in the form and shall contain the information prescribed by the commissioner. The program report shall include confirmation that the candidates in the program will be required to complete the following:

(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major; and

(B) a minimum of 12 weeks of student teaching.

(b) Review team. Upon receipt of a program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program to be reviewed. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(c) Program review process.

(1) In accordance with procedures adopted by the state board, a review team shall examine and analyze the proposed program report and shall prepare a report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to an appropriate representative of the teacher education institution.

(2) An institution may prepare a response to the review team's report. This response shall be prepared and submitted to the commissioner within 30 days of receipt of the review team's report. The review team's report, any response by the institution, and any other supporting documentation shall be forwarded to the evaluation review committee by the commissioner.

(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(e) Request for hearing.

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the evaluation review committee for a hearing before the committee to appeal the initial recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(f) Approval status.

(1) Each new program shall be approved with stipulation or not approved.

(2) If a new program is approved with stipulation, that status shall be effective until the institution's next on-site visit.

(g) Annual report.

(1) If a new program is approved with stipulation, the institution shall submit a progress report to the commissioner within 60 days after completion of the second semester of operation of the program, and thereafter in each of the institution's annual reports that are due on or before October 1, until the institution's next on-site visit.

(2) Each progress report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis.

(h) Change of approval status.

(1) At any time, the approval status of a teacher education program may be changed by the state board if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards or has materially changed the program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the current approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board. This extension shall be counted as part of any subsequent approval period of a program.

(2) At the time of an institution's next on-site visit, the new program shall be reviewed pursuant to K.A.R. 91-1-236.

(3) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004.)

**91-1-236. Procedures for renewing approval of teacher education program.** (a) Application for program renewal.

(1) Each teacher education institution that desires to have the state board renew the approval status of one or more of its teacher education programs shall submit to the commissioner an application for program renewal. The application shall be submitted at least 12 months before the expiration of the current approval period of the program or programs.

(2) Each institution shall also submit a program report, which shall be in the form and shall contain the information prescribed by the commissioner. The program report shall be submitted at least six months before the expiration of the current approval period of the program or programs. The program report shall include confirmation that the candidates in the program will be required to complete the following:

(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major; and

(B) a minimum of 12 weeks of student teaching.

(b) Review team. Upon receipt of a complete program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program or programs to be reviewed. An institution may challenge the appointment of a review team member only on the basis of a conflict of interest.

(c) Program review process.

(1) In accordance with procedures adopted by the state board, each review team shall examine and analyze the program report and prepare a review report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to



an appropriate representative of the teacher education institution.

(2) Any institution may prepare a written response to the review team's report. Any response shall be prepared and submitted to the commissioner within 30 days of receipt of the review team's report. The review team's report, any response filed by the institution, and any other supporting documentation shall be forwarded by the commissioner to the evaluation review committee.

(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(e) Request for hearing.

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation of the committee. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination of program approval status according to paragraph (f)(1) of this regulation.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be

submitted by the commissioner to the state board for its consideration and determination.

(f) Approval status.

(1) The status assigned to any teacher education program specified in this regulation shall be approved, approved with stipulation, or not approved.

(2) Subject to subsequent action by the state board, the assignment of approved status to a teacher education program shall be effective for seven academic years. However, the state board, at any time, may change the approval status of a program if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards adopted by the state board or has made a material change in a program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board.

(3)(A) If a program is approved with stipulation, that status shall be effective for the period of time specified by the state board, which shall not exceed seven years.

(B) If any program of a teacher education institution is approved with stipulation, the institution shall include in its upgrade report to the commissioner the steps that the institution has taken and the progress that the institution has made during the previous academic year to address the deficiencies that were identified in the initial program review.

(C) The upgrade report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. After this examination and analysis, the evaluation review committee shall prepare a written recommendation regarding the status to be assigned to the teacher education program for the succeeding academic years. The recommendation shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. If the institution does not agree with this recommendation, the institution may request a hearing according to the provisions in subsection (e).

(D) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved.

(E) Students shall be allowed two full, consecutive, regular semesters following the notification of final action by the state board to complete a program that is not approved. Summers and interterms shall not be counted as part of the two regular semesters. Students who finish within these two regular semesters may be recommended for licensure by the college or university. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004.)

**Article 2.—STANDARDS AND  
PROCEDURES FOR ACCREDITING  
HIGH SCHOOLS**

**91-2-1.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; amended May 1, 1976; revoked May 1, 1979.)

**91-2-2.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; revoked May 1, 1979.)

**91-2-3.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-2-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-2-5.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended May 1, 1975; revoked May 1, 1979.)

**91-2-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970;

amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-2-7.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-2-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-2-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-2-10.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1979.)

**91-2-11.** (Authorized by K.S.A. 72-7514, K.S.A. 1975 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; revoked May 1, 1976.)

**91-2-12.** (Authorized by K.S.A. 72-115; effective Jan. 1, 1968; revoked May 1, 1979.)

**91-2-13.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-2-14.** (Authorized by K.S.A. 1970 Supp. 72-7513, 72-7514; effective Jan. 1, 1968; amended Jan. 1, 1970; revoked Jan. 1, 1971.)

**91-2-14a.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-2-14b.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-2-15.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968;

amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1976; amended Feb. 15, 1977; revoked May 1, 1979.)

**91-2-16. Reserved.**

**Article 3.—STANDARDS AND PROCEDURES FOR ACCREDITING JUNIOR HIGH SCHOOLS**

**91-3-1.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; amended May 1, 1976; revoked May 1, 1979.)

**91-3-2.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; amended May 1, 1976; revoked May 1, 1979.)

**91-3-3.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-3-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-3-5.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1968; amended Jan. 1, 1972; revoked May 1, 1979.)

**91-3-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; revoked May 1, 1979.)

**91-3-7.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-3-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970;

amended Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-3-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1975; revoked May 1, 1979.)

**91-3-10.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; revoked May 1, 1979.)

**91-3-11.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-3-12.** (Authorized by K.S.A. 1971 Supp. 72-7513, 72-7514; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; revoked Jan. 1, 1972.)

**91-3-12a.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-3-12b.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-3-13.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1976; revoked May 1, 1979.)

**91-3-14. Reserved.**

**Article 4.—STANDARDS AND PROCEDURES FOR ACCREDITING ELEMENTARY SCHOOLS**

**91-4-1.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; amended May 1, 1976; revoked May 1, 1979.)

**91-4-2.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972;

amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-4-3.** (Authorized by K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-4-3a.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective May 1, 1976; revoked May 1, 1979.)

**91-4-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1973; amended May 1, 1976; revoked May 1, 1979.)

**91-4-5.** (Authorized by K.S.A. 72-1101, 72-1103, 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-4-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-4-7.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; revoked May 1, 1979.)

**91-4-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-4-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1979.)

**91-4-10.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1968; amended Jan. 1, 1971; revoked May 1, 1979.)

**91-4-11.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-4-12.** (Authorized by K.S.A. 1971 Supp. 72-7513, 72-7514; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1 1971; revoked Jan. 1, 1972.)

**91-4-12a.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-4-12b.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-4-13.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1976; revoked May 1, 1979.)

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

**91-5-1. Definitions.** (a) “Approved program” means an approved driver education program or approved motorcycle safety program.

(b) “Driver education program” means a course designed to teach students the components of basic automobile operation, including rules of the road and safety.

(c) “Hour” means a class period of no fewer than 50 minutes.

(d) “Motorcycle safety program” or “Driver education II” means a course designed to teach students the components of motorcycle operation, including safety.

(e) “State board” means the state board of education. (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272; effective May 1, 1980; amended, T-84-2, Feb. 10, 1983; amended May 1, 1984; amended Dec. 18, 1998.)

**91-5-1a. Program approval.** (a) To be eligible for program approval, a school shall be accredited by the state board as a public secondary school, nonpublic secondary school, or community college. Each school shall make application to the state board for approval of its driver education program or motorcycle safety program before the initiation of instruction

(b) Each application for approval of a driver education program shall include the following:

(1) A detailed description of the proposed program;

(2) a statement of the specific goals and objectives of the program;



(3) a description of the procedures to be used to evaluate the program;

(4) an assurance that each instructor will meet the requirements of the state board for teaching driver education; and

(5) any other information required by the state board.

(c) A driver education program shall not be approved unless it requires that each enrolled student demonstrates proficiency in both of the following areas:

(1) Rules of the road; and

(2) proper operation and control of a vehicle while driving in varying conditions affecting vehicle operation.

(d) Due to the time required to adequately assess skills acquisition, a driver education program shall not be approved if the program is designed to be completed in fewer than seven days.

(e) (1) Each application for approval of a motorcycle safety program shall include information indicating that the proposed program complies with the requirements of K.A.R. 91-5-14 and amendments thereto.

(2) A motorcycle safety program shall not be approved if the program is designed to be completed in fewer than three days. (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended, T-86-24, July 24, 1985; amended May 1, 1986; amended Dec. 18, 1998.)

**91-5-2.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272 and 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982; amended Aug. 31, 1992; revoked Dec. 18, 1998.)

**91-5-3. Qualifications of instructors.** (a) Each instructor of an approved driver education program shall have the following:

(1) (A) a valid teacher certificate with an endorsement in driver education; or

(B) subject to the provisions of subsection (b), a valid substitute teacher certificate; and

(2) a valid motor vehicle operator's license.

(b) Each instructor who provides driver education under a substitute teacher certificate shall have had, within the five years preceding the date of the issuance of each substitute teacher certifi-

cate, teaching experience in an approved driver education program. (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; modified L. 1978, ch. 447, May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended Dec. 27, 1996.)

**91-5-4. Reimbursement.** On and after September 1, 1998, annual reimbursement shall be based on the number of eligible students who have completed the requirements of an approved program during the preceding 12 months. Distribution of funds shall be made on or before November 1 of each year. (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended Dec. 18, 1998.)

**91-5-5.** (Authorized by K.S.A. 72-115; effective Jan. 1, 1966; amended, E-74-3, Oct. 5, 1973; revoked May 1, 1976.)

**91-5-6. Period of instruction.** Effective September 1, 1979: Any accredited secondary school may offer an approved course during the regular school term, the summer term, or after-school periods as long as the instruction is administered and supervised as an integral part of the school program. (Authorized by K.S.A. 72-7514; effective Jan. 1, 1966; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980.)

**91-5-7. Eligible students.** (a) Students in any approved program shall be regularly enrolled in an accredited public, nonpublic, or special purpose school, or a community college. Each student shall be at least 14 years of age prior to beginning behind-the-wheel instruction.

(b) Persons eligible to apply for a motor vehicle operator's license, who are not regularly enrolled in an accredited school and who have not successfully completed a course in driver education, shall be eligible to apply to enter an approved program. Adult students shall be covered by all regulations applying to other students in the approved program. (Authorized by K.S.A. 72-7514; implementing K.S.A. 8-272 and 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-

74-3, Oct. 5, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1976; modified, L. 1978, ch. 447, May 1, 1978; amended May 1, 1979; amended, E-80-14, Sept. 12, 1979; amended May 1, 1980; amended Nov. 23, 1992.)

**91-5-8.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1966; amended, E-74-3, Oct. 5, 1973; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked Dec. 18, 1988.)

**91-5-9. Automobile used as a trainer.** (a) Any automobile used for driver education purposes, with the exception of those vehicles used solely for the multi-car driving range program, shall carry a special designation clearly visible from the rear, either as a printed sign or a decalomania with the following wording in at least two-inch letters:

DRIVER EDUCATION  
or  
STUDENT DRIVER

(b) Any automobile used for driver education purposes, with the exception of those vehicles used solely for the multi-car driving range program, shall have dual controls as a safety measure. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-5016; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1976; amended May 1, 1978; amended, E-80-14, Sept. 12, 1979; amended May 1, 1980; amended Dec. 18, 1998.)

**91-5-10.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked Dec. 18, 1998.)

**91-5-11.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked Dec. 18, 1998.)

**91-5-12.** (Authorized by K.S.A. 72-7514; effective Jan. 1, 1966; amended Jan. 1, 1970;

amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; revoked May 1, 1978; revoked May 1, 1979.)

**91-5-13. Reports.** Schools participating in state reimbursement programs for driver education shall submit evidence of student completion of an approved program using the format provided by the state board and other information necessary for state approval of the program. Reports shall be due at the office of the state board each year on or before September 16. (Authorized by K.S.A. 72-7514 and implementing K.S.A. 8-272; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended Dec. 18, 1998.)

**91-5-14. Motorcycle instruction.** (a) (1) Motorcycle instruction shall be offered only to students who are 15 years of age or older and either have completed an approved course in driver education or hold a valid motor vehicle operator's license. Each course shall include a minimum of 20 hours of instruction, which shall include no fewer than eight hours of classroom instruction and an average of no fewer than six hours of behind-the-bar instruction per student. If on-street driving instruction is provided, the instruction shall not exceed one hour per day, except that one instructional period in each program may be extended to a maximum of two hours.

(2) Instructors of an approved motorcycle course shall hold a motorcycle instructor permit or a chief instructor permit.

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

(4) No program shall have more than 12 students per instructor for off-street instruction or more than six students per instructor for on-street instruction.

(5) If on-street instruction is provided, during this instruction each student shall wear a bright orange or yellow riding vest inscribed with the words "student driver."

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

(b) Qualifications for motorcycle instructor and chief instructor permits; duration of permits; renewals.

(1) A person shall be issued a motorcycle in-

structor permit if the person meets the following qualifications:

(A) Has a valid driver's license with a motorcycle endorsement;

(B) is at least 18 years of age;

(C) has no more than two moving traffic violations within two years of the date of application for a permit;

(D) has no conviction of any of the traffic violations specified in K.S.A. 8-254 and amendments thereto;

(E) has successfully completed a beginning rider's course approved by the state board; and

(F) has successfully completed a 60-hour instructor's course approved by the state board.

(2) A person shall be issued a chief instructor permit if the person meets the following requirements:

(A) Has a valid driver's license with a motorcycle endorsement;

(B) is at least 21 years of age;

(C) has no more than two moving traffic violations within two years of the date of application for a permit;

(D) has no conviction of any of the traffic violations specified in K.S.A. 8-254 and amendments thereto;

(E) has successfully completed a chief instructor's course approved by the state board; and

(F) has taught three beginning rider's courses within two years of the date of application.

(3) Each motorcycle instructor permit and each chief instructor permit shall be valid for three years, unless the person holding the permit has either of the following:

(A) Two or more moving traffic violations during the validity period of the permit; or

(B) a conviction of any of the crimes specified in paragraph (b)(1)(D) of this regulation.

(4) Each motorcycle instructor and each chief instructor may renew the permit if the instructor meets the following requirements:

(A) Has taught at least one beginning rider's course each year, if an instructor, or at least one instructor's course during the past three years, if a chief instructor;

(B) has taught at least one motorcycle riding course each year; and

(C) has no more than two moving traffic violations within the past three years and no conviction of any of the traffic violations specified in K.S.A. 8-254 and amendments thereto. (Authorized by and implementing K.S.A. 8-272; effective

May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982; amended, T-84-2, Feb. 10, 1983; amended May 1, 1984; amended Jan. 23, 1998; amended Feb. 9, 2001.)

#### Article 6.—KANSAS SCHOLARSHIP PROGRAM

**91-6-1.** (Authorized by K.S.A. 72-6804; effective Jan. 1, 1966; revoked May 1, 1976.)

**91-6-2.** (Authorized by K.S.A. 1969 Supp. 72-6804; effective Jan. 1, 1966; amended Jan. 1, 1968; revoked Jan. 1, 1970.)

**91-6-3 to 91-6-11.** (Authorized by K.S.A. 72-6804; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; revoked May 1, 1976.)

#### Article 7.—COMMERCIAL DRIVERS' TRAINING SCHOOLS

**91-7-1. Licenses required.** Every person conducting a drivers' training school shall be licensed by the state board of education prior to engaging in that business. No license shall be issued until at least one (1) instructor has obtained an instructor's license and at least one (1) motor vehicle has been approved for drivers' training school use.

(a) *Applications.* (1) Application shall be made on a form prescribed by the state board. Renewal applications shall be submitted for approval and issuance at least ten (10) days prior to the expiration date of the current license.

(2) When an application is made by an individual, it shall be signed and sworn to by the individual. In the case of a partnership, the application shall be signed and sworn to by any one (1) partner. In the case of a corporation, the application shall be signed and sworn to by the president and attested to by the secretary.

(3) Every initial application shall be accompanied by the following supplementary documents:

(A) In the case of a corporation, a certified copy of its certificate of incorporation and a copy of the corporate resolution authorizing the corporation to engage in the business of operating a drivers' training school;

(B) a sample of every contract form for instructional purposes, receipt forms, and other forms used by the school and delivered to students; and

(C) a schedule of all services to be performed by the school.

(b) *License fee.* (1) The annual fee for the initial license and renewal shall be twenty-five dollars (\$25.00).

(2) The license shall be valid for the calendar year.

(c) *Display of license.* The original license shall be conspicuously displayed in the licensee's principal place of business.

(d) *License not transferable.* (1) In the event of any change of ownership or interest in the business, including the sale of more than 25% of the capital stock of a corporation, application for a new license shall be filed with the state board.

(2) The state board may, in its discretion, permit continuance of the business by the licensee, pending processing of the application made by the person to whom the business, or interest in the business, is to be transferred.

(3) The existing license and copies, together with all instructors' certificates issued, shall be surrendered before a license shall be issued to the new owner.

(e) *Lost, mutilated or destroyed licenses.* In the event a license is lost, mutilated or destroyed, a duplicate shall be issued upon proof of the facts, and upon payment of five dollars (\$5.00) and, in the case of mutilation, upon surrender of the mutilated license. Proof shall be submitted in the form of an affidavit indicating:

(1) the date the license was lost, mutilated or destroyed; and

(2) the circumstances involving the loss, mutilation, or destruction of the license.

(f) *Surrender of license.* (1) A license to be surrendered for cancellation or deposited for safe-keeping shall be returned to the office of the state board.

(2) In all cases, the licensee shall state, in writing, the reason for the surrender or deposit. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-2. Location of school.** (a) Each drivers' training school shall maintain an established place of business.

(b) A drivers' training school shall not change its location without prior approval of the state board.

(c) No license shall be issued for conducting a drivers' training school where business is conducted from a house trailer, tent, temporary stand, temporary addresses, a room or rooms in a

hotel or motel, or through the exclusive use of a telephone answering service.

(d) The location shall be identified by a permanent sign and the name of the school shall appear on the sign. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-3. Records to be maintained.** (a) *Types of records.* Every school shall maintain the following records: (1) The name, address, and contract number with respect to every person receiving lessons, lectures, tutoring, or any other services relating to instructions in the operation of motor vehicles;

(2) The date, type, and duration of all lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles, including the name of the instructor giving the instruction; and

(3) The original contract entered into between the drivers' training school and every person receiving lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles.

(4) A copy of a receipt for any moneys paid to the drivers' training school by a student. The receipt form shall contain: (A) the licensed name of the school; (B) the name of the student; (C) the date of payment; (D) the amount of payment; (E) the signature of the student; and (F) the signature of the person receiving the payment from the student.

(b) *Loss, mutilation, or destruction of records.* (1) The loss, mutilation, or destruction of any records which a drivers' training school is required to maintain under these regulations shall be reported immediately to the state board by affidavit stating: (A) the date the records were lost, destroyed, or mutilated; (B) the circumstances involving the loss, destruction, or mutilation; and (C) the name of the precinct, police officer, or police department to which the loss was reported and the date of the report.

(c) *Retention of records.* All records shall be maintained for a period of three (3) years and shall be subject to inspection by the state board. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-4. Bond required.** The bond required by K.S.A. 8-275 shall be on a form provided by the state board and shall be filed in the office of the state board. (Authorized by K.S.A. 8-



278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-5. Drivers' training school vehicles.**

(a) *Identification certificates.* (1) A motor vehicle owned or controlled by a drivers' training school shall not be used for the purpose of giving instructions in driving until the licensee has obtained from the state board a school vehicle identification certificate. This certificate shall be carried in the vehicle while the vehicle is being used either for driving instructions or for driving tests.

(2) Application for a school vehicle identification certificate shall be made on a form prescribed by the state board.

(3) A school vehicle identification certificate shall not be issued until:

(A) the vehicle has been equipped with dual controls on foot brake and on clutch, if any, and has been otherwise equipped in accordance with the motor vehicle and traffic laws;

(B) the school has filed with the state board evidence of liability insurance in a company authorized to do business in this state as required by K.S.A. 8-275(d). In the event of cancellation or expiration of insurance, the vehicle shall not be used for drivers' training school purposes. The school vehicle identification certificate shall terminate automatically and shall be surrendered to the state board;

(C) the vehicle has been equipped with seat belts for both the student and instructor. Seat belts shall be used by both the student and instructor when the vehicle is being operated for instructional purposes; and

(D) the vehicle has been equipped with rear view mirrors for both the driver and the instructor.

(b) *Sign displayed on vehicles.* (1) Vehicles, while being used for driving instructions, shall conspicuously display a sign, with background and letters of contrasting colors, stating "student driver."

(2) The sign shall be visible from the rear in letters not less than three (3) inches in height. Letters shall be of a reflectorized material, basically white, amber, or yellow in color. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-6. Conduct of drivers' training schools.** (a) *Advertising.* Advertising by drivers' training schools shall conform to the following:

(1) the schools shall not publish, advertise, or intimate that a license is guaranteed or assured;

(2) the schools shall not display signs, indicating that licenses or plates may be secured at the school;

(3) the letters and numerals in the name of the drivers' training school shall not be smaller than the letters and numerals in the remainder of the text of any sign, or combination of signs used as a part of the same message relating to drivers' training school activities;

(4) the school may use on forms, contracts and advertising the phrase, "This school is licensed by the state of Kansas." Other uses of the word "state" are prohibited;

(5) the school shall not advertise the address of any location other than the licensed principal place of business; and

(6) the school shall not employ any form of advertising which is misleading.

Written notice of disapproval of misleading advertising by the state board shall be given to the licensee and the advertising in question shall be discontinued.

(b) *Agreements.* A student shall not be given lessons, lectures, tutoring, or any other service relating to instructions in motor vehicle operation until a written contract, in a form approved by the state board has been executed both by the school and the student.

(1) A copy of the contract shall be given to the student. The original shall be retained by the school.

(2) A school shall not use any contract unless the form of the contract has been approved by the state board.

(3) Each school shall file and maintain with the state board a list of those persons authorized or empowered to execute contracts on behalf of the school.

(c) *Instruction permits.* A school shall ascertain, previous to giving instructions in driving, that a student is in possession of a valid instruction permit or a valid driver's license.

(d) *Requirements at driving test.* An applicant appearing for a driving test with a vehicle for which a vehicle identification certificate has been issued or a vehicle not required to have a certificate, shall be accompanied by a Kansas licensed driver who has in his or her possession a valid instructor's license for the school whose name appears on the vehicle identification certificate.

(e) *Employees of drivers' training schools.* A

drivers' training school shall not knowingly employ any person in any capacity who has been convicted of a felony, driving while intoxicated, or negligent homicide. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-7. Grounds for revocation, suspension, and refusal to renew license.** (a) *Action by the state board of education.* The state board may suspend or revoke a drivers' training school license or a drivers' training instructor's license or refuse to issue a renewal of these licenses for any of the reasons outlined in K.S.A. 8-279 after due notice of the violation in writing.

(b) *Right to have hearing.* Any school or instructor notified of suspension, revocation, or refusal to issue a drivers' training school license or drivers' training instructor's license may, within twenty (20) days following date of notification, request and have a hearing before a committee appointed by the state board. This committee shall make recommendations to the state board and the decision of the board shall be final. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-8. Licenses required for instruction.** (a) The owner, operator, partner, or any officer of a drivers' training school, or any other person, shall not give instructions for compensation in the operation of motor vehicles, unless the person is the holder of an instructor's license issued by the state board and is the possessor of a valid Kansas driver's license.

(b) *Application for instructors' licenses.* The applicant for an initial or renewal license shall:

- (1) be at least twenty-one (21) years of age;
- (2) present to the state board evidence of six (6) semester hours of credit in driver education and three (3) semester hours in general safety from an accredited college or university, or have a valid Kansas teacher's certificate coded for drivers education; and

(3) filed with the state board, on a form prescribed by the state board, a physical examination report and a health certificate.

(c) *Fee, instructor's license.* The instructor's license shall be valid for the calendar year, and the annual fee for the initial license or renewal shall be five dollars (\$5.00).

(d) *Carrying instructor's license.* The instructor's license shall be carried by the instructor at all times while giving driving instructions, or when

accompanying an applicant for a driver's license to the office of a driver's license examiner.

(e) *Lost, mutilated, or destroyed licenses.* Should a license be lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the facts and payment of a fee of five dollars (\$5.00) and, in the case of a mutilated license, the surrender of the license. Proof of facts shall consist of:

(1) the date the license was lost, mutilated, or destroyed; and

(2) the circumstances involving the loss, mutilation, or destruction.

(f) *Surrender of instructor's license.* An instructor's license shall be surrendered to the state board immediately upon termination of an instructor's services with the drivers' training school designated on the license. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-9.** (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-7-10.** (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-7-11. Classroom accommodations.** Classroom facilities shall be subject to inspection and approval by the state board and shall have the following accommodations:

(a) seating facilities and writing surfaces for no less than ten (10) students;

(b) lighting, heating, ventilation, and sanitary facilities that comply with all local, city, county, municipal, state, and federal regulations; and

(c) print and nonprint materials relating to the proper operation of motor vehicles and traffic laws. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-12.** (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)

**91-7-13. Classroom instruction.** (a) A minimum of eight (8) clock hours of classroom instruction shall be offered and taught to each student enrolled in any commercial drivers' training school.

(b) The contents of classroom instruction shall be submitted to the state board for approval.

(c) The offered classroom instruction shall be available at least once each calendar month for students currently enrolled in the drivers' training school and shall include safe driving practices in the operation of motor vehicles. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-14. Behind-the-wheel driving instruction.** Each student shall be given six (6) clock hours of behind-the-wheel driving instruction in the initial drivers' training course. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

**91-7-15. Advanced courses.** (1) Advanced courses in driving under special conditions may be offered to licensed drivers. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970.)

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

**91-8-1.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1967; revoked May 1, 1979.)

**91-8-2.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-8-3 to 91-8-7.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1967; revoked May 1, 1979.)

**91-8-8 to 91-8-14. Reserved.**

**91-8-15.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-8-16.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-8-17.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983; amended May 1, 1986; revoked Oct. 29, 2004.)

**91-8-18.** (Authorized by K.S.A. 72-7514,

K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; revoked May 1, 1979.)

**91-8-19.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-8-20 to 91-8-25.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective Jan. 1, 1966; revoked May 1, 1979.)

**91-8-26.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective, E-70-2, Oct. 15, 1969; amended, E-70-11, Dec. 22, 1969; amended Jan. 1, 1971; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-8-27.** (Authorized by K.S.A. 71-801, 72-7514; effective Jan. 1, 1974; amended, E-78-30, Nov. 9, 1977; amended May 1, 1978; revoked May 1, 1979.)

**91-8-28.** (Authorized by K.S.A. 71-801, 72-7514; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-8-29.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

**91-8-30.** (Authorized by K.S.A. 72-6508(b), 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983; amended May 1, 1984; revoked Oct. 29, 2004.)

**91-8-31 through 91-8-33.** (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 13-13a26, 13-13a28, 72-7513; effective May 1, 1983; amended May 1, 1984; revoked Oct. 29, 2004.)

#### Article 9.—WASHBURN MUNICIPAL UNIVERSITY; STATE AID

**91-9-1 to 91-9-6.** (Authorized by K.S.A. 72-6505; effective Jan. 1, 1966; revoked May 1, 1979.)

**91-9-7 to 91-9-10. Reserved.**

**91-9-11.** (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983; revoked Oct. 29, 2004.)

**Article 10.—GENERAL EDUCATIONAL DEVELOPMENT TESTS**

**91-10-1.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1979; amended May 1, 1986; revoked Sept. 2, 1991.)

**91-10-1a.** (Authorized by and implementing K.S.A. 72-4530; effective Sept. 2, 1991; revoked Oct. 18, 2002.)

**91-10-2.** (Authorized by and implementing K.S.A. 72-4530; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1979; amended March 28, 1997; revoked Oct. 18, 2002.)

**Article 11.—N.D.E.A. GUIDANCE AND COUNSELING**

**91-11-1.** (Authorized by K.S.A. 72-109, 72-115; effective Jan. 1, 1966; revoked May 1, 1979.)

**Article 12.—SPECIAL EDUCATION**

**91-12-1 and 91-12-2.** (Authorized by K.S.A. 72-5336(j), 72-5344, 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-12-3 and 91-12-4.** (Authorized by K.S.A. 72-5336(j), 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; revoked Feb. 15, 1977.)

**91-12-5.** (Authorized by K.S.A. 72-5336(j), 72-5344, 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-12-6 and 91-12-7.** (Authorized by K.S.A. 72-5336(j), 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; revoked Feb. 15, 1977.)

**91-12-8.** (Authorized by K.S.A. 72-5336(j), 72-5344, 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-12-9 to 91-12-15.** (Authorized by K.S.A. 72-5336(j), 72-5358, 72-5367, 72-5368b; effective Jan. 1, 1966; revoked Feb. 15, 1977.)

**91-12-16 and 91-12-17. Reserved.**

**91-12-18 and 91-12-19.** (Authorized by K.S.A. 72-5344; effective Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-12-20.** (Authorized by K.S.A. 1976 Supp. 72-963; effective, E-77-48, Sep. 30, 1976; effective Feb. 15, 1977; revoked May 1, 1983.)

**91-12-21.** (Authorized by K.S.A. 1976 Supp. 72-962(g); effective, E-77-48, Sep. 30, 1976; effective Feb. 15, 1977; revoked May 1, 1983.)

**91-12-22.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; amended July 1, 1990; amended July 1, 1991; amended Sept. 2, 1991; amended June 1, 1993; amended Feb. 14, 1994; amended March 8, 1996; revoked May 19, 2000.)

**91-12-23.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; amended July 1, 1990; amended June 29, 1992; amended June 1, 1993; amended Feb. 14, 1994; amended March 13, 1995; revoked May 19, 2000.)

**91-12-24.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; revoked July 1, 1989.)

**91-12-24a.** (Authorized by and implementing K.S.A. 72-963; effective July 1, 1989; amended June 1, 1993; revoked May 19, 2000.)

**91-12-25.** (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; amended Sept. 2, 1991; amended March 13, 1995; revoked May 19, 2000.)

**91-12-26.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-967, K.S.A. 1982 72-963; effective May 1, 1983; revoked July 1, 1989.)

**91-12-27.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended June 1, 1993; revoked May 19, 2000.)

**91-12-28.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987; amended May



1, 1988; amended July 1, 1989; amended June 1, 1993; revoked May 19, 2000.)

**91-12-29.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 72-963; effective May 1, 1983; revoked March 13, 1995.)

**91-12-30.** (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and K.S.A. 72-970; effective May 1, 1983; amended May 1, 1986; amended June 1, 1993; revoked May 19, 2000.)

**91-12-31.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1988; revoked May 19, 2000.)

**91-12-32.** (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; revoked May 19, 2000.)

**91-12-33.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended June 1, 1993; revoked May 19, 2000.)

**91-12-34.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990; revoked March 13, 1995.)

**91-12-35.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended March 13, 1995; revoked May 19, 2000.)

**91-12-36.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-967, K.S.A. 1982 Supp. 72-963; effective May 1, 1983; revoked May 19, 2000.)

**91-12-37.** (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and K.S.A. 1991 Supp. 72-978; effective May 1, 1983; amended May 1, 1984; amended June 1, 1993; revoked May 19, 2000.)

**91-12-38.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; revoked May 19, 2000.)

**91-12-39.** (Authorized by K.S.A. 1984 Supp. 72-963; implementing K.S.A. 1984 Supp. 72-963, K.S.A. 72-965; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; revoked May 19, 2000.)

**91-12-40.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended, T-88-40, Oct.

27, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993; revoked May 19, 2000.)

**91-12-41.** (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; amended June 1, 1993; amended March 13, 1995; revoked May 19, 2000.)

**91-12-42.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended March 13, 1995; revoked May 19, 2000.)

**91-12-43.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 1982 Supp. 72-963; K.S.A. 72-965; effective May 1, 1983; revoked May 1, 1984.)

**91-12-44.** (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and 72-972; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990; amended June 1, 1993; revoked May 19, 2000.)

**91-12-45.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended Feb. 14, 1994; revoked May 19, 2000.)

**91-12-46.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended Feb. 14, 1994; revoked May 19, 2000.)

**91-12-47.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended June 1, 1993; revoked May 19, 2000.)

**91-12-48.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987; amended Dec. 31, 1990; revoked May 19, 2000.)

**91-12-49.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983; revoked May 19, 2000.)

**91-12-50.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; revoked May 19, 2000.)

**91-12-51.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May

1, 1988; amended July 1, 1990; amended Sept. 2, 1991; amended June 1, 1993; amended March 13, 1995; revoked May 19, 2000.)

**91-12-52.** (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; revoked May 19, 2000.)

**91-12-53.** (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; amended June 1, 1993; revoked May 19, 2000.)

**91-12-54.** (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; amended June 1, 1993; amended March 13, 1995; revoked May 19, 2000.)

**91-12-55.** (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; amended June 1, 1993; amended March 8, 1996; revoked May 19, 2000.)

**91-12-56.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990; amended March 13, 1995; revoked May 19, 2000.)

**91-12-57.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990; revoked May 19, 2000.)

**91-12-58.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; revoked May 19, 2000.)

**91-12-59.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended June 1, 1993; revoked May 19, 2000.)

**91-12-60.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983;

amended May 1, 1984; amended May 1, 1986; amended July 1, 1990; amended March 13, 1995; revoked May 19, 2000.)

**91-12-61.** (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; amended June 29, 1992; amended June 1, 1993; amended March 8, 1996; revoked May 19, 2000.)

**91-12-62.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1988; amended July 1, 1990; revoked May 19, 2000.)

**91-12-63.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended Dec. 31, 1990; revoked May 19, 2000.)

**91-12-64.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-963, K.S.A. 72-965; effective May 1, 1983; amended June 1, 1993; revoked May 19, 2000.)

**91-12-65.** (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended June 1, 1993; revoked May 19, 2000.)

**91-12-66.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983; revoked May 19, 2000.)

**91-12-67.** (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983; revoked May 19, 2000.)

**91-12-68.** (Authorized by K.S.A. 1983 Supp. 72-963b; implementing K.S.A. 1983 Supp. 72-963a; effective, T-85-23, Aug. 15, 1984; effective May 1, 1985; revoked May 19, 2000.)

**91-12-69.** (Authorized by K.S.A. 1983 Supp. 72-963b; implementing K.S.A. 1983 Supp. 72-973a; effective, T-85-23, Aug. 15, 1984; effective May 1, 1985; revoked May 19, 2000.)

**91-12-70.** (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; revoked Dec. 31, 1990.)

**91-12-71.** (Authorized by and implementing K.S.A. 72-963; effective, T-86-41, Dec. 11,

1985; effective May 1, 1986; amended Feb. 14, 1994; revoked May 19, 2000.)

**91-12-72.** (Authorized by and implementing K.S.A. 72-963c, as amended by 1987 H.B. 2420, sec. 3; effective, T-86-41, Dec. 11, 1985; effective May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; revoked May 19, 2000.)

**91-12-73.** (Authorized by K.S.A. 72-963; implementing K.S.A. 1990 Supp. 72-962 and K.S.A. 72-966; effective July 1, 1990; amended Sept. 2, 1991; revoked May 19, 2000.)

**91-12-74.** (Authorized by and implementing K.S.A. 72-963; effective March 13, 1995; revoked May 19, 2000.)

#### Article 13.—THIRTY UNIT REQUIREMENT

**91-13-1.** (Authorized by K.S.A. 72-8212; effective Jan. 1, 1966; revoked May 1, 1979.)

#### Article 14.—STANDARDS AND PROCEDURES FOR ACCREDITING EARLY CHILDHOOD SCHOOLS

**91-14-1.** (Authorized by K.S.A. 72-7513, 72-7514; effective Jan. 1, 1969; amended Jan. 1, 1970; revoked Jan. 1, 1973.)

**91-14-2.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-14-3.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended May 1, 1975; amended May 1, 1976; revoked Feb. 15, 1977.)

**91-14-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; amended May 1, 1976; revoked Feb. 15, 1977.)

**91-14-5 to 91-14-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-14-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; amended May 1, 1975; revoked Feb. 15, 1977.)

**91-14-10.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; revoked Feb. 15, 1977.)

**91-14-11.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1973; amended May 1, 1976; revoked Feb. 15, 1977.)

#### Article 15.—SCHOOL CONDUCT RULES

**91-15-1. Policies or rules governing employees' and students' conduct.** (a) The board of education of each unified school district shall adopt policies or rules that govern the conduct of the employees and students of the school district and that include procedures for enforcement of the policies or rules.

(b) Before adopting the policies or rules, each board of education shall submit the policies or rules to legal counsel for review.

(c) After the adoption of the policies or rules, the clerk of the board of education shall maintain the policies or rules in the permanent files of the school district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, E-70-2, Oct. 15, 1969; amended, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended March 18, 2005.)

#### Article 16.—VOCATIONAL EDUCATION

**91-16-1. Definitions.** As used in this article: (a) "Local board" means the board of education of any school district, the board of control of any area vocational-technical school or the board of trustees of any community junior college.

(b) "Vocational education course or program" means any instructional class or set of instructional classes offered by a local board to provide "vocational education" as that term is defined in K.S.A. 1979 Supp. 72-4412 or any amendment thereto. (Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980.)

**91-16-1a. Right of appeal; filing.** Any person whose application for admission to a state approved vocational education course or program is denied, as provided by K.S.A. 72-4418 may, within thirty (30) days following his or her actual notice of the denial, appeal the adverse decision to the state board. The appeal must be in writing and on file with the commissioner of education, state department of education building, 120 East Tenth Avenue, Topeka, Kansas, at least thirty (30) days prior to the meeting of the state board at

which the appeal is to be heard. The appeal may be filed in person, or by mailing, by the appellant, or by his or her counsel, and may be filed on forms provided by the state board. Along with the filing of this appeal, the appellant may file a separate instrument setting forth reasons why his or her application should be approved, and shall attach thereto any documents and instruments the appellant plans to use to support his or her case. (Authorized by K.S.A. 72-4418; effective May 1, 1979.)

**91-16-2. Form of appeal.** The form of appeal to be used by the appellant may be substantially as follows:

25-7 STATE OF KANSAS  
KANSAS STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION  
Kansas State Education Building  
120 East Tenth Street, Topeka, Kansas 66612  
TO: Commissioner of Education of Kansas

**Appeal From Denial of Application for Admission to a Vocational Education Course or Program**

I, \_\_\_\_\_, the undersigned, a resident of Unified School District No. \_\_\_\_\_, Kansas, with my post office address being \_\_\_\_\_, Kansas, hereby file with the State Commissioner of Education an appeal of the denial of my application for admission to the following state approved vocational education course or program: \_\_\_\_\_, being offered at \_\_\_\_\_, located in \_\_\_\_\_, Kansas. The denial of admission was given to me by \_\_\_\_\_, whose title is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Governing Body

Date of the denial was \_\_\_\_\_, 19\_\_\_\_\_.

K.S.A. 1969 Supp. 72-4418 provides as follows: "Any person who duly makes application for admission to a vocational education course or program, and whose application is denied for any reason, may appeal such denial to the State Board of Education in accordance with rules and regulations of the State Board. Determination of any such appeal by the State Board of Education shall be final and conclusive."

Having made such application for admission to the above-described vocational education course or program, the following reasons for denial of my application were given to me:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I appeal such denial to the State Board of Education as provided by law and the rules and regulations adopted by the State Board of Education, and attach hereto documents and

instruments that support my case, including a copy of the original application for admission to a vocational education course or program, a copy of the decision denying my application, and a statement why my application should be approved.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name—to be typewritten or printed)

\_\_\_\_\_  
(Address—to be typewritten or printed)

(Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979.)

**91-16-3. Notice of hearing.** The commissioner of education shall give a written notice of hearing of appeal to the appellant, the local board denying appellant's application for admission to a vocational education course or program, and to all other persons concerned, notifying them of the date, time, and place of hearing by the state board, or hearing officer, and of all other matters of which the parties shall be apprised, and the notice shall be in the form provided for in K.A.R. 91-16-4. The local board shall within ten (10) days after receipt of the notice of hearing file, in writing, any defenses, which it will raise to the appeal, attaching all documents and instruments in support of those defenses. The state board, or hearing officer, may admit additional instruments if relevant. Copies of all defenses shall be served personally, or by restricted mail with return receipt requested, upon the commissioner of education, the appellant and other parties of interest. The appellant, the local board, and other persons having an interest in the appeal may file any defenses, replies, or statements they may wish to raise to the appeal at least ten (10) days prior to the date set for hearing, attaching all documents or instruments in support of those defenses, and shall serve copies by restricted mail, return receipt requested, upon the commissioner of education and other interested persons. (Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980.)

**91-16-4. Form of notice of hearing.** The notice of hearing described in rule 91-16-3 may be in the following form:



25-7a STATE OF KANSAS  
 KANSAS STATE BOARD OF EDUCATION  
 DEPARTMENT OF EDUCATION  
 Kansas State Education Building  
 120 East Tenth Street, Topeka, Kansas 66612

**Before the State Board of Education of Kansas**

\_\_\_\_\_, Appellant, No. \_\_\_\_\_  
 \_\_\_\_\_, Local Board

**Notice of Hearing**

To The Above-captioned Parties and All Other Interested Persons Whom It May Concern:

You are hereby notified that the hearing of the appeal of

\_\_\_\_\_  
(Name of Appellant)  
 on the denial of his application for admission to a vocational education course or program by the \_\_\_\_\_  
(Name of Governing Body)  
 of \_\_\_\_\_,  
(Name of School District or Vocational Education School)  
 \_\_\_\_\_, Kansas, shall be heard by the Kansas

(County or City)  
 State Board of Education on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m., or as soon thereafter as said state board may hear the same, in its meeting room on the first floor of the state department of education building, 120 East Tenth Street, Topeka, Kansas 66612.

You are hereby further notified that the appellant, the official representative of the local board denying application, and other interested parties, may appear in person and by legal counsel and with their witnesses for the purpose of presenting their evidence, documents, instruments and statements as provided by the regulations of the state board of education in support of their respective cases, and showing cause why appellant's application should or should not be approved.

You are further notified that the decision of the state board shall be final and conclusive.

Signed and dated at Topeka, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal) \_\_\_\_\_  
Commissioner of Education of Kansas

(Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979.)

**91-16-5. Hearing.** The state board, or hearing officer, shall conduct the hearing of appellant's appeal according to the provisions of the notice of hearing and this regulation. Two or more appeals involving the same local board and similar sets of facts and circumstances may be consolidated for hearing purposes. Immediately prior to the commencement of the hearing the members of the state board, or hearing officer, may examine the separate instruments, defenses, replies, or statements, if any, of the appellant, the local board denying appellant's application, or other interested parties, which set forth the reasons why the

application of the appellant should, or should not, be approved. Upon commencement of the hearing, the appellant shall be permitted to make an opening statement and present any witnesses, documents, or other evidence he or she might have, and in general, present his or her case. Thereafter, the representative of the local board denying appellant's application may make an opening statement and present any witnesses, or documents, or other evidence, he or she might have, and, in general, present the local board's case. Thereafter, any other interested party or parties, upon receiving recognition by the state board, or hearing officer, may present any evidence and statements they have that are relevant to the appeal. The appellant, the representative of the local board denying appellant's application, and other parties of interest, in their turn may examine any witnesses and documents in evidence. Members of the state board, or hearing officer, may from time to time during the hearing also question any of the parties and witnesses used in the hearing, and examine any documents that may be offered. All documents, instruments, and other tangible evidence shall have been on file with the state board prior to the hearing as provided by K.A.R. 91-16-1 and K.A.R. 91-16-3. The hearing shall be of an informal and nonadversary nature with no oath-taking required. If the facts warrant, the hearing may be continued one (1) time only to a specific date and time at which the hearing of the appeal shall be completed. Each interested party shall be allowed a period of time of not to exceed one (1) hour in which to present his or her side of the case, unless the state board, or hearing officer, in the interest of justice grants lesser or additional time. (Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980.)

**91-16-6. Decision of the state board.** The hearing officer, within one (1) month after the conclusion of the hearing, shall submit his or her report to the state board. The state board shall take action at its next regular meeting following receipt of the report unless continued to its next regular meeting. Failure of six (6) or more members to approve the appeal shall constitute a denial of the appeal. If the appeal relates to out-district tuition and is sustained by the state board, the decision shall fix the amount of tuition to be paid

by the local board. Determination of any appeal by the state board shall be final and conclusive. The state board's decision shall be in writing, signed, and certified by the commissioner of education, and mailed or personally delivered to all interested parties no later than five (5) days after the adjournment of the meeting in which it is made. If mailed, the decision shall be sent by certified or restricted mail with return receipt requested. If delivered, an acknowledgement of receipt shall be taken from the interested party. Upon receipt of the decision of the state board approving the application of the appellant, the local board denying appellant's application shall immediately comply with the decision. (Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980.)

**91-16-7. Form of decision of state board.** The decision of the state board described in rule 91-16-6 may be in the following form:

25-7b STATE OF KANSAS  
KANSAS STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION  
Kansas State Education Building  
120 East Tenth Street, Topeka, Kansas 66612  
**Before the State Board of Education of Kansas**  
\_\_\_\_\_, Appellant,  
\_\_\_\_\_, Local Board No. \_\_\_\_\_

**Decision of the State Board**  
Now, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
the appeal of \_\_\_\_\_  
(Name of Appellant)  
\_\_\_\_\_  
(Address)

Kansas, comes on for hearing before the State Board of Education of Kansas. The appellant appears in person and by his legal counsel. Also appears \_\_\_\_\_, the duly authorized representative of the \_\_\_\_\_  
(Governing Body)  
of \_\_\_\_\_, of \_\_\_\_\_  
(District or Vocational Education School) (City)  
\_\_\_\_\_, Kansas, and by his legal counsel.  
(County)  
Also appears \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There are no other appearances.  
Thereupon, the state board examines the written statements of the appellant, of the local board and of other interested parties; thereupon, it hears the statements, evidence and presentations, and examines submitted documents, of said parties.  
Thereupon, after diligent inquiry and being fully advised in the premises the state board finds that the application of the

appellant should be, should not be, approved (strike inapplicable portion).

It is, therefore, by the State Board of Education of Kansas ordered that the application of appellant be, and the same is hereby approved, disapproved (strike inapplicable portion).

It is by the state board further ordered that the \_\_\_\_\_ of \_\_\_\_\_  
(Governing Body) (School District)  
\_\_\_\_\_, \_\_\_\_\_  
(City) (County)

Kansas, be, and it is hereby directed to pay, not to pay, (strike inapplicable portion) the out-district tuition claim of appellant in the amount of \$\_\_\_\_\_; and that the

\_\_\_\_\_ of the \_\_\_\_\_  
(Governing Body) (Vocational Education School)  
of \_\_\_\_\_  
(City)  
\_\_\_\_\_, Kansas, be, and it is hereby  
(County)

directed to admit, not to admit, (strike inapplicable portion) the appellant to the following course(s) or program: \_\_\_\_\_  
(Strike inapplicable portion).

This order is made, entered and certified at Topeka, Kansas, on the date first above written, and is final and conclusive.

(Seal) \_\_\_\_\_  
Commissioner of Education of Kansas

(Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979.)

**91-16-8 to 91-16-15. Reserved.**

**91-16-16.** (Authorized by K.S.A. 72-4418; effective, E-71-17, April 5, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-16-17. Application procedures for admission to vocational education courses and programs.** (a) Each prospective student shall submit a written application on forms as provided in K.A.R. 91-16-19 or 91-16-20 for admission to state approved vocational education courses and programs. Boards of control or their agents shall make application forms available upon request.

(b) An application from an out-district student shall be accompanied by an affidavit of residency using the form as provided in K.A.R. 91-16-19 or 91-16-20.

(c) An application shall be submitted for approval or disapproval to the vocational education institution the applicant wishes to attend.

(d) An applicant may be disapproved or placed on a waiting list by a vocational education institution for any of the following reasons:

- (1) Insufficient facilities or staff; or
- (2) Reasonable proof, obtained through interviews, counseling, or testing, that the applicant is

incapable of benefiting from the instruction, or of being employed in the occupation for which the instruction is being sought.

(3) Failure to meet minimum age requirements.

(e) Upon acceptance into a state approved vocational education course or program, each student shall be issued an enrollment decision form, as provided by K.A.R. 91-26-21, signed by the director or other person vested with authority of the institution, indicating that space and facilities have been reserved for him or her. Within two (2) weeks after the issuance of the decision, the vocational education institution shall notify the district of its action and that it is to be held responsible for the tuition.

(f) Within two (2) weeks after receiving the decision of the vocational education institution, it shall be the responsibility of the prospective student, or his or her parent or guardian, to present copies of his or her application and of the enrollment decision, as executed by the vocational education institution, to the clerk of the board of education, or the superintendent of schools, of the student's unified school district, if unusual or unforeseen circumstances, as determined by the state board, prevent their so doing, the student or his or her parent or guardian shall present the documents at the earliest following date.

(g) The application and decision of the vocational education institution shall be acted upon by the local board of education during the month in which they are presented and filed with applicant's school district. If the application is received too late, the application and decision shall be approved or disapproved at the next regular meeting of the board. Failure of the board to act shall be considered a denial of application for admission to state approved vocational education courses or program and of tuition payment and ground for appeal to the state board.

(h) The application shall be approved by applicant's school district unless there is a good faith doubt as to the applicant's legal place of residence being in the district, or the ability of the applicant to benefit from the instruction. In addition to the foregoing reasons, the application of a student for the payment of out-district tuition may be denied by the district if it is determined that the same or substantially the same state approved vocational education course or program applied for is offered within the district, or is otherwise available to the

student under the terms of a state approved participating agreement.

(i) Upon approval of the application, the local board of education shall promptly execute the decision form as provided by K.A.R. 91-16-21, and return it to the applicant and to the vocational education institution. The decision form must be signed by the president, or by another member of the board, or superintendent of schools, whichever official may be designated by the board, and attested by the clerk.

(j) In the event the local board of education, or a vocational education institution, denies the application for admission to state approved vocational education courses or program or for the payment of tuition, the board or institution shall specify promptly in writing to the applicant and to the vocational education institution, in the event the denial of an application is by the board of education, the ground or grounds for denying the application. The board denying the application shall also immediately notify the applicant of his right to appeal the decision within thirty (30) days after receipt of the denial, to the state board in accordance with rules and regulations of the state board, and inform the applicant that appeal forms and the rules governing appeals are available from the vocational education institution and from the office of the commissioner of education, Kansas state education building, 120 East 10th Avenue, Topeka, Kansas 66612. Failure of the local board of education, or vocational education institution to timely notify the applicant of its denial of the application or of the right to appeal the denial, shall not prejudice the applicant's right of appeal to the state board even though more than thirty (30) days have elapsed from the date of the denial. Applicant shall have thirty (30) days to perfect the appeal from the date he or she actually is informed of the decision of the local board of education or vocational education institution denying the application, or of the failure of the local board of education to take action within the time specified in K.A.R. 91-16-17(g). (Authorized by K.S.A. 72-4418; effective, E-71-17, April 5, 1971; effective Jan. 1, 1972; amended May 1, 1979.)

**91-16-18. Provisions for payment of tuition and refund policy.** (a) When the student commences his or her state approved vocational education courses or program, the vocational education institution shall submit to the board of education of the district of the student's residence,

a statement for the state approved amount of tuition due for the courses or program.

(b) Remittance shall be made to the vocational education institution as follows: Statements for tuition rendered on or before January 20 shall be due and payable by January 20 unless otherwise provided by mutual agreement of the parties. Statements rendered after January 20 and on or before June 20 shall be due and payable on or before June 20 unless otherwise provided by mutual agreement of the parties.

(c) If within thirty (30) days after its commencement, a student drops a course or program in which he or she is enrolled and has been attending, only one-half (1/2) of the tuition shall be due and payable from the sending school district. In the event the full amount of tuition has been paid, one-half (1/2) of that amount shall be refunded to the sending school district within the time limits set out in subsection (b) of this regulation. (Authorized by K.S.A. 72-4418; effective, E-71-17, April 5, 1971; effective Jan. 1, 1972; amended May 1, 1979.)

**91-16-19. Form of application and affidavit of minor.** The form to be used by minor applicants may be substantially as follows to be filled out in triplicate, one (1) for the unified school district, one (1) for the vocational education institution, and one (1) for the student. The application as required by this regulation and by K.A.R. 91-16-20 shall not be construed to limit any additional information needed by the vocational education institution in their enrollment procedures.

No. 25-8 Execute in Triplicate

STATE OF KANSAS  
KANSAS STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION

Kansas State Education Building  
120 East Tenth Street, Topeka, Kansas 66612

**Application of Minor Student for Admission to Vocational Education Institution and for Payment of Tuition**

Name \_\_\_\_\_  
(Last) (First) (Middle)

Post Office Address \_\_\_\_\_  
(Street or Route)

(City) (State) (Zip)

Date of Birth \_\_\_\_\_  
(Month) (Day) (Year)

Social Security Number \_\_\_\_\_

Marital status \_\_\_\_\_  
(M or S)  
Unified School District No. \_\_\_\_\_  
(Of applicant's residence)

\_\_\_\_\_  
(City) (County) (State)  
Name and address of parent or guardian \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Route) (City) (State) (Zip)  
Application for approval to attend \_\_\_\_\_  
(Name of course or program)

at the \_\_\_\_\_  
(Vocational education institution)

beginning \_\_\_\_\_ and for payment of  
(Date)

tuition by Unified School District No. \_\_\_\_\_,  
\_\_\_\_\_, Kansas.  
(County)

\_\_\_\_\_  
(Student's signature) (Date)

\_\_\_\_\_  
(Parent or guardian's signature) (Date)

**Affidavit of Residency of Applicant**

State of Kansas }  
\_\_\_\_\_ County } ss:

I, \_\_\_\_\_, of lawful age,  
being first duly sworn on oath say:

That I am the parent or legal guardian of \_\_\_\_\_,  
a minor, and am a legal resident of Unified School District No.  
\_\_\_\_\_, \_\_\_\_\_ County, Kansas,  
with my post office address being \_\_\_\_\_  
(Street or Route)

\_\_\_\_\_  
(City) (State) (Zip)  
and that I have been a resident of said Unified School  
District \_\_\_\_\_  
(Period of time)

Further affiant says not.

\_\_\_\_\_  
(Signature)  
Subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_  
(Authorized by K.S.A. 72-4418; effective, E-71-17, April 5, 1971; effective Jan. 1, 1972; amended May 1, 1979.)

**91-16-20. Form of application and affidavit of person of age of majority.** The form to be used by applicant of legal age may be substantially as follows to be filled out in triplicate, one (1) for the unified school district, one (1) for the vocational education institution, and one (1) for the student.

No. 25-9 Execute in Triplicate

STATE OF KANSAS  
KANSAS STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION

Kansas State Education Building  
120 East Tenth Street, Topeka, Kansas 66612

**Application of Student of Legal Age for Admission to Vocational Education Institution and for Payment of Tuition**

Name \_\_\_\_\_  
(Last) (First) (Middle)



Post Office Address \_\_\_\_\_  
(Street or Route)  
\_\_\_\_\_  
(City) (State) (Zip)

Date of birth \_\_\_\_\_  
(Month) (Day) (Year)

Social Security Number \_\_\_\_\_  
Marital status \_\_\_\_\_  
(M or S)

Unified School District No. \_\_\_\_\_,  
(Of applicant's residence)  
\_\_\_\_\_  
(City) (County) (State)

Application for approval to attend \_\_\_\_\_  
(Name of course or program)

at the \_\_\_\_\_  
(Vocational education institution)

beginning \_\_\_\_\_  
(Date)  
\_\_\_\_\_  
(Student's signature) (Date)

**Affidavit of Residency of Applicant**

State of Kansas }  
County } ss:

I, \_\_\_\_\_, of lawful age,  
being first duly sworn, on oath say:

That I am a legal resident of Unified School District No. \_\_\_\_\_  
County, Kansas, with my  
post office address being \_\_\_\_\_  
(Street or Route)

\_\_\_\_\_  
(City) (State) (Zip)

and that I have been a resident of said Unified School District  
(Period of time)

(This part of affidavit, if applicable, is to be used in addition  
for out-district students)

That I moved or plan to move to \_\_\_\_\_  
(City) (State)  
on \_\_\_\_\_ for the sole purpose of attending vocational  
(Date)  
education courses and programs at the \_\_\_\_\_  
(Name of institution)

My present post office address is \_\_\_\_\_  
(Street or Route)  
\_\_\_\_\_  
(City) (State) (Zip)

(This part of affidavit, if applicable, is to be used in addition  
if resident of less than six months)

That I moved to \_\_\_\_\_  
(City) (State)  
on \_\_\_\_\_ with the express intent and purpose of  
(Date)

making it my permanent or indefinite place of residence.  
Further affiant says not.

\_\_\_\_\_  
(Signature)  
Subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_  
(Authorized by K.S.A. 72-4418; effective, E-71-

17, April 5, 1971; effective Jan. 1, 1972; amended  
May 1, 1979.)

**91-16-21. Form of enrollment authori-  
zation and decision of board of education for  
tuition payment.** The form to be used may be  
substantially as follows to be filled out in triplicate,  
one (1) for the unified school district, one (1) for  
the vocational education institution, and one (1)  
for the student. Copies of the decision of the board  
of education shall be served on the applicant and  
the vocational education institution by registered  
or certified mail with return receipt requested.  
Such receipt shall serve as proof of such service.

No. 25-10 Execute in Triplicate

STATE OF KANSAS  
KANSAS STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION

Kansas State Education Building  
120 East Tenth Street, Topeka, Kansas 66612

**Decision of Vocational Education Institution on  
Application for Admission to State Approved  
Vocational Education Courses and Program**

\_\_\_\_\_  
(Name of applicant) (Street or Route) (City)

\_\_\_\_\_  
(State) (Zip), having made application

and his affidavit of residency, meeting, not meeting (strike in-  
applicable portion), the requirements of law and demonstrat-  
ing his capacity of benefiting therefrom, is hereby admitted to,  
disapproved for (strike inapplicable portion), the following  
courses or program, or if disapproved, the reasons therefor:

\_\_\_\_\_  
at \_\_\_\_\_  
(Vocational education institution)

beginning \_\_\_\_\_, ending \_\_\_\_\_, and  
(Date) (Date)  
space and facilities have been reserved for him.

The total amount of this state approved tuition for said  
course or program is \$\_\_\_\_\_.

The undersigned certifies the above statements to be  
correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
(Director, vocational education institution)

**Decision of Board of Education on Application for  
Admission to State Approved Vocational Education  
Courses and Program and for Tuition Payment**

The application of \_\_\_\_\_  
(Name of applicant)

\_\_\_\_\_  
(Street or Route)  
\_\_\_\_\_  
(City) (State) (Zip)

to attend \_\_\_\_\_  
(Vocational Education Institution)

for the purpose of receiving training in \_\_\_\_\_  
(Courses or program)  
is, is not, hereby approved (strike inapplicable portion) by the  
board of education of Unified School District No. \_\_\_\_\_  
of \_\_\_\_\_ County, Kansas.

Reasons for disapproval if approval of tuition is denied:

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Board of Education of  
Unified School District No. \_\_\_\_\_.

Attested by: \_\_\_\_\_  
(Clerk)

County, Kansas

By: \_\_\_\_\_  
(Specify official position of person signing)

(Notice to Applicant: You are hereby notified that in the event your application for admission to state approved vocational education courses or program and for payment of tuition is denied by the local board of education or vocational education institution, you may, within thirty (30) days from date of receiving the decision of such board or institution, appeal such decision to the Kansas State Board of Education as provided by its rule 91-16-17 (k) and by K.S.A. 1970 Supp. 72-4418 (e). Appeal forms may be obtained from the vocational education institution or the Kansas Commissioner of Education, Kansas State Education Building, 120 East 10th Street, Topeka, Kansas 66612.)

(Authorized by K.S.A. 72-4418; effective, E-71-17, April 5, 1971; effective Jan. 1, 1972; amended May 1, 1979.)

**91-16-22 to 91-16-29. Reserved.**

**91-16-30. Kansas training information program.** (a) Each vocational education institution and participating proprietary school shall provide the following information:

(1) The number of its students completing vocational programs;

(2) those who were employed during the preceding fiscal year; and

(3) the average salary earned by those persons.

(b) Each vocational education institution and participating proprietary school shall also provide other information required by the state board of education. The information shall be reported on a form or forms prescribed and furnished by the state board of education.

(c) The information required under subsections (a) and (b) shall be provided to the state board of education not later than August 1 of each year. (Authorized by and implementing K.S.A. 1987 Supp. 72-4451, as amended by L. 1988, Ch. 279, Sec. 1; effective May 8, 1989.)

**Article 17.—SPECIAL HIGH SCHOOLS**

**91-17-1 to 91-17-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-1111; effective, E-70-26, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1979.)

**Article 18.—PRIVATE SCHOOLS**

**91-18-1 to 91-18-23.** (Authorized by K.S.A. 1971 Supp. 72-7514; effective, E-70-30, June 22, 1970; effective Jan. 1, 1971; revoked, E-71-38, Sept. 22, 1971; revoked Jan. 1, 1972.)

**91-18-24.** (Authorized by K.S.A. 72-4920, 72-4921, 72-4923; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980; revoked March 19, 2004.)

**91-18-25 and 91-18-26.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-18-27.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended, E-77-23, Sept. 7, 1977; amended May 1, 1978; amended May 1, 1979; revoked March 19, 2004.)

**91-18-28.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-18-29.** (Authorized by K.S.A. 72-4921, 72-4923, 72-4924, 72-4925, 72-4926; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked March 19, 2004.)

**91-18-30.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked, E-78-23, Sept. 7, 1977; revoked May 1, 1978.)

**91-18-31 to 91-18-33.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-18-34.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; revoked March 19, 2004.)

**91-18-35.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked, E-78-23, Sept. 7, 1977; revoked May 1, 1978.)

**91-18-36 to 91-18-39.** (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-18-40.** (Authorized by K.S.A. 1971 Supp. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked March 19, 2004.)

**91-18-41.** (Authorized by K.S.A. 1977 Supp. 72-4927; effective Jan. 1, 1974; revoked, E-78-23, Sept. 7, 1977; revoked May 1, 1978.)

#### Article 19.—STUDENT TEACHERS

**91-19-1. Definitions.** (a) “Approved educational agency” means an early childhood agency or an interlocal agency that has been granted approved status by the state board of education.

(b) “Cooperating teacher” means a certified or licensed staff member of an accredited or approved educational agency to whom a student teacher has been assigned and who is performing assigned duties in supervising and instructing the student teacher in actual teaching experiences with pupils.

(c) “Teacher education institution” means a college or university engaged in teacher preparation and accredited by the state board of education or a state-authorized agency of the state in which the institution is located.

(d) “Student teacher” means a student who has been issued a student teacher certificate by a teacher education institution to assume teaching responsibilities in an accredited or approved Kansas educational agency under the supervision of a cooperating teacher. (Authorized by and implementing K.S.A. 2007 Supp. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended May 1, 1979; amended July 1, 1989; amended July 18, 2008.)

#### **91-19-2. Student teacher certification.**

(a) Each individual serving as a student teacher in an accredited or approved educational agency in Kansas shall hold a valid student teacher certificate.

(b) Issuance of student teacher certificates. Student teacher certificates shall be issued only to students who have fulfilled the requirements of the teacher education institution and have been recommended by the designated official responsible for teacher education at the teacher education institution. Only teacher education institutions shall issue student teacher certificates.

(c) Provision and filing of certificates. The state board of education shall provide student teacher certificate forms to teacher education institutions. Each student teacher serving in an accredited or approved educational agency shall file a valid student teacher certificate in the office of the administrator of the accredited or approved educational agency. The certificate shall be returned to the

student teacher upon completion of the student teaching assignment. A copy of the student teacher certificate shall be filed with the state board of education and with the teacher education institution.

(d) Form of certificate. The form of the student teacher certificate shall be as prescribed by the state board.

(e) This rule and regulation shall take effect on and after July 1, 1989. (Authorized by and implementing K.S.A. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended May 1, 1979; amended July 1, 1989.)

**91-19-3 to 91-19-5.** (Authorized by K.S.A. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; revoked May 1, 1979.)

**91-19-6. Student teacher contracts, liabilities, and responsibilities.** (a) Necessity for written contracts. Each person certified for student teaching shall engage in student teaching only in educational agencies that are accredited or approved by the state board of education and have entered into a written contract with a teacher education institution. The contract shall set out all of the arrangements made between the teacher education institution and the cooperating accredited or approved educational agency.

(b) Assignment of student teachers. Only teacher education institutions shall assign student teachers to cooperating accredited or approved educational agencies for the purpose of student teaching.

(c) Student teacher responsibilities. Accredited or approved educational agency administrators and cooperating teachers to whom the student teachers are assigned, in cooperation with the designated officials of the teacher education institution and in conformity with the terms of the contract required by this regulation, shall determine when and to what extent student teachers shall assume responsibilities or enter into teaching activities in the assigned accredited or approved educational agency.

(d) Supervision of student teachers. Student teachers shall be under the supervision of cooperating teachers and administrators of the accredited or approved educational agencies to which the student teachers are assigned. Student teachers shall not be expected to assume tasks or responsibilities not generally assigned to teachers.

(e) Student teachers prohibited from serving as regular or substitute teachers. Certified student

teachers shall be prohibited from serving as regular or substitute teachers in Kansas-accredited or Kansas-approved educational agencies. (Authorized by and implementing K.S.A. 2007 Supp. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended May 1, 1979; amended July 1, 1989; amended July 18, 2008.)

**91-19-7 to 91-19-14.** (Authorized by K.S.A. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; revoked May 1, 1979.)

**91-19-15 and 91-19-16.** Not in active use.

**Editor's Note:**

Proposed regulations were rejected by legislature, L. 1982, ch. 462.

**Article 20.—SCREENING AND ADOPTION OF TEXTBOOKS**

**91-20-1 to 91-20-8.** (Authorized by K.S.A. 1969 Supp. 72-4152; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked Jan. 1, 1972.)

**Editor's Note:**

Regulations 91-20-1 to 91-20-8 transferred from Agency 87.

**Article 21.—DISORGANIZATION OF A UNIFIED SCHOOL DISTRICT BY ELECTION**

**91-21-1. Procedures to be followed by the state board in assigning territory, assets and personal property of a disorganized district.** In the event the resident electors of a unified school district vote in an election conducted by the election officer to disorganize the district, pursuant to the provisions of K.S.A. 72-7302, the state board upon being notified by the election officer that the majority of the electors voted in favor of such disorganization, shall pursue the following procedures:

(a) The state board shall designate a hearing officer to conduct one or more public hearings in the district to be disorganized to determine the adjoining district or districts to which the disorganized district should be attached.

(b) Following the hearings, the state board shall issue an order disorganizing the original unified school district and attaching it to the designated district or districts.

(c) When applicable, the order shall further provide:

(1) Possession of and title to all school buildings, furnishings, tangible and movable personal

property located in the territory to be attached, except school buses, shall vest in the unified school district or districts to which it is being attached. School equipment housed in a central location, but used in schools throughout the disorganized district, shall be transferred to the unified school district that receives the greatest number of pupils.

(2) If the disorganized district is attached to more than one district, school buses shall be equitably distributed based on the proportion the number of transported pupils transferred bears to the total number of pupils of the disorganized district transported on the final date of its operation.

(3) In the event the disorganized district is attached to more than one unified district, the funds on hand and those to be collected of the disorganized district shall be transferred to the receiving districts as follows:

(A) One-half ( $\frac{1}{2}$ ) shall be distributed in the proportion that the amount of assessed valuation of property transferred bears to the total assessed valuation of the disorganized district.

(B) One-half ( $\frac{1}{2}$ ) shall be distributed in the proportion the number of pupils transferred bears to the total enrollment of the disorganized district on the final date of its operation.

(4) If the disorganized district is attached to more than one unified district, the central office records of pupils and school personnel shall be transferred to the district receiving the pupils and school personnel. All other central office records shall be transferred to the receiving district that acquires the greatest amount of assessed valuation of the disorganized district. (Authorized by K.S.A. 72-7514; effective Jan. 1, 1971; amended May 1, 1979.)

**Article 22.—PROFESSIONAL PRACTICES COMMISSION**

**91-22-1.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-22-1a. Denial, suspension, or revocation of license; public censure; grounds; report.** (a) Any license issued by the state board may be suspended or revoked, or the license holder may be publicly censured by the state board for misconduct or other just cause, including any of the following:

(1) Conviction of any crime punishable as a felony;

(2) conviction of any crime involving a minor;



(3) conviction of any misdemeanor involving theft;

(4) conviction of any misdemeanor involving drug-related conduct;

(5) conviction of any act defined in any section of article 36 of chapter 21 of the Kansas statutes annotated;

(6) conviction of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;

(7) commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation;

(8) engaging in any sexual activity with a student;

(9) breach of an employment contract with an education agency by abandonment of the position;

(10) conduct resulting in a finding of contempt of court in a child support proceeding;

(11) entry into a criminal diversion agreement after being charged with any offense or act described in this subsection;

(12) obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts; or

(13) denial, revocation, cancellation, or suspension of a license in another state on grounds similar to any of the grounds described in this subsection.

(b) A license may be denied by the state board to any person who fails to meet the licensure requirements of the state board or for any act for which a license may be suspended or revoked pursuant to subsection (a).

(c) A certified copy of a journal entry of conviction or other court document indicating that an applicant or license holder has been adjudged guilty of, or has entered a plea of guilty or nolo contendere to, a crime shall be conclusive evidence of the commission of that crime in any proceeding instituted against the applicant or license holder to deny, suspend, or revoke a license.

(d) In any proceeding instituted against an applicant or license holder to deny, suspend, or revoke a license for conduct described in subsection (a) of this regulation, the fact that the applicant or license holder has appealed a conviction shall not operate to bar or otherwise stay the proceeding concerning denial, suspension, or revocation of the license.

(e) (1) Suspension or revocation of a license shall suspend or revoke all endorsements on the license.

(2) Suspension of a license shall be for a definite period of time. A suspended license shall be automatically reinstated at the end of the suspension period if the license did not expire during the period of suspension. If the license expired during the period of suspension, the individual may make an application for a new license at the end of the suspension period.

(3) Revocation of a license shall be permanent, except as provided in subsection (g) of this regulation.

(f) Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred.

(g) (1) Except as provided in K.S.A. 72-1397 and amendments thereto, any person who has been denied a license or who has had a license revoked for conduct described in subsection (a) of this regulation may apply for a license by completing an application for a license and submitting evidence of rehabilitation to the Kansas professional practices commission. The evidence shall demonstrate that the grounds for denial or revocation have ceased to be a factor in the fitness of the person seeking licensure. Factors relevant to a determination as to rehabilitation shall include the following:

(A) The nature and seriousness of the conduct that resulted in the denial or revocation of a license;

(B) the extent to which a license may offer an opportunity to engage in conduct of a similar type that resulted in the denial or revocation;

(C) the present fitness of the person to be a member of the profession;

(D) the actions of the person after the denial or revocation;

(E) the time elapsed since the denial or revocation;

(F) the age and maturity of the person at the time of the conduct resulting in the denial or revocation;

(G) the number of incidents of improper conduct; and

(H) discharge from probation, pardon, or expungement.

(2) A person who has been denied a license or who has had a license revoked for conduct described in subsection (a) of this regulation shall not be eligible to apply for a license until at least

five years have elapsed from the date of conviction of the offense or commission of the act or acts resulting in the denial or revocation or, in the case of a person who has entered into a criminal diversion agreement, until the person has satisfied the terms and conditions of the agreement.

(h) Before any license is denied, suspended, or revoked by the state board for any act described in subsection (a) of this regulation, the person shall be given notice and an opportunity for a hearing to be conducted before the professional practices commission in accordance with the provisions of the Kansas administrative procedure act.

(i) The chief administrative officer of a public or private school accredited by the state board shall promptly notify the commissioner of education of the name, address, and license number of any license holder who is dismissed, resigns, or is otherwise separated from employment with a school for any act described in subsection (a) of this regulation. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8506; effective May 19, 2000.)

**91-22-2. Commission procedure.** (a) A majority of the full membership of the commission shall constitute a quorum for the purpose of conducting business. A majority vote of the full membership of the commission shall be required for the passage of any motion or resolution.

(b) Secretary. Upon receiving a complaint, the chairperson shall be notified by the commission's secretary. The chairperson shall determine and give authorization for the secretary to initiate processing procedures. An accurate file of all votes, official acts, and proceedings of the commission shall be kept by the secretary. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000.)

**91-22-3.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-4. Cases; use of case number and title.** Each matter coming before the commission and requiring a decision by it shall be known as a "case" and shall receive a case number and title descriptive of the subject matter. Each case shall be recorded by the secretary by caption and case

number. The case number and title shall be used on all instruments filed in the case and shall appear in all correspondence or communications. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; amended May 19, 2000.)

**91-22-5.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1978; revoked May 1, 1979.)

**91-22-5a. Complaints.** (a) The commission, on its own motion, or a member of the teaching or school administration profession may initiate proceedings before the commission by filing a complaint in writing alleging that a license holder or applicant has engaged in any conduct for which a license issued by the state board may be denied, suspended, or revoked under K.A.R. 91-22-1a and amendments thereto. The complaint shall be filed with the commission's secretary.

(b) Each person filing a complaint shall set forth in the complaint the following information:

- (1) The name and address of the complainant;
- (2) the name and last known address of the license holder or applicant charged;
- (3) the act or acts for which the license is sought to be denied, suspended, or revoked; and
- (4) the relief sought.

The complaint shall be typed, signed, and verified by the complainant or accompanied by an affidavit attesting to the veracity of the contents of the complaint. Written instruments or documents under the control of or known to a complainant that are relevant to the charges shall be attached as exhibits or, if unavailable, referenced in the complaint.

(c) A complaint that does not state a good faith or prima facie case shall be tabled by the commission. The complainant shall be notified in writing of the action. The complainant shall be permitted to withdraw or amend the complaint. If the complainant decides to file an amended complaint, that complaint shall be filed within 10 days after service of the notice of action by the commission.

(d) A complaint or amended complaint that states a good faith cause of action shall be served on the person charged in the complaint by certified mail, return receipt requested.

(e) Surrender of license. A member of the teaching or school administration profession may voluntarily surrender the member's license to the

commission. The action of surrender shall be investigated by the commission. A recommendation shall be made by the commission to the state board for disposition of the license.

(f) Complainant motivated by malice. A complainant who is found by the commission to have been maliciously motivated in filing a complaint or to have acted fraudulently may be disciplined by the state board by public censure or by the suspension, cancellation, or revocation of the complainant's license. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective May 1, 1979; amended May 19, 2000.)

**91-22-6.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; revoked May 1, 1979.)

**91-22-7. Violation of continuing contract laws.** A complaint filed directly with the state board pursuant to K.S.A. 72-1383 or K.S.A. 72-5412, and amendments thereto, alleging that a license holder is in breach of the license holder's employment contract with a local board shall be referred to the commission for investigation, hearing, and the entry of an initial order regarding licensure. If the investigation reveals a settlement provision or liquidated damages clause in local board policy or in the contract of the employee, so that the employee could make a financial settlement to a local district governing authority or be relieved of contractual commitment by other agreed means, the case shall be dismissed by the commission. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000.)

**91-22-8.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-9. Answer; time to file; form; content; right to amend.** (a) Any person charged in a complaint shall have 20 days after receipt of the complaint in which to file an answer. If no answer is filed within the prescribed period, the person shall be deemed to have admitted the allegations contained in the complaint and to have acquiesced in the proposed action. Any answer to a complaint shall be filed with the commission's secretary by

certified mail, return receipt requested, or by personal delivery.

(b) Each person filing an answer shall type, sign, and verify the contents of the answer. The caption of any answer shall repeat the caption of the complaint in response to which it is filed, except that the title shall state "answer" instead of "complaint."

(c) Each person filing an answer shall set forth each responsive allegation or defense in clear and concise language and in separately numbered paragraphs. The person filing the answer shall admit or deny each allegation contained in the complaint. If the person is without knowledge or information sufficient to form a belief as to the truth of an allegation, the person shall state this in the answer, and this shall have the effect of a denial. Each person filing an answer shall attach to the answer as exhibits or, if unavailable, shall reference in the answer any written instruments or documents under the control of, or known to, the person filing the answer that are relevant to the charges in the complaint or that the person intends to use in defending the charges.

(d) Any person filing an answer may amend the answer once as a matter of course at any time within 30 days after service of the complaint. Each amended answer shall be filed with the commission's secretary by restricted mail, return receipt requested, or by personal delivery.

(e) Upon application to, and order of, the commission's secretary, the time in which to file an answer may be extended once as a matter of course for a period not to exceed 10 additional days. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000.)

**91-22-10.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; revoked May 19, 2000.)

**91-22-11.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-12.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; revoked May 19, 2000.)

**91-22-13.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-14.** (Authorized by K.S.A. 1971 Supp. 72-8501 et seq.; effective Jan. 1, 1972; revoked May 19, 2000.)

**91-22-15.** (Authorized by K.S.A. 1971 Supp. 72-8501 et seq.; effective Jan. 1, 1972; revoked May 19, 2000.)

**91-22-16.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; revoked May 19, 2000.)

**91-22-17.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1979; revoked May 19, 2000.)

**91-22-18.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-19. Service of order.** Except as otherwise provided in this article, service of an order, notice, motion, or brief shall be made upon a party in a proceeding before the commission in accordance with K.S.A. 77-531 and amendments thereto. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; amended May 19, 2000.)

**91-22-20.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-22-21.** (Authorized by and implementing K.S.A. 1984 Supp. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985; revoked May 19, 2000.)

**91-22-22. Hearing procedure.** (a) All hearings before the commission shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The chairperson to the commission, or another member designated by the chairperson, shall serve as the presiding officer.

(b) Continuance; extensions of time and adjournments.

(1) Upon showing good cause in a timely manner, any person having a substantial interest in the outcome of the proceedings shall be entitled to one continuance or extension of time. Additional continuances may be granted by the chairperson. When the commission is not in session or conducting a prehearing or hearing, the interested

person shall send a written motion for a continuance or extension of time to the commission's chairperson or secretary. When sending the motion, the interested party shall allow sufficient time to postpone any hearing that has been set.

(2) While the commission is in session and conducting a prehearing or hearing, the presiding officer may entertain oral motions for continuances, extensions of time, and adjournments. Oral motions may be granted or denied by the presiding officer or the commission. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8506 and 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985; amended May 19, 2000.)

**91-22-23.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; revoked May 19, 2000.)

**91-22-24.** (Authorized by and implementing K.S.A. 1984 Supp. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985; revoked May 19, 2000.)

**91-22-25. Decision of the commission; review by state board.** (a) Following a hearing, an initial order shall be entered by the commission, in accordance with the provisions of the Kansas administrative procedure act, setting forth its decision and recommended action. The evidence may be deliberated upon by the commission and its decision may be voted upon by the commission in the presence of all parties, or it may recess into executive session to deliberate and then vote upon the matter in open session. The decision in each case shall include a recommended disposition of the case, which may be any of the following:

(1) Dismissal of the complaint;

(2) denial, suspension, or revocation of the respondent's license; or

(3) public censure of the respondent.

(b) The initial order of the commission shall be delivered by the commission's secretary to the commissioner of education, to be placed on the state board's agenda. A final order, in accordance with K.S.A. 77-527 and amendments thereto, shall be made by the state board. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8507; effective Jan. 1, 1972;



amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000.)

**91-22-26.** (Authorized by K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; revoked May 19, 2000.)

**Article 23.—STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL HIGH SCHOOLS**

**91-23-1.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-23-2.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; revoked Feb. 15, 1977.)

**91-23-3.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended May 1, 1975; amended, E-76-12, Jan. 23, 1975; revoked Feb. 15, 1977.)

**91-23-4 and 91-23-5.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-23-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-23-7.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-23-7a.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-23-8.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-23-9.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-23-10.** (Authorized by K.S.A. 1976

Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; revoked Feb. 15, 1977.)

**91-23-11.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-23-12.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**Article 24.—STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL ELEMENTARY SCHOOLS**

**91-24-1.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-24-2.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; amended, E-74-20, April 5, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; revoked Feb. 15, 1977.)

**91-24-3.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-24-4 and 91-24-5.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-24-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-24-7.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-24-8.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

**91-24-9.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1,

1973; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-24-10.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1975; revoked Feb. 15, 1977.)

**91-24-11.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended, E-73-27, Aug. 24, 1973; revoked Feb. 15, 1977.)

**91-24-12.** (Authorized by K.S.A. 1976 Supp. 72-7513; effective Jan. 1, 1972; amended Jan. 1, 1973; amended, E-73-27, Aug. 24, 1973; amended Jan. 1, 1974; revoked Feb. 15, 1977.)

#### Article 25.—COMMUNITY COLLEGES

**91-25-1.** (Authorized by K.S.A. 71-406, K.S.A. 1978 Supp. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-25-1a.** (Authorized by K.S.A. 13-13a27, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 13-13a26, 13-13a27, 71-403, 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1979; amended May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended May 1, 1984; amended, T-88-33, Sept. 17, 1987; amended May 1, 1988; revoked Oct. 29, 2004.)

**91-25-1b.** (Authorized by K.S.A. 71-406, K.S.A. 1978 Supp. 71-403; effective May 1, 1979; revoked May 1, 1983.)

**91-25-1c.** (Authorized by K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1983; amended, T-88-33, Sept. 17, 1987; amended May 1, 1988; revoked Oct. 29, 2004.)

**91-25-2.** (Authorized by K.S.A. 71-403, K.S.A. 1982 Supp. 71-301; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1983; revoked Oct. 29, 2004.)

**91-25-3.** (Authorized by K.S.A. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1,

1972; amended May 1, 1979; revoked May 1, 1983.)

**91-25-3a.** (Authorized by K.S.A. 71-406, K.S.A. 1982 Supp. 71-302; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1983; revoked Oct. 29, 2004.)

**91-25-4.** (Authorized by K.S.A. 1978 Supp. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; revoked May 1, 1983.)

**91-25-4a.** (Authorized by K.S.A. 71-406, K.S.A. 1982 Supp. 71-302; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1983; revoked Oct. 29, 2004.)

**91-25-5 and 91-25-6.** (Authorized by K.S.A. 72-6915c; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-25-7.** (Authorized by K.S.A. 1978 Supp. 71-204; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked May 1, 1979.)

**91-25-8 and 91-25-9.** (Authorized by K.S.A. 72-6915c; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended Jan. 1, 1973; revoked May 1, 1979.)

**91-25-10.** (Authorized by K.S.A. 1978 Supp. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1979.)

**91-25-11 and 91-25-12.** (Authorized by K.S.A. 72-6915c; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked Jan. 1, 1973.)

**91-25-13 to 91-25-15.** (Authorized by K.S.A. 1978 Supp. 71-302, 71-401, 71-402, 71-403; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-25-16.** (Authorized by K.S.A. 71-306; effective May 1, 1980; revoked May 1, 1983.)

**91-25-17, 91-25-18.** (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983; amended May 1, 1984; revoked Oct. 29, 2004.)

**91-25-19.** (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983; revoked Oct. 29, 2004.)

**Article 26.—NONPROFIT SCHOOL FOOD SERVICE PROGRAMS****91-26-1. Requirements for participation.**(a) *Definitions.*

(1) "Attendance center" means an approved school where meals are prepared, served, or both.

(2) "Child" means a person under twenty-one (21) chronological years of age or a student of high school grade or under.

(3) "Preparation center" means a kitchen where meals are prepared.

(4) "Board" means the board of education of a school district, governing authority of any non-public school offering any of grades kindergarten through twelve (12), or governing authority of a child care institution having approval to operate school food service programs.

(b) *Application.* The board shall make written application annually to the state board for all schools in which it desires to operate a food service program. The board shall also submit for approval a free and reduced price meal and free milk policy. Applications shall be on a form provided by the state board which shall include, but not be limited by the following:

(1) the estimated average daily participation;

(2) the meal price to be charged children; and

(3) any other pertinent data necessary for identification and approval as determined by the state board.

(c) *Agreements.* The board shall enter into a written agreement with the state board. The agreement shall be regularly approved by the board, signed by the president of the board, and attested by the clerk of the board. The commissioner of education shall approve and sign the agreement for the state board. (1) The board shall comply with all stipulations in the written agreement between the board and the state board, with local food service policies of the board, with K.A.R. 91-26-1 *et seq.* and with 7 CFR parts 210, 215, 220, 230, 240, and 245 of the food and nutrition service of United States department of agriculture, when applicable, when a contract is made with a food service management company to manage school food service programs.

(2) During any fiscal year, the amount of reimbursement paid to the board under the agreement for meals served to children in each school shall be in conformance with regulations and appropriations authorized.

(d) *Record keeping requirements.* Boards shall

keep records in accordance with the terms of the agreement entered into with the state board pursuant to subsection (c). (Authorized by K.S.A. 72-5112 *et seq.*; effective, E-74-3, Oct. 5, 1973; effective Jan. 1, 1974; amended, E-74-56, Sept. 30, 1974; amended, E-76-12, Jan. 23, 1975; amended May 1, 1976; amended May 1, 1979.)

**91-26-2.** (Authorized by K.S.A. 1978 Supp. 72-5112 to 72-5124; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-26-3. Reimbursement.** (a) *Rates.*

Boards shall claim reimbursement only for meals and milk, if applicable, served to students enrolled in participating attendance centers at the rate or rates assigned to them in their agreement or such rates as may be subsequently assigned by the state board or United States department of agriculture. Reimbursable meals shall be those which meet the nutritional standards set by the United States department of agriculture.

(b) *Reports and claims; dates for filing.* Reports and claims shall be made to the state board upon forms provided by the state board. The reports and claims shall be filed on or before the fifth day of each month or as otherwise specified by the state board. Claims received after the tenth of the month shall be processed for payment in the month following.

(c) *Disallowance.* Payment for claims which are not received during the calendar month immediately following the period being reported may be disallowed.

(d) *Verification.* All claims for reimbursement shall be verified by the authorized representative to the best of his or her knowledge and belief that the claim is true and correct in all respects, consistent with reports and records on file with the state board, is in accordance with the terms of the existing agreement(s) and payment has not been received. (Authorized by K.S.A. 1978 Supp. 72-5112 to 72-5124; effective Jan. 1, 1974; amended May 1, 1979.)

**91-26-4.** (Authorized by K.S.A. 1978 Supp. 72-5112 to 72-5124; effective Jan. 1, 1974; revoked May 1, 1979.)

**91-26-5. Assistance and donations.** (a) *Assistance.*

Any board may request from the state board management and technical assistance to aid in the establishment and operations of child nutrition programs and may request assistance in training of personnel.

(b) *Donations.* Any board may accept donations of food, equipment, money and labor for use in direct connection with any of its food service programs. The acceptance of any donation shall not be interpreted as an obligation to do business with the donor. The acceptance of coupons or premiums for personal use is prohibited. (Authorized by K.S.A. 1978 Supp. 72-5112 to 72-5124; effective Jan. 1, 1974; amended May 1, 1979.)

**91-26-6. Food service equipment assistance.** (a) *Eligible and especially needy schools defined.* (1) "Eligible schools" mean schools which draw attendance from areas in which poor economic conditions exist and have no equipment to operate an adequate food service program, as determined by the state board. The eligible school shall pay at least one-fourth (1/4) of the equipment costs.

(2) "Especially needy schools" meet the criteria for eligible schools and enroll a high percentage of students as defined by the state plan for school food service, who are eligible for free and reduced price meals. Especially needy schools are eligible to receive one-hundred percent (100%) funding according to guidelines established by the state board.

(b) *Authorization of funds.* (1) Funds shall be used only for the purchase of basic equipment enabling schools to prepare and cook or receive hot meals, unless the school can demonstrate to the state board that an alternative method of meal preparation is necessary for the introduction or continuation of the school's food service program.

(2) Allocation of funds shall be made on the basis of the amount of funds apportioned to the state and whether:

(A) the eligible school does not have a food service program;

(B) the eligible school has a food service program but does not have facilities to prepare and cook or receive hot meals;

(C) the eligible school has a food service program and needs replacement, additional, or replacement and additional equipment; or

(D) the eligible school can justify its need for assistance.

(3) Funds shall not be reimbursed for equipment purchased prior to the date of authorization for purchase granted by the state board.

(c) *Agreements.* The board shall enter into a written and signed agreement on the form provided by the state board.

(d) *Transfer of equipment.* Equipment no longer used in the original location shall be transferred to another attendance center under jurisdiction of the same board or with state board approval, to another acceptable board participating in a child nutrition program.

(e) *Application, authorization, and reimbursement procedures.* (1) The state board shall require boards to complete an application prior to authorization for purchase. Upon receiving authorization, the board may purchase equipment. After obtaining the authorized equipment, the board may apply for reimbursement.

(2) Application requirements shall include:

(A) the name and address of the board and of each school participating in the food service equipment program;

(B) evidence that the school draws attendance from areas in which poor economic conditions exist;

(C) evidence that the school has no equipment or has grossly inadequate equipment to operate a food service program;

(D) the style, model, quantity, and cost of each equipment item; and

(E) the source of payment.

(3) Authorization procedures shall comply with requirements of subsection (b).

(4) Reimbursement information shall include:

(A) the month and year the equipment was obtained;

(B) the serial number and net cost of each equipment item;

(C) the delivery and installation costs of each equipment item;

(D) a copy of the bill, invoice or other evidence of purchase; and

(E) verification that the equipment has been installed and is operating. (Authorized by K.S.A. 1978 Supp. 72-5112 to 72-5124; effective May 1, 1979.)

**Article 27.—STANDARDS AND PROCEDURES FOR ACCREDITING AREA VOCATIONAL-TECHNICAL SCHOOLS AND VOCATIONAL SCHOOLS**

**91-27-1 to 91-27-4.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-5.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11,



Jan. 23, 1975; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1979; revoked May 1, 1984.)

**91-27-6.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-7.** (Authorized by K.S.A. 72-7514; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-8.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-9.** (Authorized by K.S.A. 72-7514, effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-10.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective, E-76-11, Jan. 23, 1975; effective May 1, 1976; amended May 1, 1979; revoked May 1, 1984.)

**91-27-11. Not in active use.**

**Editor's Note:**

Regulation transferred to 91-27-1, May 1, 1979.

**Article 28.—STANDARDS AND PROCEDURES FOR ACCREDITING SPECIAL PURPOSE SCHOOLS**

**91-28-1 to 91-28-10.** (Authorized by K.S.A. 1978 Supp. 72-963; effective Feb. 15, 1977; amended May 1, 1979; revoked May 1, 1984.)

**91-28-11. Not in active use.**

**Editor's Note:**

Regulation transferred to 91-28-1, May 1, 1979.

**Article 29.—PROCEDURES FOR EMPLOYEES OF THE KANSAS STATE SCHOOLS FOR THE DEAF AND VISUALLY HANDICAPPED TO PARTICIPATE IN TAX SHELTERED ANNUITIES.**

**91-29-1. Tax sheltered annuity program.** A program and the procedures for the purchase of voluntary tax sheltered annuities shall be established for the eligible employees of the Kansas state school for the deaf and the Kansas state

school for the visually handicapped. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-2. Definitions.** The terms “compensation” and “employee” shall have the same meanings as found in K.S.A. 1975 Supp. 74-4932 and the statutory references contained therein. “State board” shall mean the Kansas state board of education. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-3. Maximum reduction; contracts.**

(a) The maximum amount of reduction in compensation to be contributed by each participating employee to a tax sheltered annuity shall be as limited by the provisions of the U.S. internal revenue code of 1954, as amended. Such tax sheltered annuities shall be purchased by contract by the state board for those employees who voluntarily reduce their salaries to provide the funds with which to purchase such annuities.

(b) The state board may contract with:

(1) Any company, firm, association, corporation or financial institution, hereinafter called “company,” authorized to do business in this state that issues an approved annuity contract. An approved annuity contract shall meet the provisions of the U. S. internal revenue code of 1954, as amended, and shall qualify by reason of a determination letter provided by the internal revenue service. The determination letter and a specimen annuity contract shall be filed with the state board of education and division of accounts and reports, department of administration.

(2) Any life insurance company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding and strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institutions and individuals engaged in the services of such institutions, whether or not such company be authorized to do business in Kansas. No premium tax or income tax shall be due or payable on such annuity contract or contracts for such retirement programs issued by a company such as described in this paragraph, except that neither the purchase nor the issuance of such retirement annuities from or by such a company shall constitute the effecting of a contract of insurance.

(c) Any company mutually entering into a con-

tract with state board shall provide its official name and address to which remittances shall be forwarded. Any such contractual arrangement shall be only for the purpose of meeting the requirements of the company and shall not be considered as any type of endorsement of it. The Kansas commissioner of education is hereby authorized to execute such contracts on behalf of the state board. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, Mar. 24, 1977; effective May 1, 1978.)

**91-29-4. Approval of applications.** The chief fiscal officers or their designees of the state schools for the deaf and the visually handicapped may, on behalf of the state board, approve the applications and any other legal documents of their respective employees as may from time to time be required to carry into effect the voluntary tax sheltered annuity program. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-5. Fixed or variable annuities.** Tax sheltered annuity contracts shall provide for the purchase of either fixed or variable annuities or a combination thereof. Such contracts shall comply with sections 401(g) and 403(b) of the U.S. internal revenue code of 1954, as amended. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-6. Solicitation limited to two agents of each company.** Any company engaged in the solicitation of voluntary tax sheltered annuity contracts shall file in the office of the chief fiscal officer of each state school to be solicited a list of the names of not more than two (2) of its agents who will solicit business. Solicitation of business by agents other than those listed shall be prohibited. Said list shall be accompanied by a statement signed by a company officer that the agents named are trained and authorized to do business in the state of Kansas in the sale and service of tax sheltered annuities. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-7. Participating employee to select company.** It shall be the responsibility of each participating employee to select the com-

pany and the type of annuity contract to be purchased on his or her behalf and to evaluate the tax sheltered status provided by such contract. The state board shall not assume such responsibilities. The soliciting companies, through their agents, shall provide for said fiscal officers a maximum reduction allowance calculation for each participating employee. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-8. Uniform contract form.** A uniform salary reduction contract form shall be used at the two state schools to effect the salary reduction and annuity purchase requests of the participating employees. (See K.A.R. 91-29-12.) A contract shall be made for a period of at least one (1) year, except that the first contract (after the initiation of this program) may be for the remaining portion of the calendar year. An employee may terminate an existing contract at any time with respect to amounts not yet earned, but shall not make more than one contract with the same employer during a calendar year. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-9. Beginning date of tax sheltered annuity program.** The tax sheltered annuity program for the state schools for the deaf and the visually handicapped shall be initiated on the payroll period paid on March 1, 1977. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-10. Contract to be completed and signed by participant.** Any contract to reduce salary and to purchase tax sheltered annuities shall be completed and signed by each participant in this program. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-11. Employee limited to one company; exception.** No participating employee shall select more than one (1) company for the purchase of tax sheltered annuities except current employees presently enrolled in TIAA/SCREF who may select one additional company. (Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**91-29-12. Contract form; reduction of salary for tax sheltered annuity.**

KSDE FORM 01 01 100  
91-29-12

STATE OF KANSAS  
STATE BOARD OF EDUCATION  
Contract to Reduce Salary for Tax Sheltered  
Annuity Purposes

TO: Chief Fiscal Officer \_\_\_\_\_  
State School \_\_\_\_\_ Location \_\_\_\_\_

Effective with respect to amounts earned on or after the first day of the pay period beginning on \_\_\_\_\_  
(day and month)

19\_\_\_\_, which date is subsequent to the execution of this contract, and pursuant to the provisions of Section 403(b), United State Internal Revenue Code of 1954, as amended, and as authorized by 1976 S.B. 870, the State Board of Education is hereby authorized and directed to reduce my future compensation to purchase for me a non-forfeitable annuity or annuities as hereinafter described.

Please place an "X" in the appropriate box or boxes  
(Box A is not applicable to non-TIAA/SCREF Participants)

- A. Under the required 5%/5% retirement plan for employees—the State Board of Education shall:
  1. Reduce my gross compensation by 5% applicable each payday.
  2. Pay an identical amount to provide retirement benefits as described in Subsections (1)(a), (1)(b), (1)(c), and (4) of K.S.A. 74-4925; and
  3. Apply said sums to the payment of deposits for a retirement annuity contract selected by me in accordance with the terms of the required 5%/5% retirement program and issued by TIAA/SCREF.
- B. Under the voluntary tax-sheltered annuity program—the State Board of Education shall:
  1. Reduce my gross compensation by \_\_\_\_\_% per month for each payday.
  2. Apply said sum to deposits for a non-forfeitable retirement annuity contract selected by me and issued by (only one company can be listed) \_\_\_\_\_

It is further agreed and understood that the State Board of Education assumes no liability or responsibility either for the income tax aspects of these annuity programs or for the annuity policy terms and provisions.

This agreement shall be legally binding and irrevocable as to both of the parties hereto while employment continues; provided, however, either party may change or terminate this agreement as of the end of any payroll period, so that it will not apply to compensation not yet earned, by giving at least thirty (30) days written notice of the date of said change or termination; and provided, further, that no more than one agreement for such compensation reduction may be made within any calendar year.

This agreement shall remain in force for the duration of employment, except as changed or terminated within the allowable provision of this agreement hereinabove stated.

In witness whereof the parties have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ACCEPTED FOR THE STATE BOARD OF EDUCATION  
by \_\_\_\_\_  
(Chief Fiscal Officer) (Date) (Employee's Full Name—print or type)

\_\_\_\_\_  
(State School) (Signature of Employee) (Date)

(To be completed by agency)

Agency		NAME			Vol.TSA	Voluntary TSA		
No.	Dept.	Soc. Sec. No.	Last	First	Initial	Eff. Date	Co. Code	%

(Authorized by K.S.A. 76-11a03; effective, E-78-6, Jan. 20, 1977; amended, E-78-11, March 24, 1977; effective May 1, 1978.)

**Article 30.—ACCREDITATION**

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

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

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

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

**91-30-6.** (Authorized by K.S.A. 72-7514,

implementing K.S.A. 72-7513; effective May 1, 1979; modified, L. 1981, ch. 427, May 1, 1981; revoked May 1, 1983.)

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

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

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

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

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

**91-30-12.** (Authorized by K.S.A. 72-7513, K.S.A. 72-7514; effective May 1, 1979; revoked May 1, 1981.)

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

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

**91-30-12d.** (Authorized by K.S.A. 71-7514; implementing K.S.A. 72-7513; effective May 1, 1981; revoked May 1, 1983.)

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

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

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

**91-30-14.** (Authorized by K.S.A. 72-7513, 72-7514; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1981.)

**91-30-14a.** (Authorized by K.S.A. 72-7514;

implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

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

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

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

#### Article 31.—ACCREDITATION

**91-31-1.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-31-2.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-31-3.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1983; amended Nov. 10, 1987; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-31-4.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986; amended May 1, 1987; revoked June 30, 1997.)

**91-31-4a.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Oct. 30, 1989; revoked June 30, 1997.)

**91-31-5.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1,



1984; amended May 1, 1987; amended May 1, 1988; revoked June 30, 1997.)

**91-31-6.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988; revoked June 30, 1997.)

**91-31-7.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended July 1, 1989; amended July 1, 1991; revoked June 30, 1997.)

**91-31-8.** This regulation shall be revoked on June 30, 1997. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; revoked June 30, 1997.)

**91-31-9.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked June 30, 1997.)

**91-31-10.** This regulation shall be revoked on June 30, 1997. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; revoked June 30, 1997.)

**91-31-11.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked Oct. 30, 1989.)

**91-31-12. Reserved.**

**91-31-12a.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended July 12, 1985; amended May 1, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-31-12b.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12c.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas

Constitution; effective May 1, 1983; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12d.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12e.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12f.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12g.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988; revoked June 30, 1997.)

**91-31-12h.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-31-13.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended June 12, 1985; amended May 1, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-31-14.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1989; revoked June 30, 1997.)

**91-31-14a.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended July 12, 1985; amended May 1, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-31-14b.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked June 30, 1997.)

**91-31-14c.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; revoked June 30, 1997.)

**91-31-15.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; revoked June 30, 1997.)

**91-31-16.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; amended Aug. 27, 1999; revoked June 30, 2005.)

**91-31-17.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-18.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; amended Aug. 27, 1999; revoked June 30, 2005.)

**91-31-19.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; amended September 24, 1999; revoked June 30, 2005.)

**91-31-20.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-21.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-22.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and

implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-23.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-24.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; amended Aug. 27, 1999; revoked June 30, 2005.)

**91-31-25.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-26.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-27.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-28.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-29.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-30.** This regulation shall be revoked on and after June 30, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Dec. 27, 1996; revoked June 30, 2005.)

**91-31-31. Definitions.** (a) “Accredited” means the status assigned to a school that meets the minimum performance and quality criteria established by the state board.

(b) “Accredited on improvement” means the

status assigned to a school that, for two consecutive years, is described by any of the following:

(1) The school fails to meet one or more of the performance criteria applicable to the school.

(2) The school has a prescribed percentage of students in one or more student subgroups that fails to meet one or more of the performance criteria applicable to the school.

(3) The school fails to meet three or more of the quality criteria applicable to the school.

(c) “Conditionally accredited” means the status assigned to a school that, for three consecutive years, is described by either of the following:

(1) The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.

(2) The school fails to meet four or more of the quality criteria applicable to the school.

(d) “Curriculum standards” means statements, adopted by the state board, of what students should know and be able to do in specific content areas.

(e) “External technical assistance team” means a group of persons selected by a school for the purpose of advising school staff on issues of school improvement, curricula and instruction, student performance, and other accreditation matters.

(f) “Local board of education” means the board of education of any unified school district or the governing body of any nonpublic school.

(g) “Not accredited” means the status assigned to a school that, for five consecutive years, is described by either of the following:

(1) The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.

(2) The school fails to meet four or more of the quality criteria applicable to the school.

(h) “On-site visit” means a visit at a school by either the school’s external technical assistance team or a state technical assistance team.

(i) “School” means an organizational unit that, for the purposes of school improvement, constitutes a logical sequence of elements that may be structured as grade levels, developmental levels, or instructional levels.

(j) “School improvement plan” means a multiyear plan for five years or less that is developed by a school and that states specific actions for achieving continuous improvement in student performance.

(k) “Standards of excellence” means the expecta-

tations for academic achievement that the state board has set for Kansas schools.

(l) “State assessments” means the assessments that the state board administers in order to measure student learning within the Kansas curriculum standards for mathematics, reading, science, history and government, and writing.

(m) “State board” means the state board of education.

(n) “State technical assistance team” means a group of persons appointed by the state department of education to assist schools in meeting the performance and quality criteria established by the state board.

(o) “Student subgroup” means those students within a school who, for monitoring purposes, are classified by a common factor, including economic disadvantage, race, ethnicity, disability, and limited English proficiency.

(p) “Unit of credit” means a measure of credit that may be awarded to a student for satisfactory completion of a particular course or subject. A full unit of credit is credit that is awarded for satisfactory completion of a course or subject that is offered for and generally requires 120 clock-hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered and generally requires to complete. Individual students may be awarded credit based upon demonstrated knowledge of the content of a course or subject, regardless of the amount of time spent by the student in the course or subject.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-32. Performance and quality criteria.** (a) Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality criteria established by the state board in this regulation.

(b) The performance criteria shall be as follows:

(1) Except as provided in subsection (d) of this regulation, having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;

(2) having 95% or more of all students and 95%

or more of each student subgroup take the state assessments;

(3) having an attendance rate equal to or greater than that prescribed by the state board; and

(4) for high schools, having a graduation rate equal to or greater than that prescribed by the state board.

(c) The quality criteria shall consist of the following quality measures, which shall be required to be in place at each school:

(1) A school improvement plan that includes a results-based staff development plan;

(2) an external technical assistance team;

(3) locally determined assessments that are aligned with the state standards;

(4) formal training for teachers regarding the state assessments and curriculum standards;

(5) 100% of the teachers assigned to teach in those areas assessed by the state or described as core academic subjects by the United States department of education, and 95% or more of all other faculty, fully certified for the positions they hold;

(6) policies that meet the requirements of S.B.R. 91-31-34;

(7) local graduation requirements that include at least those requirements imposed by the state board;

(8) curricula that allow each student to meet the regent's qualified admissions requirements and the state scholarship program;

(9) programs and services to support student learning and growth at both the elementary and secondary levels, including the following:

(A) Computer literacy;

(B) counseling services;

(C) fine arts;

(D) language arts;

(E) library services;

(F) mathematics;

(G) physical education, which shall include instruction in health and human sexuality;

(H) science;

(I) services for students with special learning needs; and

(J) history and government. Each local board of education shall include in its history and government curriculum, within one of the grades seven through 12, a course of instruction in Kansas history and government. The course of instruction shall be offered for at least nine consecutive weeks. The local board of education shall waive

this requirement for any student who transfers into the district at a grade level above that in which the course is taught;

(10) programs and services to support student learning and growth at the secondary level, including the following:

(A) Business;

(B) family and consumer science;

(C) foreign language; and

(D) industrial and technical education; and

(11) local policies ensuring compliance with other accreditation regulations and state education laws.

(d) If the grade configuration of a school does not include any of the grades included in the state assessment program, the school shall use an assessment that is aligned with the state standards.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-33. Data submission.** Each school shall provide to the state department of education information concerning each of the following, upon request:

(a) Qualifications of the school's teachers;

(b) student attendance;

(c) the number of high school students who graduate; and

(d) any other data requested by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-34. Local board of education requirements.** (a) General. Each local board of education shall ensure that each school meets the requirements of this regulation.

(b) Staff.

(1) Except as otherwise provided in this subsection, in filling positions for which a license or certificate is issued by the state board, each school district shall employ persons who hold licenses or certificates with specific endorsements for the positions held.

(2) If a teacher holding an appropriate license or certificate is not available, the school district shall use a substitute teacher holding a valid Kansas teacher or administrator license or certificate at any level or in any field or subject. A school district shall not allow any person holding a Kansas



teaching license or certificate to substitute teach for more than 125 days in the same assignment.

(3) If a substitute teacher holding a valid Kansas teacher or administrator license or certificate is not available, the school district shall use a substitute teacher holding a valid Kansas substitute teaching license or certificate. A school district shall not allow a person holding a substitute teaching license or certificate to teach for more than 90 days in the same assignment.

(4) If a substitute teacher holding a valid Kansas substitute teaching license or certificate is not available, the school district shall use a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate. A school district shall not allow a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate to teach for more than 30 days in the same assignment.

(5) (A) If a person holding a baccalaureate degree and an emergency substitute teaching license or certificate is not available, the school district shall use a person who has been licensed or certified by the state board as an emergency substitute teacher. A school district shall not allow any person who does not hold a baccalaureate degree to teach for more than 15 days in the same assignment or more than 60 days in a semester.

(B) If a local board of education documents that there is an insufficient supply of substitute teachers, the board may appeal to the commissioner of education for authority to allow individuals holding an emergency substitute teaching license or certificate to continue to teach for an additional length of time that shall not exceed a total of 93 days in a school year.

(6) If the state board of education has declared a time of emergency, any person holding a five-year substitute teaching license or certificate or an emergency substitute teaching license or certificate with a baccalaureate degree may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.

(7) Each school shall report the name of each licensed or certified staff member on the personnel report or the supplemental personnel report required by the state board. Each licensed or certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days after the staff change.

(c) Minimum enrollment. Each elementary school shall have an enrollment of 10 or more stu-

dents on September 20 to remain eligible for accreditation.

(d) Student credit. Each school, through the local board of education, shall have a written policy specifying that the credit of any pupil transferring from an accredited school shall be accepted.

(e) Records retention. Each school shall permanently retain records relating to each student's academic performance, attendance, and activities.

(f) Interscholastic athletics.

(1) A local board of education shall not allow any student below the sixth grade level to participate in interscholastic athletics.

(2) A local board of education may allow any student at the sixth grade level or higher to participate in interscholastic athletics.

(3) If a local board of education allows students at the sixth grade level to participate in interscholastic athletics, the local board of education shall comply with the guidelines adopted by the state board.

(4) A local board of education may join the Kansas state high school activities association and participate under its rules. A local board of education that does not join that association shall comply with guidelines for interscholastic athletics adopted by the state board.

(g) Athletic practice.

(1) Any elementary or middle school that includes any of the grades six through nine may conduct athletic practice during the school day only at times when one or more elective academic courses or a study period is offered to students.

(2) A high school shall not conduct athletic practice during the school day, and athletic practice shall not be counted for credit or as a part of the school term.

(3) A school shall neither offer credit for athletic practice nor count athletic practice as a physical education course.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-35. Graduation requirements.** (a) Each local board of education shall adopt a written policy specifying that pupils are eligible for graduation only upon completion of at least the following requirements:

(1) Four units of English language arts, which shall include reading, writing, literature, commu-

nication, and grammar. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subject;

(2) three units of history and government, which shall include world history; United States history; United States government, including the Constitution of the United States; concepts of economics and geography; and, except as otherwise provided in S.B.R. 91-31-32, a course of instruction in Kansas history and government;

(3) three units of science, which shall include physical, biological, and earth and space science concepts and which shall include at least one unit as a laboratory course;

(4) three units of mathematics, including algebraic and geometric concepts;

(5) one unit of physical education, which shall include health and which may include safety, first aid, or physiology. This requirement shall be waived if the school district is provided with either of the following:

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

(B) a statement, signed by a lawful custodian of the pupil, indicating that the requirement is contrary to the religious teachings of the pupil;

(6) one unit of fine arts, which may include art, music, dance, theatre, forensics, and other similar studies selected by a local board of education; and

(7) six units of elective courses.

(b) A minimum of 21 units of credit shall be required for graduation.

(c) Any local board of education may increase the number of units of credit required for graduation. Any additional requirements of the local board of education that increase the number of units of credit required for graduation shall apply to those students who will enter the ninth grade in the school year following the effective date of the additional requirement.

(d) Unless more stringent requirements are specified by existing local policy, the graduation requirements established by this regulation shall apply to those students who enter the ninth grade in the school year following the effective date of this regulation and to each subsequent class of students.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing

Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-36. Technical assistance teams.**

(a) Each school shall select an external technical assistance team, which shall be approved by the local board of education. Each team shall be comprised of two or more people who are not affiliated with the school. The school shall determine the number of on-site visits to be made by this team.

(b) If a school is accredited on improvement or conditionally accredited, the school shall be assigned a state technical assistance team to assist the school in meeting the performance and quality criteria established by the state board. The state technical assistance team shall determine the number of on-site visits that the team needs to make to the school. This team shall remain assigned to the school until the school either attains accredited status or is not accredited.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-37. Accreditation recommendation and appeal.**

(a) A written recommendation regarding the accreditation status to be assigned to each school shall be prepared annually by the state department of education. Each recommendation shall include a statement of the reasons for the recommendation.

(b) The state department of education's recommendation shall be submitted to the local board of education of the school district in which the school is located.

(c) If the local board of education disagrees with the recommendation, the local board may file an appeal with the commissioner of education within 15 days after receipt of the recommendation. Except in regard to a recommendation for accredited on improvement, the local board of education may raise any issue and present any additional information that is relevant to its appeal. If the recommendation is for accredited on improvement, an appeal may be filed only if the local board of education believes that a statistical or clerical error has been made in regard to the recommendation.

(d) (1) If the local board of education files an appeal, a consultation shall be ordered by the commissioner and shall be conducted by an appeal team appointed by the commissioner.

(2) The appeal team shall consult with one or more staff members who made the recommendation and one or more representatives of the local board of education.

(3) If there is agreement on the recommendation following the appeal, the appeal team shall forward the accreditation recommendation to the commissioner for submission to the state board.

(4) If there is not agreement on a recommendation following the appeal, the appeal team shall request the commissioner to appoint a hearing officer to conduct a hearing and forward an accreditation recommendation to the state board.

(e) Each recommendation for accreditation status shall be acted upon by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-38. Accreditation status.** (a) Each school shall be classified as one of the following:

- (1) Accredited;
- (2) accredited on improvement;
- (3) conditionally accredited; or
- (4) not accredited.

(b) Each school that has accredited status from the state board on June 30, 2005 shall retain its accreditation status until that status is replaced with a status specified in subsection (a) of this regulation.

(c) Each school that seeks initial accreditation by the state board shall be designated as a candidate school and shall be granted accredited status until the school's status can be determined using the criteria prescribed in S.B.R. 91-31-32.

(d) If a school is accredited on improvement or conditionally accredited, the school shall develop and implement a corrective action plan approved by the state technical assistance team assigned to the school and shall implement any corrective action required by the state board.

(e) Each school that is accredited on improvement and that fails to meet one or more of the performance criteria in regard to all students assessed or four or more of the quality criteria shall be classified as conditionally accredited.

(f) Any school that is accredited on improvement or conditionally accredited may attain the status of accredited or accredited on improvement, respectively, by meeting, for two consecutive years, the criteria for that accreditation status.

(g) Each school that is conditionally accredited

and that, for a fifth consecutive year, fails to meet one or more of the performance criteria or four or more of the quality criteria shall be classified as not accredited.

(h) If a school is not accredited, sanctions shall be applied.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-39. Rewards.** (a) Each school that attains the status of accredited shall receive from the state board a letter of accreditation and a press release announcing that school's accreditation status.

(b) Any school that attains the status of accredited may be recognized in additional ways by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-40. Sanctions.** One or more of the following sanctions may be applied by the state board to a school that is conditionally accredited or not accredited:

(a) An order that district personnel or resources be reassigned or reallocated within the district by the local board of education;

(b) an order that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance;

(c) a recommendation to the legislature that it approve a reduction in state funding to the local school district by an amount that will be added to the local property tax imposed by the local board of education;

(d) a recommendation that the legislature abolish or restructure the local district;

(e) a letter of notification and a press release announcing the accreditation status of the school; or

(f) other action, as deemed appropriate by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-41. Public disclosure.** At least once each year, each school shall notify the local board

of education, parents, and community of the school's accreditation status and the progress that the school has made in school improvement. Within 60 days after being notified by the state board of the final determination of the school's accreditation status, each school shall disclose the accreditation results, including any performance or quality criteria that are not met, to the local board of education, parents, and community. The school shall make all notices and disclosures available in the primary languages of the community.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**91-31-42. Waiver.** (a) Any school may request a waiver from one or more accreditation requirements imposed by the state board. Each request for a waiver shall meet the following requirements:

(1) The school shall make the request, in writing, to the commissioner of education.

(2) The chief administrative officer of the school shall sign the request. If the request is made by a public school, both the superintendent and the president of the local school board shall sign the request.

(3) In the request, the school shall state the specific requirement or requirements for which the school is requesting a waiver and shall indicate how the granting of the waiver would enhance improvement at the school.

(b) Within 30 days after the receipt of a request for a waiver, a recommendation shall be made by the commissioner of education to the state board to either grant or deny the request.

(c) The request and the recommendation from the commissioner of education shall be considered by the state board, and the final decision on whether to grant or deny the request shall be made by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

**Article 32.—REGULATIONS FOR ACCREDITING AREA VOCATIONAL-TECHNICAL SCHOOLS AND AREA VOCATIONAL SCHOOLS**

**91-32-1 through 91-32-9.** (Authorized by Article 6, Section 2(a) of the Kansas Consti-

tution; effective May 1, 1984; revoked Nov. 15, 2002.)

**Article 33.—ACCREDITING SPECIAL PURPOSE SCHOOLS**

**91-33-1.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; amended July 1, 1989; revoked June 30, 1997.)

**91-33-2.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked June 30, 1997.)

**91-33-3.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1984; amended Nov. 10, 1987; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-33-4.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked June 30, 1997.)

**91-33-5.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; amended July 1, 1989; revoked June 30, 1997.)

**91-33-6.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked June 30, 1997.)

**91-33-7.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked June 30, 1997.)

**91-33-8.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1984; amended May 1, 1985; amended



May 1, 1988; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-33-9.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked Oct. 30, 1989.)

**Article 34.—REGULATIONS  
FOR ACCREDITING  
YOUTH CENTER SCHOOLS**

**91-34-1.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 10, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-34-2.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 10, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-34-3.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 10, 1987; amended July 1, 1989; revoked June 30, 1997.)

**91-34-4.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2 (a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-5.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-6.** (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 10, 1987; revoked Oct. 30, 1989.)

**91-34-7.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective Nov. 10, 1987; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-34-8.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-9.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-10.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-11.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-12.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**91-34-13.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective Nov. 10, 1987; amended Oct. 30, 1989; revoked June 30, 1997.)

**91-34-14.** This regulation shall be revoked on June 30, 1997. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Nov. 9, 1987; revoked June 30, 1997.)

**Article 35.—EDUCATIONAL  
EXCELLENCE GRANT PROGRAM**

**91-35-1 through 91-35-4.** (Authorized by and implementing K.S.A. 1990 Supp. 72-9903; effective Aug. 5, 1991; revoked March 18, 2005.)

**Article 36.—RESERVED**

**Article 37.—PARENTS  
AS TEACHERS GRANTS**

**91-37-1. Definitions.** (a) “Board” means the board of education of any school district.

(b) “Infant” and “toddler” means a child who has not attained the age of three years.

(c) “Parent education program grant” means an award of state money to a school district for the development and operation of a program to provide expectant parents and parents of infants

or toddlers, or both, with information, advice, assistance, resource materials, guidance and learning experiences regarding such measures as parenting skills and the various styles of parenting; the processes and principles of growth and development of children; home learning activities designed for infants and toddlers; techniques emphasizing a positive approach to discipline; effective methods of communicating and interacting with children to foster the development of self-esteem; strategies for structuring behavioral limits and increasing mutual positive regard; and other elements of effective parenting that are conducive to the structuring of a home environment in which children are encouraged to be successful and productive learners.

(d) "School district" means any public school district organized and operating under the laws of the state.

(e) "State board" means the state board of education. (Authorized by K.S.A. 1990 Supp. 72-3605; implementing K.S.A. 1990 Supp. 72-3604; effective Aug. 5, 1991.)

**91-37-2. Parent education program grant application.** (a) Any board seeking a parent education program grant shall submit an application to the state board. Each application shall include the following information:

(1) The name and number of the district or, if the application is being made by a consortium of districts, the name of the interlocal agency or school district which will receive grant funds and administer the program and a listing of participating districts;

(2) the mailing address and phone number of the district or interlocal agency administering the grant;

(3) the name and signature of the superintendent or interlocal agency director; and

(4) the name, title, address, phone number and signature of the person who will be responsible for directing the program for the district or interlocal agency.

(b) Applications shall be submitted to the state board by the date specified on the application form. (Authorized by K.S.A. 72-3605; implementing K.S.A. 72-3604; effective Aug. 5, 1991; amended May 25, 2001.)

**91-37-3. Parent education program plan.** (a) Each board applying for a parent education program grant shall submit a parent education program plan to the state board with the

application required by K.A.R. 91-37-2. The plan shall include the following information:

- (1) An abstract;
- (2) a general description of the program;
- (3) proposed program outcomes;
- (4) proposed program activities;
- (5) a method for evaluation of the program;

and

- (6) a budget.

(b) The abstract shall provide the following information:

(1) The name and the number of the applying district or interlocal agency; and

(2) the name, address, and phone number of the contact person for the program.

(c) The general description shall include the following information:

(1) The specific needs that have been identified and an indication of how the proposed plan addresses those needs;

(2) an overview of the proposed program;

(3) specific plans for recruiting parents to the program; and

(4) the manner in which the proposed program coordinates with existing programs in the district or districts.

(d) The program outcomes shall indicate the general outcome that is expected to be accomplished by implementation of the proposed plan during the first year. Also, specific measurable outcomes, written in product-oriented terms, shall be stated for the program after three to five years of operation.

(e) Program activities shall be stated in brief, descriptive terms. Each activity that is to be conducted to implement the plan shall be described.

(f) The evaluation section shall indicate the process by which implementation will be documented and the method by which achievement of program outcomes will be assessed.

(g) The budget section shall indicate, in detail, how state and local funds are to be spent. (Authorized by K.S.A. 72-3605; implementing K.S.A. 72-3604; effective Aug. 5, 1991; amended May 25, 2001.)

**91-37-4. Parent education program reports.** (a) Each board that is awarded a parent education program grant shall submit a statistical and financial mid-year report to the state board that shall include information from July 1 through December 1. Each such report shall include the following information:

- (1) The date services began;
- (2) the number of families and children participating;
- (3) a description of progress made toward accomplishing intended outcomes;
- (4) an indication of any problems with the program; and
- (5) an itemized statement of expenditures of state and local funds.

(b) Mid-year reports shall be submitted to the state board by the date specified on the mid-year report form.

(c) Each board that is awarded a parent education program grant shall submit a statistical and financial end-of-the-year report that shall include information from the preceding July 1 to the state board. This report shall contain the following information:

(1) The information required for the mid-year report;

(2) an evaluation of the program's effectiveness as indicated by a parent satisfaction survey;

(3) the results of the evaluation of the program; and

(4) an itemized statement of expenditures of state and local funds.

(d) End-of-the-year reports shall be submitted to the state board by the date specified on the end-of-the-year report form.

(e) Each board awarded a parent education program grant shall submit any other reports that are requested by the state board. (Authorized by K.S.A. 72-3605; implementing K.S.A. 72-3604; effective Aug. 5, 1991; amended May 25, 2001.)

#### **Article 38.—SCHOOL BUS TRANSPORTATION**

**91-38-1. Definitions.** (a) "Activity bus" means any over-the-road, commercial-type bus utilized by a governing body only to transport students to and from school activities as authorized by K.S.A. 72-8301 (c)(3), and amendments thereto. An activity bus may be a color other than school bus yellow.

(b) "Bus" means any motor vehicle, as defined in K.S.A. 8-1406 and amendments thereto, that is designed for transporting more than 10 passengers in addition to the driver.

(c) "Driver-trainer" means any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers, including knowledge of vehicles

used to provide student transportation, safe driving practices, emergency procedures, and passenger control. The driver-trainer shall maintain current licensure to operate the largest vehicle about which the driver-trainer is to provide instruction and shall have experience as a school bus driver.

(d) "Governing body" means the local board of education or other entity having authority over a school district.

(e) "Multipurpose passenger vehicle" means a motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed to transport 10 or fewer persons, including the driver, and that is constructed on a truck chassis.

(f) "School bus" means any bus designed primarily for the transportation of students or school personnel either to or from school or to or from school-related functions or activities. A school bus may be owned by a school district or a private company. The term shall include any van or other vehicle rated by the manufacturer, or having a door label, as a bus.

(g) "School bus driver" means any person employed by a school district or school bus contractor to drive a school bus or activity bus.

(h) "School district" means any unified school district or private school.

(i) "School passenger vehicle" means any passenger car or multipurpose passenger vehicle that is owned or leased by a school district or private individual and is used regularly to provide student transportation on behalf of a school district.

(j) "School passenger vehicle driver" means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.

(k) "School transportation provider" means either a school bus driver or a school passenger vehicle driver.

(l) "School vehicle" means any activity bus, school bus, or school passenger vehicle.

(m) "Short-term leased vehicles" means any school vehicle that is leased by a school district for a period of 30 or fewer days.

(n) "Substitute driver" means any person who is not assigned to a regular route but is employed to serve as a school transportation provider when necessary due to driver absences or emergencies.

(o) "Transportation supervisor" means a person designated by a governing body to be responsible for transportation activities within a school district. (Authorized by and implementing K.S.A.

8-2009; effective July 1, 2000; amended March 28, 2003.)

**91-38-2. General limitations and requirements.** (a) No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977 and either is no more than 20 years old or has been modified to meet current standards. Each school bus shall meet the standards specified by law and this article.

(b) The owner's name shall be displayed on each side of any school bus.

(c) Activity buses shall not be utilized to provide student transportation to and from school.

(d) Each school bus, activity bus, and school passenger vehicle shall be equipped with a two-way communication system.

(e) (1) Each bus shall contain the following emergency supplies:

(A) At least one 2A-10BC fire extinguisher;

(B) at least one readily identifiable first-aid kit in a removable, waterproof, and dustproof container;

(C) at least one readily identifiable body fluid clean-up kit in a removable, waterproof, and dustproof container; and

(D) a minimum of three reflectorized triangle warning devices, securely stored but in an accessible location.

(2) The first-aid kit, body fluid clean-up kit, and fire extinguisher shall be mounted in full view of, and readily accessible to, the driver.

(f) Each governing body shall ensure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. When providing transportation for infants and preschool children in school passenger vehicles, age- and size-appropriate child safety restraining systems shall be utilized, in accordance with the provisions of K.S.A. 8-1344, and amendments thereto. (Authorized by K.S.A. 8-2009; implementing K.S.A. 8-2009, 8-2009a; effective July 1, 2000; amended March 28, 2003.)

**91-38-3. School transportation supervisor; duties and responsibilities.** (a)(1) Appointment. Each governing body shall designate an employee to be the transportation supervisor.

(2) General responsibilities.

(A) The transportation supervisor shall be responsible for supervision and maintenance of the school district's transportation system.

(B) The transportation supervisor shall act as

liaison between the school district and any contracted bus transportation service.

(b) School transportation routes and stops.

(1) The transportation supervisor shall be responsible for establishing all regular transportation routes and stops for the loading and unloading of students along those routes. The supervisor shall keep a current map on file for each regular transportation route, with all stops noted and a current map of the school district showing each attendance center.

(2) The transportation supervisor shall not establish stops on any interstate highway, state toll road, or other limited-access highway.

(3) The transportation supervisor shall give special consideration to road conditions and safety concerns when planning the regular transportation routes. If a safety hazard is encountered, the appropriate authorities shall be contacted about eliminating or correcting the hazard, if possible.

(4) Each driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.

(5) If visibility is less than 500 feet when approaching an established school bus stop from any direction, the transportation supervisor shall contact state, county, or township road authorities and request that warning signs be posted for the school bus stop. Whenever practicable, stops shall be established only at points where visibility is at least 500 feet for all motorists.

(c) Driver training meetings.

(1) Each transportation supervisor shall conduct at least 10 safety meetings per year for all school transportation providers employed by the school district.

(2) Attendance at each meeting shall be documented with a sign-in sheet or similar document. The record of attendance and the agenda shall be retained by the supervisor for at least two years.

(3) Safety meeting topics shall include school transportation safety concerns from drivers regarding route safety, changes in laws or regulations, and other safety issues as determined appropriate by the transportation supervisor.

(4) Safety meetings may be electronically recorded so that drivers who are unable to attend a particular meeting may view the program at another time.

(5) Newly hired drivers shall be required to attend only those meetings held following their employment.



(d) Records retention.

(1) The transportation supervisor shall be responsible for maintenance and repair records for all school buses, activity buses, and school passenger vehicles used for student transportation, except short-term leased vehicles, that are either owned or leased and are operated by the school district. These records shall include information on scheduled maintenance, lubrication records, repair orders, and other maintenance.

(2) The maintenance record for each vehicle shall be kept as long as the school owns or leases the vehicle, and for at least two years following disposition of the vehicle.

(3) Maintenance records shall be available for inspection by the Kansas highway patrol, other law enforcement agencies, and Kansas state department of education officials.

(e) Each school district that contracts for bus transportation services shall ensure that each contract for those services includes a provision requiring the contractor to meet the requirements of subsections (c) and (d) of this regulation.

(f) Students with special needs. Each board shall notify the transportation supervisor of any student with special health care concerns or special needs for transportation. The supervisor shall ensure that drivers, substitute drivers, and attendants are informed of these needs and receive any training that is necessary to safely transport the student or to accommodate the student's special needs. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

**91-38-4. Compliance with chassis and body construction standards.** (a) Except as otherwise provided in subsection (c) of this regulation, a governing body shall not allow students to be transported on any school bus acquired or leased after the effective date of this regulation until the governing body has on file a verified statement, as prescribed by the state board, from the seller or lessor of the school bus attesting that the school bus meets the following requirements:

(1) The school bus chassis and body construction standards promulgated by the United States department of transportation that apply to the particular bus; and

(2) the bus chassis and body construction standards, including standards for specially equipped school buses, if applicable, prescribed in the national standards for school transportation.

(b) A governing body shall not alter, change, or otherwise modify any school bus used to transport students in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.

(c) If a governing body is acquiring a school bus from another governing body, the governing body acquiring the school bus shall obtain the following statements from the governing body that is disposing of the school bus:

(1) The verified statement obtained by the governing body under subsection (a) of this regulation; and

(2) a verified statement from the governing body that is disposing of the school bus attesting to the fact that the governing body has not altered, changed, or otherwise modified the school bus in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with the standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-2009, 8-2009a; effective July 1, 2000.)

**91-38-5. Annual inspection of school vehicles.** (a)(1) Each governing body that either owns or leases and that operates any school bus or activity bus shall have each of those buses inspected annually in accordance with this regulation.

(2) Each person or entity that contracts with any governing body to provide bus transportation services to students shall have each school bus or activity bus used to transport students inspected annually in accordance with this regulation.

(3) Except for new buses, which shall be inspected upon delivery and before being used to transport students, the inspection process shall be conducted between June 1 and September 30. No school bus or activity bus shall be used to transport students until the inspection process has been completed and the bus is in proper working order.

(b)(1) Each governing body and each bus transportation contractor shall have each school bus and each activity bus that is operated by the gov-

erning body or the contractor inspected by a mechanic who is knowledgeable about the mechanical systems of school buses. In addition, each governing body shall have each school passenger vehicle that is used to transport students inspected annually by a mechanic. The mechanic shall inspect each bus and each school passenger vehicle to determine whether the mechanical system is in proper working order.

(2) Each mechanic shall indicate the results of the inspection on the form provided by the state department of education and shall return the form to the governing body or bus transportation contractor.

(c)(1) After the inspection prescribed in subsection (b) is completed, each school vehicle shall be inspected by the Kansas highway patrol to determine whether the school vehicle is equipped with the appropriate safety devices and those devices are in proper working order.

(2) The results of the inspection shall be indicated by the highway patrol officer on the form provided by the state department of education. Following completion of this form, it shall be returned to the governing body or bus transportation contractor.

(d) Upon successful completion of the inspection process specified in subsections (b) and (c), a school vehicle inspection sticker issued by the Kansas highway patrol shall be placed on the school vehicle's windshield in a location that will not impair the driver's vision.

(e) (1) If any school vehicle fails either the mechanical or safety inspection specified in this regulation, that school vehicle shall not be used for student transportation until all defects have been corrected and school vehicle has been approved.

(2) If repairs or other corrections are required for a school vehicle to pass the inspection and these repairs or corrections are completed within 10 days after the initial inspection, then only the defective items shall be reexamined. If the repairs or corrections are not made within 10 days following the initial inspection, the school vehicle shall be completely reinspected.

(f) At any time, spot inspections of any school vehicle used for student transportation may be conducted by the Kansas highway patrol.

(g) Each school bus, activity bus, and school passenger vehicle that is purchased at any time following the required annual inspection for school vehicles shall pass the inspections required by this regulation before being used to transport

students. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

**91-38-6. School transportation driver qualifications.** (a) Driver's licensing and age requirements. Each person employed by a school district or by a school bus contractor who, at any time, will provide student transportation shall be licensed in accordance with K.S.A. 8-234b and amendments thereto, or the appropriate licensing statutes of the person's state of residence. Each person also shall meet the requirements listed below:

(1) Each driver of a school bus or activity bus with a gross weight of over 26,000 pounds shall maintain a commercial class A or B driver's license, with passenger endorsement.

(2) Each driver of a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed for transporting 16 passengers or more shall maintain a commercial class A, B, or C driver's license, with passenger endorsement.

(3) Each driver of a school passenger vehicle or a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed to transport fewer than 16 passengers shall maintain an appropriate noncommercial operator's license.

(4) Each driver's license shall be valid within the driver's state of residence.

(5) Each driver of an activity bus shall be 21 years of age or older.

(b) Criminal and driving records.

(1) Each prospective school transportation provider or other school employee who may transport students shall be required to sign a statement indicating whether that individual has been convicted within the past 10 years in any state or federal court of any felony involving another person or any crime involving a child. A person who has been convicted of such a crime within the past 10 years shall not be employed, re-employed, or retained as an employee to provide student transportation.

(2) Each prospective driver shall be required to sign a statement indicating whether, within the past 10 years, that individual has been convicted in any state of any major traffic violations indicated in subsection (c) of this regulation.

(3) For purposes of this regulation, a conviction means entering a plea of guilty or nolo con-

tendre, a finding of guilty by a court or jury, or forfeiture of bond.

(4) Each prospective school transportation provider shall give written authorization to the prospective employer to obtain the applicant's driving record through a local law enforcement agency or the Kansas department of revenue, division of vehicles, in accordance with K.S.A. 74-2012 and amendments thereto. The authorization also shall allow the prospective employer to obtain the applicant's driving record in states other than Kansas through a local law enforcement agency or the appropriate agency of the other state.

(c) Disqualification from employment.

(1) Except as otherwise provided in paragraph (2) of this subsection, a governing body shall not employ or retain to transport students any person who discloses or whose driving record indicates that, within the past 10 years, the person has been convicted of any of the following major traffic violations:

- (A) Hit-and-run driving;
- (B) driving while under the influence of alcohol or drugs;
- (C) vehicular homicide;
- (D) reckless driving; or
- (E) any offense for which the driver's license was suspended or revoked pursuant to K.S.A. 8-254 and 8-255 and amendments thereto.

(2) A governing body may waive the disqualification for employment by a unanimous vote of the full membership of the governing body.

(d) Driver experience and training requirements.

(1) Each driver who operates a school vehicle to transport students shall have at least one year's experience in operating a motor vehicle.

(2) (A) School bus drivers shall be provided a minimum of 12 hours of bus driver training. The first six hours of training shall be completed without student passengers, but the remaining hours may be completed with student passengers, if the driver-trainer is on the bus. All driver training shall be supervised by the assigned driver-trainer.

(B) Except as otherwise provided in paragraph (2) (C) of this subsection, each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, before the first day the driver is allowed to transport students. Each driver completing any training session shall obtain a wallet card or other certifi-

cate attesting to that individual's completion of the training program.

(C) A school transportation provider who is certified as an emergency medical service provider shall not be required to complete first aid and CPR training, if the emergency medical certification is maintained in valid status. As used in this paragraph, "emergency medical service provider" means first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or mobile intensive care technician.

(e) (1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, before the first day the driver transports students. The driver shall obtain a completion certificate or wallet card as evidence that the course requirements have been met.

(2) After completion of the initial accident prevention course, each driver shall be required to maintain certification by either of the following:

(A) Completion of an accident prevention course at least every three years; or

(B) annual attendance at a workshop provided for school transportation personnel by the state department of education.

(3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and a minimum of two years thereafter.

(f) Substitute and emergency school transportation providers.

(1) Substitute school transportation providers shall meet the requirements in this regulation, but they may be allowed up to 30 days following employment to complete the first aid, CPR, and accident prevention course training requirements.

(2) Any person who holds a valid commercial driver's license may operate a school bus in an emergency situation. For purposes of this paragraph, an "emergency situation" means a situation in which no qualified driver or substitute driver is available. A specific driver shall not drive as an emergency driver for more than five days during a school year.

(g) Physical examination and health requirements.

(1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on October 1, 2001, which is adopted by reference. The phys-

ical examination form that is prescribed by the federal highway administration, office of motor carriers, and that is available from the state department of education shall be utilized to document the results of each examination.

(2) The physical examination shall be certified by a person licensed to practice medicine and surgery, and shall be required according to the following schedule:

(A) Before beginning employment as a school transportation provider;

(B) at least every two years after the date of the initial physical examination; and

(C) at any time requested by the driver's employer, the school transportation supervisor, or the state department of education.

(3) A properly certified physical examination report required under this subsection shall constitute the certification of health required by K.S.A. 72-5213 and amendments thereto.

(4) Each governing body shall keep on file a current physical examination report for each school transportation provider. If a provider leaves employment for any reason, the person's last physical examination report shall be kept for two years after the person leaves.

(h) Waiver of physical requirements.

(1) (A) Any person failing to meet the requirements of subsection (g) may be permitted to be a school transportation provider for a particular school district, if a waiver is granted by the governing board of that school district under this subsection. Each waiver shall meet the following requirements:

(i) The person seeking the waiver, the transportation supervisor for the school district, and the contract manager, if applicable, shall submit a joint application for a waiver to the local board of education.

(ii) Each application shall be accompanied by reports from two physicians licensed to practice medicine and surgery, indicating their opinions regarding the person's ability to safely operate a school bus.

(iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience of the person in driving vehicles of the type to be driven.

(B) An application for a waiver shall be granted

only by unanimous approval of the governing board.

(2) Restrictions of the waiver as approved by the governing body.

(A) A waiver as described in paragraph (1) of this subsection shall not be granted for a period longer than two years, but may be renewed by following the procedures in paragraph (1) of this subsection.

(B) While on duty, the driver shall keep in the driver's possession the original document granting the waiver or a legible copy of it.

(C) Each governing body shall retain the original document granting the waiver or a legible copy of the waiver in the driver's personnel file for as long as the driver is employed and for a period of at least two years following termination of the driver's employment.

(D) A waiver may be revoked, for cause, by the governing body. Before revocation, the governing body shall perform the following:

(i) Suspend the driver from service;

(ii) provide notice of the proposed revocation to the driver, including the reason or reasons for the proposed revocation; and

(iii) allow the driver a reasonable opportunity to show cause, if any, why the revocation should not occur.

(i) Alcohol and drug testing requirements. Each governing body may develop a policy to include all drivers of any school motor vehicles in the alcohol and drug testing program required for drivers holding commercial driver's licenses. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003. )

**91-38-7. Driver's duties and responsibilities.** (a) Each school transportation provider shall inspect a school vehicle before its use to ascertain that the vehicle is in a safe condition and equipped as required by law, and that all required equipment is in working order. The school transportation provider shall document each inspection.

(b) If any defect is discovered, students shall not be transported in the vehicle until the defect is corrected.

(c) Documentation of the inspections of each school vehicle shall be kept on file for a minimum of one year following the vehicle inspection.

(d) A school transportation provider shall not drive a school vehicle for more than 10 consecu-



tive hours or for more than a total of 10 hours in any 15-hour period.

(e) Each school transportation provider shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

(f) Each school transportation provider shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions.

(g) Each school transportation provider shall utilize the driver's safety belt at all times while the vehicle is in motion.

(h) If the school transportation provider leaves the driver's seat, the parking brake shall be set, the motor turned off, and the keys removed. However, drivers of specially equipped buses may leave the motor running to operate a power lift after setting the parking brake.

(i) If a school vehicle is refueled during any trip when passengers are being transported, the school transportation provider shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be transported in any manner, except in the vehicle's fuel tank.

(j) Following the completion of any trip, each school transportation provider shall perform a walk-through inspection of the school bus or activity bus, or a visual check of the school passenger vehicle, that the provider was driving, to ensure that all passengers have disembarked.

(k) A driver of a school bus or activity bus shall not tow any trailer or other vehicle with the bus, while any passenger is on the bus. (Authorized by and implementing K.S.A. 8-2009 and 8-2009a; effective July 1, 2000; amended March 28, 2003.)

**91-38-8. Loading and unloading procedures.** (a) On routes.

(1) Each school bus driver shall activate the alternately flashing warning lights as required by K.S.A. 8-1556 and amendments thereto, at any time that the loading or unloading of students occurs on the traveled portion of any roadway.

(2) Each governing body shall adopt procedures for the loading and unloading of students, consistent with the requirements of this article. The procedures shall include the following:

(A) Each school bus driver shall load and unload students off the roadway whenever adequate space is provided, unless parking the bus off the

roadway would threaten the safety or stability of the bus or safety of the students.

(B) Each school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.

(C) Students shall not be required to cross any divided highway, as defined in K.S.A. 8-1414 and amendments thereto, in order to board the bus or to reach the students' destination upon unloading from the bus.

(D) When the loading or unloading of students takes place on a roadway, the bus shall stop in the far right-hand lane of the roadway.

(E) Each driver shall ensure that all students who have unloaded from the bus have moved a safe distance away from the bus before the driver moves the bus.

(b) At school.

(1) Whenever possible, each governing body shall provide bus parking so that the loading or unloading of students is conducted in an area away from vehicular traffic and off the roadway.

(2) Before each school's dismissal time, and where adequate space is available, the bus drivers shall park the buses in single file.

(3) If the loading or unloading of students is conducted on the traveled portion of a roadway, each bus driver shall park the bus on the side of the roadway nearest to the school, with the entry door opening away from the traveled portion of the roadway. Buses shall be parked adjacent to curbing, if present. If there is no curbing, the buses shall be parked as far to the right of the roadway as possible without threatening the stability of the bus.

(4) Each board shall ensure that there is adult supervision during loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

(c) On activity trips.

(1) Whenever possible, each bus driver shall park the bus so that the loading or unloading of students takes place in an area away from other vehicular traffic.

(2) The transportation supervisor shall designate, in advance, stops for the loading and unloading of buses along each activity trip route.

(d) In school passenger vehicles. Each driver of a school passenger vehicle shall park the vehicle

in a location so that students are loaded or unloaded in an area off the roadway.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-1556, 8-2009; effective July 1, 2000.)

**91-38-9. Emergency procedures.** (a) Each governing body shall adopt procedures to be followed by school transportation providers if confronted with an emergency situation when on the road.

(b) Each governing body shall ensure that students who are regularly transported to and from school in a school bus receive instruction, at least once each semester, about practices and procedures to follow if an emergency occurs while being transported.

(c) Each governing body shall ensure that emergency evacuation drills are conducted at least once each semester. Each emergency evacuation drill shall be supervised by the transportation supervisor or the supervisor's designee.

(d) The transportation supervisor shall prepare documentation of each emergency evacuation drill, including the date of the drill, number of student participants, and the names of the supervising personnel. This documentation shall be kept on file for at least two years from the date of the drill.

(e) Before each activity trip, the driver shall provide an explanation of the location and operation of the emergency exits of the bus.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

**91-38-10. Use of urban mass transportation buses.** (a) A governing body may contract with the operator of a mass transportation system to provide school transportation for its students. Any contract for this transportation shall include the information specified below in subsection (b).

(b) The operator shall keep and provide the following information to the governing body, upon request:

(1) Documentation of vehicle lubrication, maintenance, and repair as set forth in K.A.R. 91-38-3(d);

(2) documentation that any vehicle used to transport students contains the emergency equipment required in K.A.R. 91-38-2(e); and

(3) documentation that each driver used to

provide student transportation meets the qualification set forth in K.A.R. 91-38-6.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

#### Article 39.—RESERVED

#### Article 40.—SPECIAL EDUCATION

**91-40-1. Definitions.** Additional definitions of terms concerning student discipline are provided in K.A.R. 91-40-33. (a) “Adapted physical education” means physical education that is modified to accommodate the particular needs of children with disabilities.

(b) “Agency” means any board or state agency.

(c) “Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term shall not include any medical device that is surgically implanted or the replacement of the device.

(d) “Assistive technology service” means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. This term shall include the following:

(1) Evaluating the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) coordinating and using other therapies, interventions, or services with assistive technology devices, including those associated with existing education and rehabilitation plans and programs;

(5) providing training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(6) providing training or technical assistance for professionals including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a child.

(e) “Audiology” means the following:

(1) Identification of children with hearing loss;  
 (2) determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(3) provision of habilitative activities, including language habilitation, auditory training, lip-reading, hearing evaluation, and speech conservation;

(4) creation and administration of programs for prevention of hearing loss;

(5) counseling and guidance of children, parents, and teachers regarding hearing loss; and

(6) determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(f) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three but not necessarily so, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

(g) "Blindness" means a visual impairment that requires dependence on tactile and auditory media for learning.

(h) "Board" means the board of education of any school district.

(i) "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business day in a specific regulation.

(j) "Child find activities" means policies and procedures to ensure that all exceptional children, including exceptional children who are enrolled in private schools and exceptional children who are homeless, regardless of the severity of any disability, are identified, located, and evaluated.

(k) "Child with a disability" means the following:

(1) A child evaluated as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, any other health impairment, a specific learning disability, deaf-blindness, or multi-

ple disabilities and who, by reason thereof, needs special education and related services; and

(2) for children ages three through nine, a child who is experiencing developmental delays and, by reason thereof, needs special education and related services.

(1) "Consent" means that all of the following conditions are met:

(1) A parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication.

(2) A parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom.

(3) A parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time, but if the parent revokes consent, that the revocation is not retroactive and does not negate an action that has occurred after the consent was given and before the consent was revoked.

(m) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(n) "Day" means a calendar day unless otherwise indicated as business day or school day.

(o) "Deaf-blindness" means the combination of hearing and visual impairments that causes such severe communication and other developmental and educational needs that the needs cannot be accommodated in special education programs solely for the hearing impaired or the visually impaired.

(p) "Deafness" means a hearing impairment that is so severe that it impairs a child's ability to process linguistic information through hearing, with or without amplification, and adversely affects the child's educational performance.

(q) "Developmental delay" means such a deviation from average development in one or more of the following developmental areas that special education and related services are required:

- (1) Physical;
- (2) cognitive;
- (3) adaptive behavior;
- (4) communication; or
- (5) social or emotional development.

The deviation from average development shall be documented and measured by appropriate diagnostic instruments and procedures.

(r) “Department” means the state department of education.

(s) “Early identification and assessment of disabilities” means the implementation of a formal plan for identifying a disability as early as possible in a child’s life.

(t) “Educational placement” and “placement” mean the instructional environment in which special education services are provided.

(u) “Emotional disturbance” means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

(1) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) inappropriate types of behavior or feelings under normal circumstances;

(4) a general pervasive mood of unhappiness or depression; or

(5) a tendency to develop physical symptoms or fears associated with personal or school problems. The term shall include schizophrenia but shall not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

(v) “Evaluation” means a multisourced and multidisciplinary examination, conducted in accordance with applicable laws and regulations, to determine whether a child is an exceptional child and the nature and extent of the special education and related services that the child needs.

(w) “Exceptional children” means children with disabilities and gifted children.

(x) “Extended school year services” means special education and related services that are provided to a child with a disability under the following conditions:

(1) Beyond the school term provided to non-disabled children;

(2) in accordance with the child’s IEP; and

(3) at no cost to the parent or parents of the child.

(y) “Federal law” means the individuals with disabilities education act, as amended, and its implementing regulations.

(z) “Free appropriate public education” and “FAPE” mean special education and related services that meet the following criteria:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state board;

(3) include an appropriate preschool, elementary, or secondary school education; and

(4) are provided in conformity with an individualized education program.

(aa) “General education curriculum” means the curriculum offered to the nondisabled students of a school district.

(bb) “Gifted” means performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience, and environment.

(cc) “Hearing impairment” means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that does not constitute deafness as defined in this regulation.

(dd) “Homebound instruction” means the delivery of special education and related services in the home of a child with a disability.

(ee) “Hospital instruction” means the delivery of special education and related services to a child with a disability who is confined to a hospital for psychiatric or medical treatment.

(ff) “Independent educational evaluation” means an examination that is obtained by the parent of an exceptional child and is performed by an individual or individuals who are not employed by the agency responsible for the education of the child but who meet state and local standards to conduct the examination.

(gg) “Individualized education program” and “IEP” mean a written statement for each exceptional child that meets the requirements of K.S.A. 72-987, and amendments thereto, and the following criteria:

(1) Describes the unique educational needs of the child and the manner in which those needs are to be met; and

(2) is developed, reviewed, and revised in accordance with applicable laws and regulations.

(hh) “Individualized education program team” and “IEP team” mean a group of individuals composed of the following:

(1) The parent or parents of a child;

(2) at least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment;

(3) at least one special education teacher or, if



appropriate, at least one special education provider of the child;

(4) a representative of the agency directly involved in providing educational services for the child who meets the following criteria:

(A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children;

(B) is knowledgeable about the general curriculum; and

(C) is knowledgeable about the availability of resources of the agency;

(5) an individual who can interpret the instructional implications of evaluation results;

(6) at the discretion of the child's parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) whenever appropriate, the exceptional child.

(ii) "Individualized family service plan" and "IFSP" mean a written plan, in accordance with section 1436 of the federal law, for providing early intervention services to an infant or toddler with a disability and the infant's or toddler's family.

(jj) "Infants and toddlers with disabilities" means children from birth through two years of age who have been determined to be eligible for early intervention services under the federal law.

(kk) "Interpreting services" means the following:

(1) For children who are deaf or hard of hearing, oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, including communication access real-time translation (CART), C-Print, and TypeWell; and

(2) special interpreting services for children who are deaf-blind.

(ll) "Least restrictive environment" and "LRE" mean the educational placement in which, to the maximum extent appropriate, children with disabilities, including children in institutions or other care facilities, are educated with children who are not disabled, with this placement meeting the requirements of K.S.A. 72-976, and amendments thereto, and the following criteria:

(1) Determined at least annually;

(2) based upon the student's individualized education program; and

(3) provided as close as possible to the child's home.

(mm) "Material change in service" means an increase or decrease of 25 percent or more of the duration or frequency of a special education service, related service, or supplementary aid or service specified on the IEP of an exceptional child.

(nn) "Medical services" means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(oo) "Mental retardation" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

(pp) "Multiple disabilities" means coexisting impairments, the combination of which causes such severe educational needs that those needs cannot be accommodated in special education programs solely for one of the impairments. The term shall not include deaf-blindness.

(qq) "Native language" means the following:

(1) If used with reference to an individual of limited English proficiency, either of the following:

(A) The language normally used by that individual, or, in the case of a child, the language normally used by the parent or parents of the child, except as provided in paragraph (1) (B) of this subsection; or

(B) in all direct contact with a child, including evaluation of the child, the language normally used by the child in the home or learning environment.

(2) For an individual with deafness or blindness or for an individual with no written language, the mode of communication is that normally used by the individual, including sign language, braille, or oral communication.

(rr) "Occupational therapy" means the services provided by a qualified occupational therapist and shall include services for the following:

(1) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;

(2) improving the ability to perform tasks for independent functioning if functions are impaired or lost; and

(3) preventing, through early intervention, initial or further impairment or loss of function.

(ss) "Orientation and mobility services" means the services provided to blind or visually impaired

students by qualified personnel to enable those students to attain systematic orientation to, and safe movement within, their environments at school, at home, and in the community. This term shall include teaching students the following, as appropriate:

(1) Spatial and environmental concepts and use of information received by the senses, including sound, temperature, and vibrations to establish, maintain, or regain orientation and line of travel;

(2) use of the long cane or a service animal to supplement visual travel skills or to function as a tool for safely negotiating the environment for students with no available travel vision;

(3) the understanding and use of remaining vision and distance low vision aids; and

(4) other concepts, techniques, and tools.

(tt) "Orthopedic impairment" means a severe orthopedic impairment that adversely affects a child's educational performance and includes impairments caused by any of the following:

(1) Congenital anomaly, including clubfoot or the absence of a limb;

(2) disease, including poliomyelitis or bone tuberculosis; or

(3) other causes, including cerebral palsy, amputation, and fractures or burns that cause contractures.

(uu) "Other health impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment and that meets the following criteria:

(1) Is due to chronic or acute health problems, including asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(2) adversely affects a child's educational performance.

(vv) "Parent" means any person described in K.S.A. 72-962(m) and amendments thereto.

(ww) "Parent counseling and training" means the following:

(1) Assisting parents in understanding the special needs of their child;

(2) providing parents with information about child development; and

(3) helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(xx) "Physical education" means the development of the following:

(1) Physical and motor fitness;

(2) fundamental motor skills and patterns; and

(3) skills in aquatics, dance, and individual and group games and sports, including intramural and lifetime sports. The term shall include special physical education, adapted physical education, movement education, and motor development.

(yy) "Physical therapy" means therapy services provided by a qualified physical therapist.

(zz) "Private school children" means children with disabilities who are enrolled by their parents in private elementary or secondary schools.

(aaa) "Recreation" means leisure education and recreation programs offered in schools and by community agencies. The term shall include assessment of leisure function and therapeutic recreation services.

(bbb) "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term shall also include any vocational rehabilitation services provided to a student with a disability under any vocational rehabilitation program funded under the rehabilitation act of 1973, as amended.

(ccc) "Related services" means developmental, corrective, and supportive services that are required to assist an exceptional child to benefit from special education.

(1) Related services shall include the following:

(A) Art therapy;

(B) assistive technology devices and services;

(C) audiology;

(D) counseling services;

(E) dance movement therapy;

(F) early identification and assessment of disabilities;

(G) interpreting services;

(H) medical services for diagnostic or evaluation purposes;

(I) music therapy;

(J) occupational therapy;

(K) orientation and mobility services;

(L) parent counseling and training;

(M) physical therapy;

(N) recreation, including therapeutic recreation;

(O) rehabilitation counseling services;

(P) school health services;  
 (Q) school nurse services;  
 (R) school psychological services;  
 (S) school social work services;  
 (T) special education administration and supervision;  
 (U) special music education;  
 (V) speech and language services;  
 (W) transportation; and  
 (X) other developmental, corrective, or supportive services.

(2) Related services shall not include the provision of any medical device that is surgically implanted, including a cochlear implant, the optimization of the device's functioning, including mapping and maintenance of the device, and replacement of the device.

(ddd) "School age" means the following:

(1) For children identified as gifted, having attained the age at which the local board of education provides educational services to children without disabilities, through the school year in which the child graduates from high school; and

(2) for children with disabilities, having attained age three, through the school year in which the child graduates with a regular high school diploma or reaches age 21, whichever occurs first.

(eee) "School day" means any day, including a partial day, that all children, including children with and without disabilities, are in attendance at school for instructional purposes.

(fff) "School health services" means health services that are specified in the IEP of a child with a disability and that are provided by a school nurse or other qualified person.

(ggg) "School nurse services" means nursing services that are provided by a qualified nurse in accordance with the child's IEP.

(hhh) "School psychological services" means the provision of any of the following services:

(1) Administering psychological and educational tests, and other assessment procedures;

(2) interpreting assessment results;

(3) obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(4) consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests;

(5) planning and managing a program of psychological services, including psychological counseling for children and parents; and

(6) assisting in developing positive behavioral intervention strategies.

(iii) "School social work services" means services provided by a qualified social worker and shall include the provision of any of the following services:

(1) Preparing a social or developmental history on a child with a disability;

(2) group and individual counseling with the child and family;

(3) working in partnership with the parent or parents and others on those problems in a child's living situation, at home, at school, and in the community that affect the child's adjustment in school;

(4) mobilizing school and community resources to enable the child to learn as effectively as possible in the child's educational program; and

(5) assisting in developing positive behavioral intervention strategies.

(jjj) "Services plan" means a written statement for each child with a disability enrolled in a private school that describes the special education and related services that the child will receive.

(kkk) "Special education" means the following:

(1) Specially designed instruction, at no cost to the parents, to meet the unique needs of an exceptional child, including the following:

(A) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(B) instruction in physical education;

(2) paraeducator services, speech-language pathology services, and any other related service, if the service consists of specially designed instruction to meet the unique needs of a child with a disability;

(3) occupational or physical therapy and interpreter services for deaf children if, without any of these services, a child would have to be educated in a more restrictive environment;

(4) travel training; and

(5) vocational education.

(lll) "Specially designed instruction" means adapting, as appropriate to the needs of each exceptional child, the content, methodology, or delivery of instruction for the following purposes:

(1) To address the unique needs of the child that result from the child's exceptionality; and

(2) to ensure access of any child with a disability to the general education curriculum, so that the child can meet the educational standards within

the jurisdiction of the agency that apply to all children.

(mmm) “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term shall not include learning problems that are primarily the result of any of the following:

- (1) Visual, hearing, or motor disabilities;
- (2) mental retardation;
- (3) emotional disturbance; or
- (4) environmental, cultural, or economic disadvantage.

(nnn) “Speech-language pathology services” means the provision of any of the following services:

- (1) Identification of children with speech or language impairments;
- (2) diagnosis and appraisal of specific speech or language impairments;
- (3) referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (4) provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (5) counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(ooo) “Speech or language impairment” means a communication disorder, including stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.

(ppp) “State agency” means the secretary of social and rehabilitation services, the secretary of corrections, and the commissioner of juvenile justice.

(qqq) “State board” means the state board of education.

(rrr) “State institution” means any institution under the jurisdiction of a state agency.

(sss) “Substantial change in placement” means the movement of an exceptional child, for more than 25 percent of the child’s school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

(ttt) “Supplementary aids and services” means aids, services, and other supports that are provided in regular education classes, other education-related settings, and extracurricular and non-academic settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(uuu) “Transition services” means a coordinated set of activities for a student with disabilities, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to postschool activities, including postsecondary education, vocational education, integrated employment including supported employment, continuing and adult education, adult services, independent living, and community participation. The coordinated set of activities shall be based on the individual student’s needs, taking into account the student’s preferences and interests, and shall include the following:

- (1) Instruction;
- (2) related services;
- (3) community experiences;
- (4) the development of employment and other postschool adult living objectives; and
- (5) if appropriate, acquisition of daily living skills and a functional vocational evaluation.

(vvv) “Transportation” means the following:

- (1) Travel to and from school and between schools;
- (2) travel in and around school buildings; and
- (3) specialized equipment, including special or adapted buses, lifts, and ramps, if required to provide special transportation for a child with a disability.

(www) “Traumatic brain injury” means an acquired injury to the brain that is caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term shall apply to open or closed head injuries resulting in impairments in one or more areas, including the following:

- (1) Cognition;
- (2) language;
- (3) memory;
- (4) attention;
- (5) reasoning;
- (6) abstract thinking;
- (7) judgment;
- (8) problem solving;



- (9) sensory, perceptual, and motor abilities;
- (10) psychosocial behavior;
- (11) physical functions;
- (12) information processing; and
- (13) speech.

The term shall not include brain injuries that are congenital or degenerative or that are induced by birth trauma.

(xxx) "Travel training" means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to perform the following:

- (1) Develop an awareness of the environment in which they live; and
- (2) learn the skills necessary to move effectively and safely from place to place within various environments, including at school, home, and work, and in the community.

(yyy) "Visual impairment" means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term shall include both partial sight and blindness.

(zzz) "Vocational education" means any organized educational program that 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. (Authorized by and implementing K.S.A. 2007 Supp. 72-963; effective May 19, 2000; amended March 21, 2008.)

**91-40-2. FAPE.** (a) (1) Each agency shall provide FAPE in accordance with K.S.A. 72-966 and amendments thereto, and with this article.

(2) Each agency's obligation to provide FAPE shall extend to exceptional children residing on Indian reservations, unless these children are provided FAPE by the secretary of the interior under federal law.

(b)(1) Each agency shall make FAPE available to each child with a disability residing in its jurisdiction beginning not later than the child's third birthday.

(2) An IEP or IFSP shall be in effect by the child's third birthday, but, if that birthday occurs during the summer when school is not in session, the child's IEP team shall determine the date when services will begin.

(3) If a child is transitioning from early intervention services provided under part C of the federal law, the agency responsible for providing

FAPE to the child shall participate in transition planning conferences for the child.

(c) An agency shall not be required to provide FAPE to any child with a disability who is eligible for preschool services under the federal law but whose parent has elected to have the child receive early intervention services under the law.

(d)(1) Each agency shall make FAPE available to any child with a disability even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

(2) The determination of whether a child who is advancing from grade to grade is a child with a disability shall be made on an individual basis in accordance with child find activities and evaluation procedures required by this article.

(e) Each agency shall provide special education and related services based upon the child's unique needs and not upon the child's area of exceptionality.

(f) An agency shall not be required to provide FAPE to a student aged 18 through 21 who meets the following criteria:

(1) Is incarcerated in an adult correctional facility; and

(2) in the student's last educational placement before incarceration, was not identified as a child with a disability and did not have an IEP.

(g) (1) An agency shall not be required to provide FAPE to any exceptional child who has graduated from high school with a regular high school diploma.

(2) Each exceptional child shall be eligible for graduation from high school upon successful completion of state and local board requirements and shall receive the same graduation recognition and diploma that a nonexceptional child receives.

(3) The IEP of an exceptional child may designate goals other than high school graduation.

(4) When an exceptional child enters high school, progress toward graduation shall be monitored annually and recorded on an official transcript of credits.

(5) As used in this subsection, the term "regular high school diploma" shall mean the same diploma as that awarded to nonexceptional students and shall not include any certificate of completion or any other certificate, or a general educational development credential (GED). (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-3. Ancillary FAPE requirements.**

(a) Each agency shall ensure that children with disabilities have available to them the same variety of educational programs and services that are available to nondisabled children served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

(b) (1) Each agency shall provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities, including the provision of supplementary aids and services as determined to be necessary by the child's IEP team.

(2) Nonacademic and extracurricular services and activities shall include the following:

- (A) Counseling services;
- (B) athletics;
- (C) transportation;
- (D) health services;
- (E) recreational activities;
- (F) special interest groups or clubs sponsored by the agency;

(G) referrals to agencies that provide assistance to individuals with disabilities; and

(H) employment of students, including both employment by the agency and assistance in making outside employment available.

(c) (1) Each agency shall make physical education services, specially designed if necessary, available to every child with a disability, unless the agency does not provide physical education to any children who are enrolled in the same grade.

(2) Each child with a disability shall be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless either of the following conditions is met:

(A) The child is enrolled full-time in a separate facility.

(B) The child needs specially designed physical education, as prescribed in the child's IEP.

(d) (1) Each agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as a part of the child's special education or related services, or the child's supplementary aids and services.

(2) Each agency, on a case-by-case basis, shall allow the use of school-purchased assistive technology devices in a child's home or in other settings if the child's IEP team determines that the

child needs access to those devices at home or in other settings in order to receive FAPE.

(e) (1) Each agency shall ensure that extended school year services are available as necessary to provide FAPE to a child with a disability.

(2) An agency shall be required to provide extended school year services only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.

(3) An agency shall neither limit extended school year services to particular categories of disabilities nor unilaterally limit the type, amount, or duration of those services.

(f) (1) Each agency shall ensure that hearing aids worn in school by children with hearing impairments or deafness are functioning properly.

(2) Each agency shall ensure that the external components of surgically implanted medical devices of children with disabilities are functioning properly. However, an agency shall not be responsible for the maintenance, programming, or replacement of any surgically implanted medical device or any external component of the device.

(g) 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.

(h) Any gifted child may receive credit for college study at the college or high school level, or both. If a gifted child chooses to receive college credit, however, the student shall be responsible for the college tuition costs. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-4. FAPE for exceptional children housed and maintained in certain state institutions.**

(a) Subject to K.S.A. 72-1046 and amendments thereto, each state agency shall provide FAPE to exceptional children housed and maintained at any facility operated by the agency. All educational programs shall comply with the requirements of state special education laws and regulations.

(b) State schools.

(1) The procedures for placing Kansas residents into the Kansas state school for the blind and the Kansas state school for the deaf shall meet the following requirements:

(A) Admission procedures shall be initiated by

the child's home school district and by the child's parent or parents.

(B) Placement of any child in a state school shall be made only after the local school district and the child's parent or parents have considered less restrictive placement options.

(C) Placement shall be based on a child's IEP, which shall indicate a need for educational services provided at the state school.

(D) Any agency may refer a child to a state school for a portion or all of the child's evaluation. In such a case, a representative or representatives from the agency shall be included in any meeting at which the child's eligibility for services or placement is determined.

(E) If the initial evaluation and staffing are conducted by any local school district and if one of the state schools is proposed as a placement for the child, a representative or representatives from the state school shall be included in the meeting at which placement for the child is determined.

(2) Personnel from the child's home school district, as well as personnel from the state school and the child's parent or parents, shall be afforded an opportunity to participate in any IEP meeting for the child. Placement of the child in the home school district shall be considered at each annual IEP meeting.

(3) Each state school shall attempt to make arrangements so that each child enrolled in the state school has access to the educational programs in the local school districts near the location of the school, on either a part-time or full-time basis.

(4) If a state school determines that its program is not appropriate for a student and it can no longer maintain the student in its program, the state school shall give the district of residence of the student at least 15-day notice of this determination.

(c) Unless otherwise expressly authorized by state law, when a student transfers from a state school to a school district or from one school district to another, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded immediately to the receiving school district.

(d) SRS institutions and facilities.

(1) In accordance with K.S.A. 72-8223 and amendments thereto, and subject to the provisions of K.S.A. 72-970 and 72-1046 and amendments thereto, provision for FAPE shall be made by the secretary of social and rehabilitation serv-

ices for each exceptional child housed and maintained at any institution or facility under the jurisdiction of the secretary.

(2) The requirements in this article concerning placement and LRE may be modified in accordance with the child's need for maintenance at the state institution or facility. (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-966 and 72-970; effective May 19, 2000.)

**91-40-5. FAPE for detained or incarcerated children with disabilities.** (a) Local detention facilities.

(1) Subject to the provisions of K.S.A. 72-1046 and amendments thereto, each board shall provide FAPE to each child with a disability detained or incarcerated in a local juvenile or adult detention facility located within its jurisdiction.

(2) The requirements in this article concerning placement and LRE may be modified in accordance with the child's detention or incarceration.

(b) State juvenile correctional facilities.

(1) The commissioner of the juvenile justice authority shall make provision for FAPE for each child with a disability detained or incarcerated in any state juvenile correctional facility or other facility at the direction of the commissioner.

(2) The requirements in this article concerning parental rights, placement, and LRE may be modified in accordance with state and federal laws and the child's conditions of detention or incarceration.

(c) State adult correctional facilities.

(1) Except as otherwise provided in this regulation, provision for FAPE shall be made by the secretary of corrections for each child with a disability incarcerated in any state correctional institution or facility.

(2) In making provision for FAPE under paragraph (1) of this subsection, compliance with state or federal laws or regulations relating to the following shall not be required of the secretary of corrections:

(A) Participation of children with disabilities in state or local assessments; and

(B) transition planning and services with respect to any disabled child whose eligibility for special education services will end, because of the child's age, before the child is eligible to be released from the secretary's custody based on consideration of the child's sentence and eligibility for early release.

(3) Provision of FAPE to any person incarcerated in a state correctional institution or facility

shall not be required by the secretary of corrections if the person meets both of the following criteria:

(A) The incarcerated person is at least 18 years of age.

(B) The incarcerated person, in the person's last educational placement before incarceration, was not identified as a child with a disability.

(4)(A) Except as otherwise provided in paragraph (4)(B) of this subsection, the IEP team of a child with a disability incarcerated in a state adult correctional institution or facility may modify the child's IEP or placement if personnel of the correctional institution or facility demonstrate a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(B) An IEP team of a child with a disability incarcerated in a state adult correctional institution or facility shall not modify the following requirements:

(i) That any decision regarding modifications to, and reviews and revisions of, any IEP shall be made by the IEP team; and

(ii) that, except as otherwise expressly provided in paragraph (c)(2), each IEP shall have the content specified in K.S.A. 72-987 and amendments thereto. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-6. Reserved.**

**91-40-7. Child find.** (a) Each board shall adopt and implement policies and procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria:

(1) Attend private schools;

(2) are highly mobile, including migrant and homeless children; or

(3) are suspected of being children with disabilities even though they are advancing from grade to grade.

(b) Each board's policies and procedures under this regulation shall include age-appropriate screening procedures that meet the following requirements:

(1) For children younger than five years of age, observations, instruments, measures, and techniques that disclose any potential disabilities or developmental delays that indicate a need for evaluation, including hearing and vision screening;

(2) for children from ages five through 21, observations, instruments, measures, and techniques that disclose any potential exceptionalities and indicate a need for evaluation, including hearing and vision screening as required by state law; and

(3) implementation of procedures ensuring the early identification and assessment of disabilities in children.

(c) Any board may refer a child who is enrolled in public school for an evaluation if one of the following conditions is met:

(1) School personnel have data-based documentation indicating that general education interventions and strategies would be inadequate to address the areas of concern for the child.

(2) School personnel have data-based documentation indicating that before the referral or as a part of the referral, all of the following conditions were met:

(A) The child was provided with appropriate instruction in regular education settings that was delivered by qualified personnel.

(B) The child's academic achievement was repeatedly assessed at reasonable intervals that reflected formal assessment of the student's progress during instruction.

(C) The assessment results were provided to the child's parent or parents.

(D) The assessment results indicate that an evaluation is appropriate.

(3) The parent of the child requests, and gives written consent for, an evaluation of the child, and the board agrees that an evaluation of the child is appropriate.

(d) Each board, at least annually, shall provide information to the public concerning the availability of special education services for exceptional children, including child find activities conducted by the board.

(e) Each agency shall ensure that the collection and use of data under this regulation are subject to the confidentiality requirements of K.A.R. 91-40-50. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-8. Evaluations.** (a) Each agency shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services. Each evaluation shall include procedures to determine the following:



(1) Whether the child is an exceptional child; and

(2) what the educational needs of the child are.

(b) In implementing the requirements of subsection (a), the agency shall ensure that the following conditions are met:

(1) The evaluation is conducted in accordance with the procedures described in K.A.R. 91-40-9 and, if applicable, K.A.R. 91-40-11.

(2) The results of the evaluation are used by the child's IEP team to develop the child's IEP.

(3) The evaluation is conducted before the initial provision of special education and related services to the child.

(c) As a part of an initial evaluation, if appropriate, and as a part of any reevaluation, each agency shall ensure that members of an appropriate IEP team for the child and other qualified professionals, as appropriate, comply with the following requirements:

(1) The evaluation team shall review existing evaluation data on the child, including the following information:

(A) Evaluations and information provided by the parent or parents of the child;

(B) current classroom-based, local, and state assessments and classroom-based observations; and

(C) observations by teachers and related services providers.

(2) On the basis of that review and input from the child's parent or parents, the evaluation team shall identify what additional data, if any, is needed to determine the following matters:

(A) Whether the child has a particular category of exceptionality or, in the case of a reevaluation of a child, whether the child continues to have such an exceptionality;

(B) what the present levels of academic achievement and educational and related developmental needs of the child are;

(C) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

(D) whether, in the case of a reevaluation of the child, any additions or modifications to the special education and related services currently being provided to the child are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

(d) The team described in subsection (c) may conduct its review without a meeting.

(e) (1) If the team described in subsection (c) determines that additional data is required to make any of the determinations specified in paragraph (2) of subsection (c), the agency, after giving proper written notice to the parent and obtaining parental consent, shall administer those tests and evaluations that are appropriate to produce the needed data.

(2) If the team described in subsection (c) determines that no additional data is needed to make any of the determinations specified in paragraph (2) of subsection (c), the agency shall give written notice to the child's parent of the following information:

(A) The determination that no additional data is needed and the reasons for this determination; and

(B) the right of the parent to request an assessment.

(3) The agency shall not be required to conduct any additional assessments unless requested to do so by a parent.

(f) Unless an agency has obtained written parental consent to an extension of time and except as otherwise provided in subsection (g), the agency shall complete the following activities within 60 school days of the date the agency receives written parental consent for evaluation of a child:

(1) Conduct the evaluation of the child;

(2) conduct a meeting to determine whether the child is an exceptional child and, if so, to develop an IEP for the child. The agency shall give notice of this meeting to the child's parent or parents as required by K.A.R. 91-40-17(a); and

(3) implement the child's IEP in accordance with K.A.R. 91-40-16.

(g) An agency shall not be subject to the time frame prescribed in subsection (f) if either of the following conditions is met:

(1) The parent or parents of the child who is to be evaluated repeatedly fail or refuse to produce the child for the evaluation.

(2) The child enrolls in a different school before the evaluation is completed, and the parent and new school agree to a specific date by which the evaluation will be completed.

(h) In complying with subsection (f), each agency shall ensure that an IEP is developed for each exceptional child within 30 days from the date on which the child is determined to need special education and related services. (Authorized by K.S.A. 2007 Supp. 72-963; implementing

K.S.A. 2007 Supp. 72-966 and 72-986; effective May 19, 2000; amended March 21, 2008.)

**91-40-9. Evaluation procedures.** (a) If assessment instruments are used as a part of the evaluation or reevaluation of an exceptional child, the agency shall ensure that the following requirements are met:

(1) The assessment instruments or materials shall meet the following criteria:

(A) Be selected and administered so as not to be racially or culturally discriminatory; and

(B) be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless this is clearly not feasible.

(2) Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has an exceptionality and needs special education, rather than measuring the child's English language skills.

(3) A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved and progress in the general curriculum or, for a preschool child, to participate in appropriate activities that could assist in determining whether the child is an exceptional child and what the content of the child's IEP should be.

(4) Any standardized tests that are given to a child shall meet the following criteria:

(A) Have been validated for the specific purpose for which they are used; and

(B) be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment.

(5) If an assessment is not conducted under standard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report.

(6) Assessments and other evaluation materials shall include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(7) Assessments shall be selected and administered to ensure that if an assessment is administered to a child with impaired sensory, manual, or

speaking skills, the results accurately reflect the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the assessment purports to measure.

(8) A single procedure shall not be used as the sole criterion for determining whether a child is an exceptional child and for determining an appropriate educational program for the child.

(9) Each agency shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

(b) (1) Each child shall be assessed in all areas related to a suspected exceptionality, including, if appropriate, the following:

(A) Health;

(B) vision;

(C) hearing;

(D) social and emotional status;

(E) general intelligence;

(F) academic performance;

(G) communicative status; and

(H) motor abilities.

(2) Each evaluation shall be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(c) If a child is suspected of having a specific learning disability, the agency also shall follow the procedures prescribed in K.A.R. 91-40-11 in conducting the evaluation of the child. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-986; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-10. Eligibility determination.** (a) (1) After completion of appropriate evaluation procedures, a team of qualified professionals and the parent of the child who has been evaluated shall prepare a written evaluation report that includes a statement regarding each of the following matters:

(A) The determination of whether the child has an exceptionality;

(B) the basis for making the determination;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) educationally relevant medical findings, if any; and

(F) if the child was evaluated for a specific learning disability, the additional information specified in subsection (e).

(2) Each team member shall certify in writing whether the report reflects the member's conclusion. If the report does not reflect that member's conclusion, the team member shall submit a separate statement presenting the member's conclusion.

(b) Each agency shall provide, at no cost, a copy of the evaluation report to the child's parent.

(c) An evaluation team shall not determine a child to be an exceptional child if the determinant factor for that eligibility determination is the child's lack of appropriate instruction in reading or mathematics or limited English proficiency, and if the child does not otherwise qualify as a child with an exceptionality.

(d) Each evaluation team, in determining whether a child is an exceptional child and what the educational needs of the child are, shall meet the following requirements:

(1) The evaluation team shall draw upon information from a variety of sources, including the following:

- (A) Aptitude and achievement tests;
- (B) parent input;
- (C) teacher recommendations;
- (D) physical condition;
- (E) social or cultural background; and
- (F) adaptive behavior.

(2) The evaluation team shall ensure that the information obtained from all of the sources specified in paragraph (1) of this subsection is documented and considered.

(e) If the evaluation team and the parent determine the parent's child to be a child with a specific learning disability, the evaluation team and the parent shall prepare a written evaluation report that includes a statement regarding each of the following matters:

(1) An indication of whether the child has a specific learning disability;

(2) the basis for making the determination, including an assurance that the determination has been made in accordance with applicable laws and regulations;

(3) the relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(4) educationally relevant medical findings, if any;

(5) an indication of whether the child meets the following criteria:

(A) Does not achieve adequately for the child's age or meet state-approved grade-level standards; and

(B)(i) Does not make sufficient progress to meet age standards or state-approved grade-level standards; or

(ii) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development; and

(6) the determination of the team concerning the effect of the following factors on the child's achievement level:

- (i) Visual, hearing, or motor skills disability;
- (ii) mental retardation;
- (iii) emotional disturbance;
- (iv) cultural factors;
- (v) environmental or economic disadvantage; and
- (vi) limited English proficiency.

(f) If the child has participated in a process that assessed the child's response to scientific, research-based intervention, the evaluation report shall also address the following matters:

(1) The instructional strategies used and the student-centered data collected; and

(2) the documentation indicating that the child's parent or parents were notified about the following:

(A) The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;

(B) strategies for increasing the child's rate of learning; and

(C) the right of a parent to request an evaluation.

(g) (1) Except as provided in paragraph (2) of this subsection, after a child has been determined to be a child with an exceptionality and has been provided special education or related services, an agency shall conduct a reevaluation of the child before terminating special education or related services to the child.

(2) An agency shall not be required to conduct a reevaluation of a child with an exceptionality before terminating special education or related services to the child if the reason for termination of services is due to either of the following:

(A) The child has graduated from high school with a regular high school diploma.

(B) The child has reached the age of 21 years.

(3) An agency shall provide prior written notice before terminating special education services for either of the reasons stated in paragraph (g)(2).

(h) An agency shall not be required to classify children with disabilities according to their categories of disabilities if each child with a disability is regarded as a child with a disability and is provided FAPE.

(i) With regard to children ages three through nine who are determined to need special education and related services, an agency shall use one or more of the categories of disabilities described in the definition of the term “child with a disability” or the term “developmental delay.” (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-986; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-11. Evaluation for specific learning disability; use of response to intervention process.**

(a) If a child is suspected of having a specific learning disability and believed to need special education services because of that disability, the agency shall ensure that the evaluation of the child is made by the child’s parent and a group of qualified professionals, including the following individuals:

(1)(A) The child’s regular education teacher or, if the child does not have a regular education teacher, a regular classroom teacher qualified to teach a child of the child’s age; or

(B) for a child of less than school age, an individual who is qualified to teach a child of the child’s age; and

(2) at least one person qualified to conduct individual diagnostic examinations of children, including a school psychologist, speech-language pathologist, or remedial reading teacher.

(b)(1) A group evaluating a child for a specific learning disability may determine that the child has that disability only if the following conditions are met:

(A) The child does not achieve adequately for the child’s age or meet state-approved grade-level standards, if any, in one or more of the following areas, when the child is provided with learning experiences and instruction appropriate for the child’s age and grade level:

- (i) Oral expression;
- (ii) listening comprehension;

(iii) written expression;

(iv) basic reading skill;

(v) reading fluency skills;

(vi) reading comprehension;

(vii) mathematics calculation; and

(viii) mathematics problem solving; and

(B)(i) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in paragraph (b)(1)(A) when using a process based on the child’s response to scientific, research-based intervention; or

(ii) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards, or intellectual development that is determined by the group conducting the evaluation to be relevant to the identification of a specific learning disability, using appropriate assessments.

(2) A child shall not be determined to be a child with a specific learning disability unless the group evaluating the child determines that its findings under paragraphs (b)(1) (A) and (B) are not primarily the result of any of the following:

(i) A visual, hearing, or motor disability;

(ii) mental retardation;

(iii) emotional disturbance;

(iv) cultural factors;

(v) environmental or economic disadvantage; or

(vi) limited English proficiency.

(c) (1) The group evaluating the child shall ensure that the child is observed in the child’s learning environment, including the regular classroom setting, to document the child’s academic performance and behavior in the areas of difficulty.

(2) In conducting the observation, the group may employ either of the following procedures:

(A) Use information from an observation in routine classroom instruction and monitoring of the child’s performance that was done before the child was referred for an evaluation; or

(B) have at least one member of the group conduct an observation of the child’s academic performance in the regular classroom after the child has been referred for an evaluation and parental consent is obtained. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-986; effective May 19, 2000; amended March 21, 2008.)

**91-40-12. Right to independent educational evaluation.** (a) (1) Subject to the conditions specified in this regulation, a parent of an



exceptional child shall have the right to request an independent educational evaluation at public expense if the parent disagrees with the evaluation obtained by the agency.

(2) The parent shall be eligible for only one independent educational evaluation at public expense in response to an evaluation conducted by the agency.

(b) If a parent requests an independent educational evaluation of the child, the agency, without unnecessary delay, shall take one of the following actions:

(1) Initiate a due process hearing to show that its evaluation is appropriate; or

(2) (A) Provide information to the parent about where an independent educational evaluation may be obtained and the agency criteria prescribed under subsection (g) that apply to independent educational evaluations; and

(B) take either of the following actions:

(i) Pay the full cost of the independent educational evaluation or otherwise ensure that the evaluation is provided at no cost to the parent; or

(ii) initiate a due process hearing to show that the evaluation obtained by the parent does not meet agency criteria.

(c) If the agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent shall still have the right to an independent educational evaluation, but the agency shall not be required to pay the cost of that evaluation.

(d) If a parent requests an independent educational evaluation, the agency may ask the reason for the objection to the public evaluation. However, the explanation by the parent shall not be required, and the agency shall not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

(e) If the parent obtains an independent educational evaluation at public expense or provides the agency with an evaluation obtained at private expense, the results of the evaluation shall be considered by the agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. The results of this evaluation may be presented as evidence at a due process hearing regarding that child.

(f) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be paid by the agency.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, each agency shall adopt criteria for obtaining an independent educational evaluation at public expense. The criteria may include the qualifications of the examiner and the location of the evaluation, but shall not impose other conditions or timelines for obtaining the evaluation.

(2) The criteria adopted by an agency under paragraph (1) of this subsection shall be the same as the criteria that the agency uses when it conducts an evaluation, to the extent that those criteria are consistent with the parents' right to obtain an independent educational evaluation. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-986 and 72-988; effective May 19, 2000; amended March 21, 2008.)

**91-40-13 through 91-40-15. Reserved.**

**91-40-16. IEP requirements.** (a) Each agency shall be responsible for initiating and conducting meetings to develop, review, and revise the IEP of each exceptional child served by the agency.

(b) Except as otherwise provided in subsection (c), each agency shall ensure that the following conditions are met:

(1) An IEP is in effect before special education and related services are provided to an exceptional child.

(2) Those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

(3) An IEP is in effect for each exceptional child at the beginning of each school year.

(4) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

(5) Each teacher and provider described in paragraph (4) of this subsection is informed of the following:

(A) That individual's specific responsibilities related to implementing the child's IEP; and

(B) the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(c)(1) If an agency and a child's parent agree, an IFSP that meets the requirements of the federal law and that is developed in accordance with

this article may serve as the IEP of a child with a disability who is two years old but will reach three years of age during the next school year or who is three, four, or five years of age.

(2) Before using an IFSP as an IEP, each agency shall meet the following requirements:

(A) The agency shall provide to the child's parent or parents a detailed explanation of the differences between an IFSP and an IEP.

(B) If an IFSP is chosen, the agency shall obtain written consent from the parent for use of the IFSP as the child's IEP. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-987; effective May 19, 2000; amended March 21, 2008.)

**91-40-17. IEP team meetings and participants.** (a) Each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include the following:

(1) Scheduling each meeting at a mutually agreed-upon time and place and informing the parents of the information specified in subsection (b) of this regulation; and

(2) except as otherwise provided in K.A.R. 91-40-37, providing written notice, in conformance with subsection (b) of this regulation, to the parents of any IEP team meeting at least 10 days in advance of the meeting.

(b) The notice required in subsection (a) of this regulation shall meet the following requirements:

(1) The notice shall indicate the purpose, time, and location of the IEP team meeting and the titles or positions of the persons who will attend on behalf of the agency, including, if appropriate, any other agency invited to send a representative to discuss needed transition services.

(2) If the meeting is for a child who has been receiving special education services under the infant and toddler provisions of the federal law but is now transitioning to the provisions for older children, the notice shall specify that the parent may require that a representative of the infant and toddler program be invited to attend the initial IEP team meeting to assist with the smooth transition of services.

(3) The notice shall indicate the following information, if a purpose is to consider postsecondary goals and transition services for the child:

(A) The agency will invite the child to attend.

(B) One of the purposes of the meeting will be

to consider the postsecondary goals and needed transition services for the student.

(4) The notice shall inform the parent that the parent has the right to invite to the IEP team meeting individuals whom the parent believes to have knowledge or special expertise about the child.

(c) If a parent of an exceptional child cannot be physically present for an IEP team meeting for the child, the agency shall attempt other measures to ensure parental participation, including individual or conference telephone calls.

(d) An agency shall take action to ensure that parents understand the discussions that occur at IEP team meetings, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(e)(1) An agency may conduct an IEP team meeting without parental participation if the agency, despite repeated attempts, has been unable to contact the parent or parents or to convince them that they should participate.

(2) If an agency conducts an IEP team meeting without parental participation, the agency shall have a record of the attempts that the agency made to contact the parents to provide them notice of the meeting and to secure their participation. The record shall include at least two of the following:

(A) Detailed records of telephone calls made or attempted, including the date, time, and person making the calls and the results of the calls;

(B) detailed records of visits made to the parent's home, including the date, time, and person making the visit and the results of the visit;

(C) copies of correspondence sent to each parent and any responses received; and

(D) detailed records of any other method attempted to contact the parents and the results of that attempt.

(f)(1) An agency shall invite a child with a disability, regardless of the child's age, to attend any IEP team meeting for the child if a purpose of the meeting is consideration of the child's postsecondary goals and transition services needs.

(2) If the child with a disability does not attend the IEP team meeting, an agency shall take other steps to ensure that the child's preferences and interests are considered.

(g) If a purpose of any IEP team meeting for a child with a disability is consideration of the postsecondary goals of the child and the transition services needed to assist the child to reach those

goals, the agency, with the consent of a parent or the child if the child is at least 18 years old, shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(h) A regular education teacher of an exceptional child, as a member of an IEP team, shall participate to the extent appropriate in the development, review, and revision of the child's IEP. This participation shall include assisting in making the following determinations:

(1) The appropriate positive behavioral interventions and strategies for the child;

(2) the supplementary aids and services needed by the child; and

(3) the program modifications or supports for school personnel that will be provided to assist the child.

(i) If qualified to do so, an agency member of the IEP team may serve in the role of two or more required members of a child's IEP team.

(j) In asking individuals with knowledge or special expertise about a child to be members of the child's IEP team, the party asking the person to participate shall have the sole discretion in determining whether the invited person has knowledge or special expertise regarding the child. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-987; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-18. IEP development and content.** (a) In developing or reviewing the IEP of any exceptional child, each agency shall comply with the requirements of K.S.A. 72-987 and amendments thereto, and, as appropriate, shall consider the results of the child's performance on any general state or districtwide assessment programs.

(b) If, as a result of its consideration of the special factors described in K.S.A. 72-987(c) and amendments thereto, an IEP team determines that a child needs behavioral interventions and strategies, accommodations, assistive technology devices or services, or other program modifications for the child to receive FAPE, the IEP team shall include those items in the child's IEP.

(c) Each agency shall ensure that the IEP of each exceptional child includes the information required by K.S.A. 72-987(b) and amendments thereto.

(d) Each agency shall give the parent a copy of the child's IEP at no cost to the parent.

(e) At least one year before an exceptional child reaches 18 years of age, the agency providing services to the child shall ensure that the child's IEP includes a statement the student has been informed of rights provided in the federal law, if any, that will transfer to the child on reaching 18 years of age. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-987; effective May 19, 2000; amended May 4, 2001.)

**91-40-19. IEP liability.** (a) Each agency, teacher, and related services provider shall provide special education and related services to an exceptional child in accordance with the child's IEP and shall make a good faith effort to assist the child to achieve the goals and objectives stated in the IEP.

(b) An agency, teacher, or related services provider that complies with subsection (a) of this regulation shall not be held liable or accountable if a child does not achieve the growth projected in the goals and objectives stated in the child's IEP.

(c) Nothing in this regulation shall limit a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent believes that the efforts required in subsection (a) of this regulation are not being made. (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-987; effective May 19, 2000.)

**91-40-20. Reserved.**

**91-40-21. Educational placement.** (a) Each agency shall ensure that the children with disabilities served by the agency are educated in the LRE.

(b) Each agency shall ensure that a continuum of alternative educational placements is available to meet the needs of children with disabilities. These alternative educational placements shall meet the following criteria:

(1) Include instruction in regular classes, special classes, and special schools; instruction in a child's home; and instruction in hospitals and other institutions; and

(2) make provision for supplementary services, including resource room and itinerant services, to be provided in conjunction with regular class placement.

(c)(1) In determining the educational placement of a child with a disability, including a preschool child with a disability, each agency shall

ensure that the placement decision meets the following requirements:

(A) The decision shall be made by a group of persons, including the child's parent or parents and other persons who are knowledgeable about the child, the meaning of the evaluation data, and the placement options.

(B) The decision shall be made in conformity with the requirement of providing services in the LRE.

(2) In determining the educational placement of a gifted child, each agency shall ensure that the placement decision is made by a group of persons, including the child's parent or parents and other persons who are knowledgeable about the child, the meaning of the evaluation data, and appropriate placement options for gifted children.

(d)(1) Each agency shall give notice to the parents of any meeting to discuss the educational placement of their child. The notice shall meet the requirements of K.A.R. 91-40-17.

(2) If a parent cannot participate in person at a meeting relating to the educational placement of the child, the agency shall offer to use other methods to allow the parent to participate, including conference calls and video conferencing.

(3) An agency may conduct a meeting to determine the appropriate educational placement of a child with a disability without participation of a parent if the agency, despite repeated attempts, has been unable to contact the parent or to convince the parent to participate.

(4) If an agency conducts a meeting to determine the appropriate educational placement of a child without the participation of a parent, the agency shall have a record, as prescribed in K.A.R. 91-40-17(e)(2), of the attempts that the agency made to contact the parent.

(5) An agency shall take action to ensure that parents understand, and are able to participate in, any discussions concerning the educational placement of their children, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(e) Each agency shall ensure that each exceptional child's placement meets the following criteria:

- (1) Is determined at least annually;
- (2) is based on the child's IEP; and
- (3) for a child with a disability, is as close as possible to the child's home.

(f) Unless the IEP of a child with a disability requires some other arrangement, the agency

shall ensure that the child is educated in the school that the child would attend if nondisabled.

(g) In selecting the LRE for a child with a disability, the persons making the educational placement decision shall give consideration to any potential harmful effect on the child or on the quality of services that the child needs.

(h) An agency shall not remove a child with a disability from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(i) (1) In providing, or arranging for the provision of, nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and activities, each agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(2) Each agency shall ensure that each child with a disability receives the supplementary aids and services specified in the child's IEP as being appropriate and necessary for the child to participate in nonacademic settings.

(j) If it is determined that the placement in a specialized public or private school or facility is necessary to provide FAPE to a child with a disability in accordance with the child's IEP, the agency shall provide for the placement, including nonmedical care and room and board, at no cost to the parent or parents of the child.

(k) Each agency that operates any separate facility for the education of children with disabilities shall ensure that the facility meets the following requirements:

(1) Each facility shall be comparable to those operated for nonexceptional children.

(2) Each facility shall be appropriate to the chronological ages of the students and the instructional program being provided. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-976; effective May 19, 2000; amended March 21, 2008.)

**91-40-22. Agency placement in private schools or facilities.** (a) If an agency places a child with a disability in a private school or facility as a means of providing FAPE to the child, the agency shall remain responsible for ensuring that the child is provided the special education and related services specified in the child's IEP and is afforded all the rights granted by the law.

(b)(1) Before an agency places a child with a



disability in a private school or facility, the agency shall initiate and conduct a meeting to develop an IEP for the child.

(2) The agency shall ensure that a representative of the private school or facility attends the meeting. If a representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

(c)(1) After a child with a disability enters a private school or facility, the agency responsible for providing FAPE to the child may allow any meetings to review and revise the child's IEP to be initiated and conducted by the private school or facility.

(2) If the private school or facility initiates and conducts these meetings, the agency shall ensure that a parent and an agency representative are involved in any decision about the child's IEP and shall agree to any proposed changes in the IEP before those changes are implemented. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966 and 72-976; effective May 19, 2000; amended March 21, 2008.)

**91-40-23. Reserved.**

**91-40-24. Educational advocates.** (a) (1) Before taking any special education action in regard to any child, an agency shall attempt to identify the parents of the child and the parents' current whereabouts.

(2) If the parental rights of the parents of an exceptional child have been severed, the secretary of social and rehabilitation services or the secretary's designee shall notify the state board or its designee of this fact and request the appointment of an educational advocate for the child.

(3) If the identity of the parent or the parent's current whereabouts cannot be determined, the agency shall take the following action:

(A) Request that proceedings be initiated, pursuant to the Kansas code for the care of children, to determine whether the child is a child in need of care; and

(B) notify the state board or its designee, within three business days, of the agency's determination and request the appointment of an educational advocate for the child.

(b) Within three business days of receiving a request for the appointment of an educational advocate, the agency making the request shall be notified by the state board or its designee of the name, address, and telephone number of the per-

son appointed to serve as the child's educational advocate.

(c) Each person appointed as an educational advocate shall meet the following requirements:

(1) Be at least 18 years of age;

(2) have completed a training program offered or approved by the state board concerning the powers, duties, and functions of an educational advocate;

(3) not be an employee of the state board or any agency that is involved in the education or care of the child; and

(4) have no interest that conflicts with the interest of any child whom the person represents.

(d) (1) A person who is an employee of a non-public agency that provides only noneducational care for the child and who meets the requirements of subsection (c) of this regulation may be appointed as an educational advocate.

(2) A person who otherwise qualifies to be an educational advocate shall not be considered an employee of an agency solely because that person is paid by the agency to serve as an educational advocate.

(e) Any person appointed as an educational advocate shall perform the following duties:

(1) Assert the child's rights in the education and decision-making process, including the identification, evaluation, and placement of the child;

(2) comply with applicable confidentiality requirements imposed by state and federal law;

(3) participate in the development of the child's individualized education program; and

(4) exercise all the rights given to parents under the special education for exceptional children act. (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-963c; effective May 19, 2000.)

**91-40-25. Opportunity to examine records and participate in meetings.** (a) Each

agency shall allow the parents of an exceptional child an opportunity to inspect and review all education records and participate in any meeting concerning their child with respect to the following:

(1) The identification, evaluation, or education placement of the child; and

(2) the provision of FAPE to the child.

(b) Each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each meeting concerning their child

or are afforded the opportunity to participate. These steps shall include the following:

(1) Scheduling the meeting at a mutually agreed-upon time and place and informing the parents of the information specified in subsection (c) of this regulation; and

(2) providing prior written notice of any meeting, in accordance with subsection (c) of this regulation, to the parents of the child.

(c) The notice required in subsection (b) of this regulation shall indicate the purpose, time, and location of the meeting and the titles or positions of the persons who will attend on behalf of the agency or at the agency's request.

(d) If neither parent of an exceptional child can be physically present for a meeting concerning the child, the agency shall attempt other measures to ensure parental participation, including individual or conference telephone calls.

(e) As used in this regulation, a meeting shall not include the following:

(1) Informal or unscheduled conversations involving agency personnel and conversations on issues including teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP; and

(2) preparatory activities that agency personnel engage in to develop a proposal or response to a parent's proposal that will be discussed at a later meeting. (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-988; effective May 19, 2000.)

**91-40-26. Notice requirements.** (a) In providing any notice to the parent or parents of an exceptional child in accordance with K.S.A. 72-990 and amendments thereto regarding any action proposed or refused by an agency, each agency shall ensure that the notice includes the following information:

(1) A description of other options that the agency considered and the reasons why those options were rejected; and

(2) a description of other factors that are relevant to the agency's proposal or refusal.

(b) The notice shall be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(c) If the native language or other mode of communication of a parent is not a written language,

the agency shall take steps to ensure all of the following:

(1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication.

(2) The parent understands the content of the notice.

(3) There is written evidence that the requirements of paragraphs (1) and (2) of this subsection have been met.

(d) The agency shall be required to provide a parent with a copy of the procedural safeguards available to parents only one time during each school year, except that a copy shall also be provided to the parent in the following circumstances:

(1) Upon initial referral of the child for an evaluation or upon parental request for an evaluation;

(2) upon receipt by the state department of education of the first complaint filed with it by the parent;

(3) upon receipt by an agency of the first due process complaint filed against it by the parent;

(4) upon the parent's child being subjected to disciplinary removal from the child's current placement; and

(5) at any time, upon request of the parent.

(e) The agency shall inform the parent of any free or low-cost legal or other relevant services available in the agency's area if the parent requests the information or the parent or agency initiates a due process complaint involving the parent's child. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-988; effective May 19, 2000; amended March 21, 2008.)

**91-40-27. Parental consent.** (a) Except as otherwise provided in this regulation, each agency shall obtain written parental consent before taking any of the following actions:

(1) Conducting an initial evaluation or any reevaluation of an exceptional child;

(2) initially providing special education and related services to an exceptional child; or

(3) making a material change in services to, or a substantial change in the placement of, an exceptional child, unless the change is made under the provisions of K.A.R. 91-40-33 through 91-40-38 or is based upon the child's graduation from high school or exceeding the age of eligibility for special education services.

(b) When screening or other methods used by

an agency indicate that a child may have a disability and need special education services, the agency shall make reasonable and prompt efforts to obtain informed parental consent from the child's parent to conduct an initial evaluation of the child and, if appropriate, to make the initial provision of services to the child.

(c) Unless a judicial order specifies to the contrary, each agency shall recognize the biological or adoptive parent of an exceptional child who is a minor as the educational decision maker for the child if the parent exerts the parent's rights on behalf of the child, even if one or more other persons meet the definition of parent for the particular child.

(d) An agency shall not construe parental consent for initial evaluation as parental consent for the initial provision of special education and related services to an exceptional child.

(e) An agency shall not be required to obtain parental consent before taking either of the following actions:

(1) Reviewing existing data as part of an evaluation, reevaluation, or functional behavioral assessment; or

(2) administering a test or other evaluation that is administered to all children, unless before administration of that test or evaluation, consent is required of the parents of all children.

(f)(1) If a parent of an exceptional child who is enrolled or is seeking to enroll in a public school does not provide consent for an initial evaluation or any reevaluation, or for a proposed material change in services or a substantial change in the placement of the parent's child, an agency may, but shall not be required to, pursue the evaluation or proposed change by initiating due process or mediation procedures.

(2) If a parent of an exceptional child who is being homeschooled or has been placed in a private school by the parent does not provide consent for an initial evaluation or a reevaluation, or fails to respond to a request to provide consent, an agency shall not pursue the evaluation or reevaluation by initiating mediation or due process procedures.

(3) An agency shall not be in violation of its obligations for identification, evaluation, or reevaluation if the agency declines to pursue an evaluation or reevaluation because a parent has failed to provide consent for the proposed action.

(4) Each agency shall document its attempts to

obtain parental consent for action proposed under this regulation.

(g) An agency shall not be required to obtain parental consent for a reevaluation or a proposed change in services or placement of the child if the agency has made attempts, as described in K.A.R. 91-40-17(e)(2), to obtain consent but the parent or parents have failed to respond.

(h) An agency shall not use a parent's refusal to consent to an activity or service to deny the parent or child other activities or services offered by the agency. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-988; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-28. Special education mediation and due process hearings.**

(a) If a disagreement arises between a parent and an agency concerning the identification, evaluation, or educational placement of the parent's exceptional child, or the provision of FAPE to the child, the parent or the agency, or both, may request mediation or initiate a due process hearing.

(b) (1) If mediation is requested by either party, the provisions of K.S.A. 72-996 and amendments thereto shall be followed, together with the requirement in paragraph (2) of this subsection.

(2) When agreement is reached to mediate, the agency shall immediately contact the state board or its designee. A mediator shall be appointed by the state board from its list of qualified mediators, based upon a random or other impartial basis.

(c) If a disagreement as described in subsection (a) arises, the parent or the agency, or both, may initiate a special education due process hearing by filing a due process complaint notice. Each due process hearing shall be provided for by the agency directly responsible for the education of the child.

(d)(1) If a special education due process complaint notice is filed, the provisions of K.S.A. 72-972a through 72-975 and amendments thereto shall be followed, together with the requirements in this subsection.

(2) Not more than five business days after a due process complaint notice is received, the agency providing for the hearing shall furnish to the parent the following information:

(A) The agency's list of qualified due process hearing officers;

(B) written notification that the parent has the right to disqualify any or all of the hearing officers

on the agency's list and to request that the state board appoint the hearing officer; and

(C) written notification that the parent has the right, within five days after the parent receives the list, to advise the agency of any hearing officer or officers that the parent chooses to disqualify.

(3) (A) If a parent chooses to disqualify any or all of the agency's hearing officers, the parent, within five days of receiving the list, shall notify the agency of the officer or officers disqualified by the parent.

(B) An agency may appoint from its list any hearing officer who has not been disqualified by the parent.

(4) Not more than three business days after being notified that a parent has disqualified all of the hearing officers on its list, an agency shall contact the state board and request the state board to appoint a hearing officer. In making this request, the agency shall advise the state board of the following information:

(A) The name and address of the parent;

(B) the name and address of the attorney, if any, representing the parent, if known to the agency; and

(C) the names of the agency's hearing officers who were disqualified by the parent.

(5) Within three business days of receiving a request to appoint a hearing officer, the parent and agency shall be provided written notice by the state board of the hearing officer appointed by the state board.

(e) If a due process hearing is requested by a parent or an agency, the agency shall provide written notice to the state board of that action. The notice shall be provided within five business days of the date the due process hearing is requested.

(f) (1) Unless the agency and parent have agreed to waive a resolution meeting or to engage in mediation, the agency and parent shall participate in a resolution meeting as required by K.S.A. 72-973 and amendments thereto. The parent and agency shall determine which members of the IEP team will attend the meeting.

(2) If a parent who files a due process complaint fails to participate in a resolution meeting for which the agency has made reasonable efforts to give the parent notice, the timelines to complete the resolution process and begin the due process hearing shall be delayed until the parent attends a resolution meeting or the agency, at the end of the 30-day resolution period, requests the hearing officer to dismiss the due process complaint.

(3) If an agency fails to hold a resolution meeting within 15 days of receiving a due process complaint or to participate in a meeting, the parent may request the hearing officer to begin the due process hearing and commence the 45-day timeline for its completion.

(g) The 45-day timeline for completion of a due process hearing shall start on the day after one of the following events occurs:

(1) Both parties to the due process proceedings agree, in writing, to waive the resolution meeting.

(2) The parties participate in a resolution meeting or in mediation but agree, in writing, that resolution of their dispute is not possible by the end of the 30-day resolution period.

(3) Both parties agreed, in writing, to continue to engage in mediation beyond the end of the 30-day resolution period, but later one or both of the parties withdraw from the mediation process. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-963a, 72-973, and 72-996; effective May 19, 2000; amended March 21, 2008.)

**91-40-29. Qualifications of special education mediators and due process hearing officers.** (a) To initially qualify as a special education mediator, a person shall meet the following requirements:

(1) Have passed a written examination prescribed by the state board concerning special education laws and regulations; and

(2) have completed a program sponsored or approved by the state board concerning effective mediation techniques and procedures, and the role and responsibilities of a mediator.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection, to initially qualify as a special education due process hearing officer or review officer, a person shall meet the following requirements:

(A) Be a licensed attorney in good standing with the licensing agency in the state in which the person is licensed to practice law;

(B) have passed a written examination prescribed by the state board concerning special education laws and regulations;

(C) have completed a program sponsored or approved by the state board concerning due process hearing procedures and the role and responsibilities of a due process hearing officer; and

(D) have passed a written examination pre-



scribed by the state board concerning due process proceedings.

(2) Each person who is on the list of qualified due process hearing officers maintained by the state board shall remain eligible to serve as a due process hearing officer or review officer if the person completes the continuing education programs in special education law that are conducted or approved by the state board. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-963a; effective May 19, 2000; amended March 21, 2008.)

**91-40-30. Expedited due process hearings.** (a) If an expedited due process hearing is requested under the provisions of K.S.A. 72-992 or 72-993 and amendments thereto, the agency responsible for providing the hearing shall immediately notify the state board of the request and the parent's name and address.

(b) Upon being notified of a request for an expedited due process hearing, the state board shall appoint, from its list of qualified hearing officers, a due process hearing officer and shall notify the parties of the appointment.

(c) Each of the parties to an expedited due process hearing shall have the rights afforded to them under K.S.A. 72-973 and amendments thereto, except that either party shall have the right to prohibit the presentation of any evidence at the expedited hearing that has not been disclosed by the opposite party at least two business days before the hearing.

(d) (1) Each hearing officer shall conduct the expedited due process hearing within 20 school days of the agency's receipt of the request for the expedited due process hearing and shall render a decision in the matter within 10 school days after the close of the hearing.

(2) A hearing officer in an expedited due process hearing shall not grant any extensions or otherwise fail to comply with the requirement of paragraph (1) of this subsection.

(e) Either party to an expedited due process hearing may appeal the decision in accordance with K.S.A. 72-974 and amendments thereto. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-992 and 72-993; effective May 19, 2000; amended March 21, 2008.)

**91-40-31. Educational placement during proceedings.** (a) Except as otherwise provided in K.S.A. 72-993 and amendments thereto

and this regulation, during the pendency of any special education due process or judicial proceeding, the child's educational placement shall be determined in accordance with K.S.A. 72-973 and amendments thereto.

(b) If a state review officer in an administrative appeal agrees with the parent's position as to the appropriate educational placement for the child, the child shall be educated in that placement during any further proceedings, unless the parent and agency agree to another placement or the child's placement is changed in accordance with K.S.A. 72-993 and amendments thereto.

(c) If the due process hearing involves the evaluation of or initial services for a child who is transferring from the infant and toddler program under the federal law because the child has reached three years of age, the agency shall not be required to provide the services that the child had been receiving under the infant and toddler program. However, if the child is determined to be eligible for special education and related services, the agency shall provide appropriate services to which the parent consents. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-973 and 72-993; effective May 19, 2000; amended March 21, 2008.)

**91-40-32. Reserved.**

**91-40-33. Change in placement for disciplinary reasons; definitions.** As used in K.A.R. 91-40-33 through 91-40-38, the following terms shall have the meanings specified in this regulation:

(a) (1) The phrase "change in placement for disciplinary reasons" means that school personnel or a special education due process hearing officer has ordered any of the following changes in placement of a child with a disability:

(A) The child is suspended or expelled from school for more than 10 consecutive school days.

(B) The child is subjected to a series of short-term suspensions constituting a pattern that meets all of the following criteria:

(i) The suspensions cumulate to more than 10 school days in a school year.

(ii) Each incident of misconduct resulting in a suspension involved substantially the same behavior.

(iii) The length of each suspension, the total amount of time the child is suspended, and the proximity of the suspensions to one another indicate a pattern.

(C) The child is placed in an interim alternative educational setting.

(2) (A) If school personnel order two or more short-term suspensions of a child with a disability during a school year, these suspensions shall not constitute a change in placement for disciplinary reasons if the suspensions do not constitute a pattern as described in paragraph (a)(1)(B).

(B) School officials shall have the authority to make the determination of whether a series of short-term suspensions of a child with a disability constitutes a change in placement for disciplinary reasons. This determination shall be subject to review through due process proceedings.

(b) "School officials" means the following:

- (1) A regular education administrator;
- (2) the director of special education or the director's designee or designees; and
- (3) a special education teacher of the child with a disability.

(c) "Short-term suspension" means a suspension as authorized by K.S.A. 72-8902(a) and amendments thereto. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-991a; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-34. Short-term suspensions and interim placements; suspension of gifted children.** (a) As authorized by K.S.A. 72-8902(a) and amendments thereto, school personnel may impose one or more short-term suspensions upon a child with a disability during a school year for violations of any school rule if these short-term suspensions do not constitute a pattern amounting to a change in placement for disciplinary reasons as specified in paragraph (a)(1)(B) of K.A.R. 91-40-33.

(b) As authorized in K.S.A. 72-991a and amendments thereto, school personnel may order a change in placement of a child with a disability to an interim alternative educational setting.

(c) Gifted children shall be subject to suspension or expulsion from school as authorized by K.S.A. 72-8902 and amendments thereto. While a gifted child is suspended or expelled from school, an agency shall not be required to provide special education or related services to the child. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-991a and 72-8902; effective May 19, 2000; amended March 21, 2008.)

**91-40-35. Services required during sus-**

**pensions or interim alternative educational placements.** (a) An agency shall not be required to provide special education or related services to a child with a disability who has been suspended from school for 10 or fewer school days during any school year, if the agency does not provide educational services to nondisabled children who are suspended from school.

(b) (1) A child with a disability shall be entitled to continue to receive special education and related services if the child is suspended from school under either of the following circumstances:

(A) For more than 10 cumulative school days in any school year, but with these suspensions not resulting in a change of placement for disciplinary reasons; or

(B) for more than 10 consecutive school days in any school year for behavior that has been determined not to be a manifestation of the child's disability.

(2) If a child with a disability is suspended from school under either of the circumstances stated in paragraph (b)(1), the agency that suspended the child shall provide, commencing on the 11th day of suspension and during any subsequent day or days of suspension, special education and related services that are needed to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP.

(c) If a child with a disability is placed in an interim alternative educational setting in accordance with K.S.A. 72-991a and amendments thereto, the agency shall provide special education and related services to the child that meet the following requirements:

(1) The services provided shall enable the child to continue both of the following:

(A) To progress in the general curriculum, although in another setting; and

(B) to receive those services and modifications, including those described in the child's IEP, that will enable the child to meet the goals set out in the IEP.

(2) The services shall include services and modifications that address the child's misbehavior and that are designed to prevent the misbehavior from recurring. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966 and 72-991a; effective May 19, 2000; amended March 21, 2008.)

**91-40-36. Determination of services for**

**children with disabilities suspended from school or placed in interim alternative educational settings.** (a) If a child with a disability is properly suspended from school for more than 10 cumulative school days in any school year, the special education and related services to be provided to the child during any period of suspension shall be determined by school officials of the agency responsible for the education of the child.

(b) If a child with a disability is suspended from school for more than 10 consecutive school days or is expelled from school for behavior that has been determined not to be a manifestation of the child's disability, the child's IEP team shall determine the special education and related services that will be provided to the child.

(c) If a child with a disability is placed in an interim alternative educational setting as a result of the child's possession of a weapon or illegal drug, the child's IEP team shall determine the following:

(1) The special education and related services to be provided to the child in the interim alternative educational setting; and

(2) those services and modifications that will be provided to address the misbehavior of the child and that are designed to prevent the misbehavior from recurring.

(d) (1) If a child with a disability is to be placed in an interim alternative educational setting by a due process hearing officer because the child is substantially likely to cause injury to self or others, school officials shall propose to the hearing officer the special education and related services to be provided to the child, and those services and modifications to be provided to address the behavior and prevent its recurrence.

(2) The hearing officer shall determine whether the services proposed by the school officials are appropriate. If so determined, those services shall be provided to the child. If determined to be inappropriate, the hearing officer shall order any modification in the services to be provided that the hearing officer determines necessary to provide the child with an appropriate education.

(e) An agency shall convene IEP meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of an IEP meeting to the child's parents. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966 and 72-991; effective May 19, 2000; amended May 4, 2001.)

**91-40-37.** (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-991; effective May 19, 2000; amended May 4, 2001; revoked March 21, 2008.)

**91-40-38. Manifestation determination; appeal.** (a) If an agency proposes to make a change in educational placement for disciplinary reasons, the agency shall implement the provisions of K.S.A. 72-991a and amendments thereto.

(b) An agency may conduct the manifestation determination at the same IEP team meeting that is held in regard to developing or reviewing a behavioral intervention plan under K.S.A. 72-991a and amendments thereto.

(c) If, in making a manifestation determination, deficiencies are identified in the child's IEP or placement or in the provision of services to the child, the IEP team shall make any changes it deems appropriate, and the agency shall implement those changes.

(d) An agency shall convene meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of a meeting to the child's parent or parents.

(e)(1) If a parent files a due process complaint concerning the manifestation determination, a resolution meeting between the parties shall be held within seven days of the filing of the complaint, unless the parties agree, in writing, to waive the resolution meeting or to engage in mediation.

(2) If the matter has not been resolved to the satisfaction of both parties within 15 days of the filing of the due process complaint, the due process hearing may proceed. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-991a; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

**91-40-39.** (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-994; effective May 19, 2000; revoked March 21, 2008.)

**91-40-40. Reserved.**

**91-40-41. Private school placement by parents to obtain FAPE.** (a) (1) If the parent of an exceptional child who previously was receiving special education and related services from an agency enrolls the child, without the consent of or referral by the agency, in a private preschool or a private elementary or secondary school because the parent believes the child was not receiving FAPE from the agency, a court or special educa-

tion due process hearing officer may require the agency to reimburse the parent for the cost of that enrollment only if the court or due process hearing officer makes both of the following findings:

(A) The agency did not make FAPE available to the child in a timely manner before the private school enrollment.

(B) The private school placement made by the parent is appropriate to meet the needs of the child.

(2) A court or due process hearing officer may find that a private school placement by a parent is appropriate for a child although that placement does not meet state standards that apply to special education and related services that are required to be provided by public agencies.

(b) Subject to subsection (c), a court or due process hearing officer may deny or reduce any reimbursement for private school placement by a parent, if the court or due process hearing officer makes any of the following findings:

(1) (A) At the most recent IEP meeting that the parent attended before making the private school placement, the parent did not inform the IEP team that the parent was rejecting the services or placements proposed by the agency to provide FAPE to the child, including a statement of concerns and the intent to enroll the child in a private school at public expense; or

(B) at least 10 business days, including any holidays that occur on a business day, before removal of the child from public school, the parent did not give written notice to the public agency of the information specified in paragraph (1) (A) of this subsection.

(2) Before the parent's removal of the child from public school, the agency notified the parent, in accordance with the requirements of K.S.A. 72-988 and amendments thereto, of its intent to evaluate the child, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parent did not make the child available for the evaluation.

(3) The actions of the parent in removing the child from public school were unreasonable.

(c) Notwithstanding the notice requirements in subsection (b), a court or due process hearing officer shall not deny or reduce reimbursement of the cost of a private school placement for failure to provide the notice, if the court or due process hearing officer makes any of the following findings:

(1) Compliance with the prior notice require-

ment would likely have resulted in physical harm to the child.

(2) The agency prevented the parent from providing the required prior notice.

(3) The parent had not been given notice by the agency of the prior notice requirement prescribed in subsection (b).

(d) At the discretion of a court or due process hearing officer, the court or hearing officer may allow a parent full or partial reimbursement of the cost of a private school placement even though the parent failed to provide the notice required in subsection (b), if the court or hearing officer finds either of the following:

(1) The parent is not literate and cannot write in English.

(2) Compliance with the prior notice requirement would likely have resulted in serious emotional harm to the child. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-42. Child find and count of children with disabilities enrolled in private schools; determination of children to receive services.** (a) Child find activities.

(1) Each board, in accordance with K.A.R. 91-40-7, shall locate, identify, and evaluate all children with disabilities who are enrolled in private elementary or secondary schools located in the school district, including children with disabilities who reside in another state.

(2) The activities undertaken to carry out this responsibility shall meet the following criteria:

(A) Be similar to the activities undertaken for exceptional children enrolled in the public schools;

(B) provide for the equitable participation of private school children;

(C) provide for an accurate count of children with disabilities enrolled in the private schools; and

(D) be completed in a time period comparable to the time for these activities in the public schools.

(3) Each board, in accordance with K.A.R. 91-40-42a, shall consult with representatives of private schools and parents of private school children concerning the activities described in paragraph (1) of this subsection.

(4) The cost of carrying out the child find activities required under this regulation, including in-



dividual evaluations of private school children, shall not be considered in determining if an agency has met its obligation to provide a proportionate share of its federal funds for private school children.

(b) Child count activities.

(1) Each board shall annually conduct a count of the number of children with disabilities who are enrolled in private schools located in the school district. This count, at the discretion of each board, shall be conducted on either December 1 or the last Friday of October of each school year.

(2) Each board, in accordance with K.A.R. 91-40-42a, shall consult with representatives of private schools and parents of private school children concerning the annual count required in paragraph (1) of this subsection.

(3) Each board shall use the child count required by this subsection to calculate the amount of funds provided to the school district under the federal law that the school district must allocate for the purpose of providing special education and related services to private school children with disabilities in the next succeeding school year.

(c) Each board, based upon the results of its child find activities under subsection (a), shall consult with representatives of private schools and parents of children with disabilities enrolled in private schools and then determine which private school children will be provided special education and related services by the board. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-42a. Consultation.** (a) Each board shall engage in timely and meaningful consultation with representatives of private schools located in the school district and representatives of parents of children with disabilities enrolled in those private schools before making determinations regarding the following matters:

(1) How the consultation process among the board, private school officials, and representatives of parents of private school children shall be organized and carried out, including how the process will operate throughout the school year to ensure that children with disabilities who are identified throughout the school year can receive the special education and related services that are provided to private school children;

(2) how the child find process will be conducted, including the following:

(A) How children enrolled in private schools who are suspected of having a disability can participate equitably in the child find process; and

(B) how parents, teachers, and private school officials will be informed of the process;

(3)(A) How the determination of the proportionate share of federal funds that will be available to serve private school children will be made, including a review of how the proportionate share of those funds must be calculated under the federal law; and

(B) how special education and related services will be apportioned if the proportionate share of federal funds are insufficient to serve all of the private school children who are designated to receive services; and

(4)(A) How, where, and by whom special education and related services will be provided to private school children, including a discussion of the means by which services will be delivered, including direct services and services through contracts; and

(B) how and when final decisions on these issues will be made by the board.

(b)(1) When a board believes that it has completed timely and meaningful consultation as required by this regulation, the board shall seek to obtain a written affirmation, signed by representatives of participating private schools, affirming that the consultation did occur.

(2) If representatives of the private schools do not provide the affirmation within 30 days of the date the affirmation is requested, the board shall forward documentation of the consultation to the state department.

(c)(1) A representative of a private school may submit a complaint to the state department alleging that the board of the school district in which the private school is located failed to engage in consultation that was meaningful and timely or did not give due consideration to the views of private school representatives. A copy of the complaint shall also be submitted to the board.

(2) Each complaint submitted by a private school representative shall include a statement of the specific requirement that the board allegedly failed to meet and the facts that support the allegation.

(3) Within 30 days of receiving a complaint, the board shall prepare a reply to the complaint and

submit the reply and documentation supporting its position to the state department.

(4)(A) Within 60 days of receiving a complaint, the state department shall issue a determination on whether the complaint is justified and any corrective action that is to be taken.

(B) If the private school representative is dissatisfied with the decision of the state department, the representative may appeal the decision by submitting an appeal to the secretary of the United States department of education as specified in the federal regulations. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective March 21, 2008.)

**91-40-43. Services to private school children.** (a) Consistent with the number and location of private school children in the school district, each board shall provide special education and related services to this group of children in accordance with K.A.R. 91-40-43 through 91-40-48.

Each board also shall provide services to gifted children who reside in the district and are enrolled in a private school.

(b) The parent of an exceptional child may request that the child be provided special education and related services in accordance with K.S.A. 72-5393 and amendments thereto.

(c) A board shall not be required to provide any special education or related services to a private school child unless one of the following conditions is met:

(1) The child is a member of a group of private school children that has been designated to receive special education and related services in accordance with the provisions of K.A.R. 91-40-43 through 91-40-48.

(2) The parent of the child requests that services be provided to the child in accordance with K.S.A. 72-5393 and amendments thereto.

(d) Except as otherwise provided in K.S.A. 72-5393 and amendments thereto, a private school child shall not be entitled to receive any special education or related service that the child would be entitled to receive if enrolled in a public school, and a private school child may receive a different amount of special education or related services than a child with a disability who is enrolled in a public school.

(e) Each board shall ensure that the special education and related services provided to private school children are provided by personnel who

meet the same standards as the standards for public school personnel, except that private school teachers who provide services to private school children shall not be required to be highly qualified under the federal law. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966 and 72-5393; effective May 19, 2000; amended March 21, 2008.)

**91-40-44. Allocation and expenditure of federal funds; reports.** (a) To meet the requirement of K.A.R. 91-40-43 (a), each board shall allocate, for expenditure in providing special education and related services to private school children, the amounts specified below.

(1) For private school children aged three through 21, an amount calculated as follows:

(A) Divide the number of private school children aged three through 21 who are enrolled in private schools located in the school district by the total number of children with disabilities aged three through 21 in the school district; and

(B) multiply the quotient determined under paragraph (1) (A) times the total amount of federal funds received by the school district under section 1411 (f) of the federal law; and

(2) for private school children aged three through five, an amount calculated as follows:

(A) Divide the number of private school children aged three through five who are enrolled in private elementary schools located in the school district by the total number of children with disabilities aged three through five in the school district; and

(B) multiply the quotient determined under paragraph (2) (A) times the total amount of federal funds received by the school district under section 1419 (g) of the federal law.

(b) In making the calculations under subsection (a), each board shall include all private school children whether or not those children are actually receiving special education or related services from the school district.

(c) (1) Each board, to the extent necessary, shall expend the amounts calculated under subsection (a) of this regulation to provide private school children with those special education and related services that have been determined will be provided to those children under the provisions of K.A.R. 91-40-43.

(2) If a board does not expend all of the funds allocated for the provision of special education and related services to private school children

during a school year, the board shall allocate the unexpended funds for the purpose of providing services to private school children during the next succeeding school year.

(d) (1) A board, in meeting the requirement of subsection (c) of this regulation, shall not be authorized to include expenditures made by the board for child find activities under K.A.R. 91-40-42.

(2) A board, in meeting the requirement of subsection (c) of this regulation, shall be authorized to include expenditures made by the board to provide transportation to private school children to receive special education and related services.

(e) Each board shall maintain records regarding the following information related to children enrolled in private schools located in the school district:

(1) The number of children evaluated;

(2) the number of children determined to be children with disabilities; and

(3) the number of children provided with special education and related services. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-45. Services plan or IEP.** (a) Each board shall develop and implement a services plan for each private school child who meets both of the following criteria:

(1) The child is a member of the group of private school children that has been designated to receive special education and related services under the provisions of K.A.R. 91-40-43.

(2) The child is not receiving special education and related services by request of the child's parent under the provisions of K.S.A. 72-5393 and amendments thereto.

(b) Each board shall ensure that the services plan for each private school child meets each of the following requirements:

(1) The services plan shall describe the specific special education and related services that the board will provide to the child, based upon the services the board has determined that it will make available to private school children under the provisions of K.A.R. 91-40-43.

(2) The services plan shall be developed, reviewed, and revised, as necessary, in the same manner in which IEP's are developed, reviewed, and revised under this article, except that the board shall ensure that a representative of the

child's private school is invited to attend, or to otherwise participate in, each meeting held to develop or review the child's services plan.

(3) The services plan shall meet the requirements of K.A.R. 91-40-18 with respect to the services that the child is designated to receive.

(c) Each board shall develop, review, and revise, as necessary, in accordance with this article, an IEP for the following children:

(1) Each private school child whose parent requests special education and related services under the provisions of K.S.A. 72-5393 and amendments thereto; and

(2) each identified gifted child residing in the school district and enrolled in a private school whose parent elects to have the child receive special education and related services from the board. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966 and 72-5393; effective May 19, 2000; amended March 21, 2008.)

**91-40-46. Mediation and due process rights of private school children.** (a)(1) The parent of a private school child may request mediation or initiate a due process hearing as authorized under this article, if the parent believes that a board has failed to properly identify and evaluate the parent's child, in accordance with K.A.R. 91-40-42 (a).

(2) Each due process complaint by the parent of a private school child shall be filed with the board of education of the school district in which the private school is located. The parent of the child shall provide a copy of the complaint to the state board of education.

(b) The parent of a private school exceptional child who is receiving special education and related services in accordance with an IEP may request mediation or initiate a due process hearing as authorized under this article on any matter concerning the child's education.

(c) The parent of a private school child with a disability who is receiving special education and related services under a services plan shall not be entitled to request mediation or to initiate a due process hearing on any matter concerning the child's education, but shall be entitled to take either, or both, of the following actions:

(1) Request that a meeting be conducted, in accordance with K.A.R. 91-40-45 (b), to review and revise the child's services plan; or

(2) file a complaint with the state board, in ac-

cordance with K.A.R. 91-40-51. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966 and 72-5393; effective May 19, 2000; amended March 21, 2008.)

**91-40-47. Transportation for exceptional children enrolled in private schools.** (a)

Except as otherwise provided in this regulation, each board, to the extent necessary for an exceptional child to benefit from, or to participate in, special education and related services provided to the child by the board, shall furnish or provide for the following transportation services for the child:

(1) Transportation from the child's private school or home to the site at which the child is provided special education and related services; and

(2) transportation from the site at which special education and related services are provided to the child to the child's private school or the child's home, as appropriate.

(b) Except as provided in K.S.A. 72-8306 and amendments thereto, a board shall not be required to furnish or provide transportation from an exceptional child's home to the child's private school.

(c) A board shall not be required to furnish or provide transportation services outside of its school district. (Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-966 and 72-5393; effective May 19, 2000.)

**91-40-48. Use of funds and equipment.**

(a) Subject to subsection (d), an agency may use state and federal funds to make personnel available at locations other than at its facilities to the extent necessary to provide special education and related services to exceptional children enrolled in private schools, if those services are not normally provided by the private schools.

(b) Subject to subsection (d), an agency may use state and federal funds to pay for the services of an employee of a private school to provide special education and related services if both of the following conditions are met:

(1) The employee performs the services outside of the employee's regular hours of duty.

(2) The employee performs the services under public supervision and control.

(c) (1) Subject to subsection (d), an agency may use state and federal funds to provide for the special education and related services needs of exceptional children enrolled in private schools, but

shall not use those funds for either of the following purposes:

(A) To enhance the existing level of instruction in the private school or to otherwise generally benefit the private school; or

(B) to generally benefit the needs of all students enrolled in the private school.

(2) Each agency shall ensure that special education and related services provided to exceptional children enrolled in private schools are provided in a secular and nonideological manner.

(d) An agency's authority to use federal funds under this regulation shall be limited to providing special education and related services to children with disabilities.

(e) An agency shall not offer or maintain classes that are organized separately on the basis of public or private school enrollment or the religion of the students, if the classes offered to students are provided at the same site and the classes include students enrolled in a public school and students enrolled in a private school.

(f) (1) An agency shall keep title to, and exercise continuing administrative control over, all property, equipment, and supplies that are acquired by the agency to be used for the benefit of exceptional children enrolled in private schools.

(2) An agency may place equipment and supplies in a private school, to the extent allowed by law, for the period of time needed to provide special education and related services to exceptional children enrolled in the school.

(g) (1) An agency shall ensure that any equipment or supplies placed in a private school are used to provide special education and related services and can be removed from the private school without the necessity of remodeling the private school.

(2) An agency shall remove its equipment or supplies from a private school if either of the following conditions exists:

(A) The equipment or supplies are no longer needed to provide special education or related services to students enrolled in the private school.

(B) Removal is necessary to avoid unauthorized use of the equipment or supplies.

(h) An agency shall not use public funds to construct, remodel, or repair any private school facility. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-966; effective May 19, 2000; amended March 21, 2008.)

**91-40-49. Reserved**



**91-40-50. Parental access to student records; confidentiality.** (a) As used in this regulation, the following terms shall have the meanings specified in this subsection:

(1) "Destruction" means physically destroying the medium on which information is recorded or removing all personal identifiers from the information so that no one can be identified.

(2) "Education records" means any document or medium on which information directly related to one or more students is maintained by a participating agency in accordance with K.S.A. 72-6214 and amendments thereto.

(3) "Participating agency" means any educational agency or institution that collects, maintains, or uses personally identifiable student information to provide special education and related services to children with disabilities.

(b) The provisions in 34 C.F.R. §§ 300.612 through 300.624, as in effect on August 14, 2006, and published in 71 fed. reg. 46802-46804 (2006), which concern parental access to education records and confidentiality of those records, are hereby adopted by reference. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-963 and 72-988; effective May 19, 2000; amended March 21, 2008.)

**91-40-51. Filing complaints with the state department of education.** (a) Any person or organization may file a written, signed complaint alleging that an agency has violated a state or federal special education law or regulation. Also, a prevailing party in a due process hearing may file a complaint alleging that the other party has failed to implement the hearing decision. The complaint shall include the following information:

(1) A statement that the agency has violated a requirement of state or federal special education laws or regulations;

(2) the facts on which the statement is based;

(3) the signature of and contact information for the complainant; and

(4) if the complaint involves a specific child, the following information:

(A) The child's name and address of residence, or other contact information if the child is a homeless child or youth;

(B) the name of the school the child is attending;

(C) a description of the problem involving the child; and

(D) a proposed resolution to the problem, if a

possible resolution is known and available to the complainant.

(b)(1) The complaint shall allege a violation that occurred not more than one year before the date the complaint is received and shall be filed with the commissioner of education.

(2) The party filing the complaint shall forward a copy of the complaint to the agency against which the allegations are made at the same time the complaint is filed with the commissioner of education.

(c) Upon receipt of a complaint, an investigation shall be initiated. At a minimum, each investigation shall include the following:

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

(2) contact with the agency against which the complaint is filed to allow the agency to respond to the complaint with facts and information supporting its position, offer a proposal to resolve the complaint, or offer to engage in mediation to resolve the complaint; and

(3) a written report of findings of fact and conclusions, including reasons for the decision, and any corrective action or actions that are required, including the time period within which each action is to be taken. Unless the parent and the agency agree to engage in mediation, this report shall be sent to the parties within 30 days of the receipt of the complaint. If the parties mediate but fail to resolve the issues, the report shall be sent 30 days after the department received notice that mediation has failed.

(d) An on-site investigation may be conducted before issuing a report.

(e)(1) If a report requires corrective action by an agency, that agency, within 10 days of the date of the report, shall submit to the state director of special education one of the following:

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

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

(C) a written notice of appeal. Each appeal shall be made in accordance with subsection (f).

(2) If an agency files a request for an extension of time within which to complete one or more corrective actions required in a report, a review committee of at least three department of edu-

cation members shall be appointed by the commissioner to review the request and the offered justification for the extension of time. A decision on the request shall be made by the committee within five business days of the date the request was received. The decision of the review committee shall be final.

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

(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

(A) The issuance of an accreditation deficiency advisement;

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

(C) the award of monetary reimbursement to the complainant; or

(D) any combination of the actions specified in paragraph (f)(2).

(g) (1) If a complaint is received that is also the

subject of a due process hearing or that contains multiple issues of which one or more are part of the due process hearing, the complaint or the issues that are part of the due process hearing shall be set aside until conclusion of the hearing.

(2) If an issue that has previously been decided in a due process hearing involving the same parties is raised in a complaint, the due process hearing decision shall be binding on that issue and the complainant informed of this fact. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-988; effective May 19, 2000; amended March 21, 2008.)

**91-40-52. School district eligibility for funding; facilities.** (a) (1) To be eligible to receive state and federal funding, each board shall submit to the state board documentation that the board has policies, procedures, and programs in effect to achieve compliance with the special education for exceptional children act and this article.

(2) In school districts having an enrollment of more than 5,000 students, the board's policies shall provide for the employment of a full-time administrator of special education.

(b) (1) Each board shall be eligible to receive state funding for the following related services, if provided under an exceptional child's IEP or services plan:

(A) Art therapy;

(B) assistive technology devices and services;

(C) audiology;

(D) counseling services;

(E) dance movement therapy;

(F) medical services for diagnostic or evaluation purposes;

(G) music therapy;

(H) occupational therapy;

(I) parent counseling and training;

(J) physical therapy;

(K) recreation;

(L) rehabilitation counseling services;

(M) school health services;

(N) school psychological services;

(O) school social work services;

(P) special education administration and supervision;

(Q) special music education;

(R) speech or language services; and

(S) transportation.

(2) A board shall submit requests for reim-

bursement for any other related service to the state board for its consideration.

(c) An agency shall not use federal funds to pay the attorneys' fees or costs of any parent who is the prevailing party in any proceeding or action brought under the federal law and its implementing regulations.

(d) Each agency shall ensure that all of the following requirements concerning facilities are met:

(1) All facilities for exceptional children shall be comparable to those for non-exceptional children within the same school building.

(2) If an 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.

(3) All facilities for exceptional children shall be age-appropriate environments, and each environment shall be appropriate for the instructional program being provided. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-978; effective May 19, 2000; amended May 4, 2001.)

**91-40-53. Resolution of interagency agreement disputes.** (a) If a dispute arises under an interagency agreement entered into under K.S.A. 72-966 and amendments thereto, the parties to the dispute shall resolve the matter under either of the procedures specified in this regulation.

(b) (1) Parties to an interagency agreement dispute may select a mutually agreed-upon mediator, or they may make a joint request to the commissioner of education to appoint a person to serve as mediator. Upon receiving a request for the appointment of a mediator, a mediator shall be promptly appointed by the commissioner of education.

(2) The parties to any interagency agreement dispute shall divide equally the costs of the mediation process.

(c) (1) If the parties to an interagency agreement dispute do not agree to mediate the disagreement or are unable to resolve the dispute through mediation, either party may initiate an administrative hearing by filing a request for a hearing with the commissioner of education.

(2) Upon receiving a request for an administrative hearing under this regulation, an attorney in private practice shall be appointed by the commissioner of education to conduct the hearing.

The hearing officer shall be selected from the list of special education due process hearing officers that is required to be maintained under K.S.A. 72-973 and amendments thereto.

(3) Upon being appointed, the hearing officer shall notify the parties of the appointment and shall commence the hearing procedures. The hearing officer shall conduct the hearing in accordance with the Kansas administrative procedure act and shall issue a final order in regard to the matter.

(4) The hearing officer, as part of the order, shall assess the costs of the hearing as determined appropriate based upon the outcome of the hearing.

(d) If a party to an interagency agreement fails to provide the transition services described in a child's IEP, the agency responsible for the child's education shall reconvene the child's IEP team to identify alternative strategies to meet the transition objectives for the student as set out in the IEP. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966; effective May 19, 2000; amended May 4, 2001.)

**Article 41.—MENTOR TEACHER PROGRAM**

**91-41-1. Definitions.** (a) "Board" means any local board of education.

(b) "Certificated" or "licensed" means holding a valid certificate or license issued by the state board.

(c) "Continuous assistance" means ongoing, structured, and unstructured contact throughout the school year.

(d) "Kansas exemplary educators network" means the Kansas teacher of the year program, Milken family foundation national educator awards program, presidential award for excellence in math and science teaching, and the Christa McAuliffe fellowship program.

(e) "Mentor teacher" means a certificated or licensed teacher who meets the following criteria:

(1) Has completed at least three consecutive school years of employment in the same school district;

(2) has been selected by the board on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board in these regulations; and

(3) has participated in, and successfully completed, a training program for mentor teachers

provided for by the board in accordance with guidelines prescribed by the state board.

(f) "Mentor teacher program" means a program established and maintained by a board for the purpose of providing probationary teachers with the professional support and continuous assistance of an on-site mentor teacher.

(g) "On-site" means at the location where a probationary teacher is assigned.

(h) "Probationary teacher" means a certificated or licensed teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply.

(i) "School year" means July 1 through June 30.

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

(k) "Training" means professional development provided to mentor teachers to enable them to support and assist probationary teachers. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

**91-41-2. General requirements.** (a) Each board making application for a grant of state moneys for a mentor teacher program shall submit a completed application to the state board on or before August 1 of the school year.

(b) Each board receiving state funds for a mentor teacher program shall submit an annual evaluation report to the state board. The report shall be submitted on or before June 30. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

**91-41-3. Criteria for evaluating applications and approving mentor teacher programs.** Each board applying for approval of a mentor teacher program shall submit an application containing the following statements and descriptions: (a) A statement of the district's purpose or purposes for establishment of the mentor teacher program;

(b) a description of the year-long continuous assistance activities to be provided under the program, including a description of the structured contact time between the mentor teacher and the probationary teacher and the unstructured opportunities to be provided under the program;

(c) a description of the expectations for district administrators in supporting the program;

(d) a description of how the mentor teacher program aligns with other professional development initiatives in the district;

(e) a description of the method to be used to assign a mentor teacher to a probationary teacher giving consideration to endorsement areas, grade levels, and building assignment;

(f) a description of the process to be used for reassignment of a successor mentor if the original mentor is unable to fulfill responsibilities; and

(g) a description of how the program will establish ongoing professional development and support for each mentor teacher under the program. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

**91-41-4. Criteria for determining exemplary teaching ability for qualification as a mentor teacher.** In determining whether a teacher has demonstrated exemplary teaching ability for qualification as a mentor teacher, each board shall consider the following criteria: (a) Professional competency as indicated by the board's most recent evaluation of the teacher under K.S.A. 72-9001 through K.S.A. 72-9006, and amendments thereto, including competency in the teacher's area of certification or licensure, effective communication skills, and efficacy of instruction; and

(b) recognition, if any, under national or state programs, including the national board teaching certification program and the Kansas exemplary educators network. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)