

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

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State of Kansas

PARK AND RESOURCES AUTHORITY**REQUEST FOR PROPOSALS
FOR VACATION-RESORT DEVELOPMENT
AND OPERATIONS AT
GLEN ELDER STATE PARK**

Sealed proposals will be received by the state of Kansas at the office of the State Park and Resources Authority, 503 Kansas Ave., 5th Floor, Topeka, until 2 p.m. May 1, 1986, for the privilege of installing and operating a vacation-resort facility at Glen Elder State Park in Mitchell County. The vacation-resort facility will be at the location designated by the State Park and Resources Authority. The proposals will be publicly opened and read at the aforesaid time and place.

The proposed sublease includes a permit to finance, construct and operate a vacation-resort complex consisting of lodging and restaurant facilities, a conference center with banquet rooms, a convenience shop and all ancillary facilities for a minimum period of 25 years to a maximum of 50 years. The sublease will be awarded to the bidder or bidders, in the judgment of the State Park and Resources Authority, for the highest responsible bid, taking into account the capital expenditures for facilities, experience and past history as shown in statements submitted with the proposals.

All bids must be on official proposal forms which may be obtained from the Topeka Administrative Office, 503 Kansas Ave., Box 977, Topeka 66601, between 8 a.m. and 5 p.m., Monday through Friday.

LYNN BURRIS, JR.
Director

Doc. No. 004098

State of Kansas

PARK AND RESOURCES AUTHORITY**REQUEST FOR PROPOSALS
FOR VACATION-RESORT DEVELOPMENT
AND OPERATIONS AT
EL DORADO STATE PARK**

Sealed proposals will be received by the state of Kansas at the office of the State Park and Resources Authority, 503 Kansas Ave., 5th Floor, Topeka, until 2 p.m. May 1, 1986, for the privilege of installing and operating a vacation-resort facility at El Dorado State Park, Shady Creek Area or Boulder Bluff Area, in Butler County. The vacation-resort facility will be at the location designated by the State Park and Resources Authority. The proposals will be publicly opened and read at the aforesaid time and place.

The proposed sublease includes a permit to finance, construct and operate a vacation-resort complex consisting of lodging and restaurant facilities, a conference center with banquet rooms, a convenience shop and all ancillary facilities for a minimum period of 25 years to a maximum of 50 years. The sublease will be awarded to the bidder or bidders, in the judgment of the State Park and Resources Authority, for the highest responsible bid, taking into account the capital expenditures for facilities, experience and past history as shown in statements submitted with the proposals.

All bids must be on official proposal forms which may be obtained from the Topeka Administrative Office, 503 Kansas Ave., Box 977, Topeka 66601, between 8 a.m. and 5 p.m., Monday through Friday.

LYNN BURRIS, JR.
Director

Doc. No. 004097

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PUBLISHED BY
JACK H. BRIER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on Quotation 6901 for the sale of automated drafting equipment, located in Room B-21 (basement) and on the 9th floor of the State Office Building, Topeka, will be received until 10 a.m. Thursday, April 24. Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, or N. B. Nelson, Chief of Computer Services, 7th Floor, State Office Building, and Milo Kratochvil, Survey Engineer, Basement, State Office Building.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004085

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC AUCTION

AT SITE

MAY 13, 1986, 10 A.M.

The Kansas Department of Transportation will offer for sale at public auction the following land located and described as follows:

A tract of land in the Northwest Quarter of Section 8, Township 27 South, Range 12 West of the 6th P.M., described as follows: BEGINNING at a point on the Southeasterly right of way line of the Chicago, Rock Island and Pacific Railroad, 90.2 feet Southwesterly of the North line of said Quarter Section, as measured along said right of way line, said North line having an assumed bearing of North 89 degrees 15 minutes East; thence Southeasterly to a point which is South 09 degrees 17 minutes West, 109.9 feet from the Northeast corner of said Quarter Section; thence South 41 degrees 04 minutes West, 2,194.5 feet; thence Southwesterly on a curve of 8,524.42 feet radius to the right, tangent to the previous course, to the East line of the Helmke tract as recorded in Deed Book 68, Page 264; thence Northerly along said East line to said Southeasterly Railroad right of way line; thence Northeasterly along said Railroad right of way line to the place of beginning. The above contains 9.2 acres, more or less.

The tract of land is located northeast of Pratt, Kansas on K-61 highway near Natrona.

The buyer will receive a quitclaim deed and surface rights only. Terms of the sale are cash or certified check. The seller reserves the right to reject any and all bids and is not responsible for accidents.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004079

State of Kansas

KANSAS INSURANCE DEPARTMENT

NOTICE OF HEARING

A formal hearing will be conducted at 10 a.m. Friday, April 25, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka. The proceeding is to determine whether the application for the proposed acquisition of control of World Service Life Insurance Company, Englewood, Colorado, and its wholly owned subsidiary, Life Insurance Company of Kansas, Inc., Wichita, Kansas, by RDI Service Corporation, Fort Worth, Texas, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

All interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition, to present either oral or written testimony in favor of or in opposition to the transaction, and to ask any questions relative to the transaction.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 004089

State of Kansas

DEPARTMENT OF REVENUE
DIVISION OF PROPERTY VALUATIONNOTICE OF PROPERTY VALUATION
GUIDES AND MODIFICATIONS

The Division of Property Valuation has adopted the following guides for use in estimating market value of personal property for the 1986 tax year:

1986 Refinery Valuation Guidelines

Guidelines to be used in conjunction with the prior formula issued January 19, 1984:

Daily barrel unit of complexity (D/B U/C):	\$60 Bbl.
Inventory of crude oil	\$18 Bbl.

These guides and the modifications thereto are available for public inspection during regular office hours at the Division of Property Valuation, 5th Floor, State Office Building, Topeka.

VIC MILLER
Director, Division of
Property Valuation

Doc. No. 004092

State of Kansas
DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION

NOTICE OF MEETINGS

The Liquor Law Review Commission Subcommittee on Wholesalers will meet at 1:30 p.m. Thursday, April 17, and 10 a.m. Friday, April 18, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission Subcommittee on Off Premises will meet at 11 a.m. Tuesday, April 22, also in the secretary's conference room.

HERB ROHLEDER
 Chairman

Doc. No. 004078

State of Kansas
ATTORNEY GENERAL

Opinion No. 86-43

Laws, Journals and Public Information—Records Open to Public—Records Subject to Disclosure. Rogert W. Lovett, Chief Legal Counsel, Commission on Civil Rights, Topeka, March 31, 1986.

The Kansas Open Records Act, K.S.A. 1985 Supp. 45-215 *et seq.*, does not require a public agency to prepare a report in a particular form to satisfy a request for information. A public agency is only required to make available to the public those records which it makes, maintains, keeps or possesses. Further, a public agency is not required to prepare a statistical report based on information contained in records exempted under K.S.A. 1985 Supp. 44-221(a), as disclosure of these records is discretionary with the agency. Cited herein: K.S.A. 1985 Supp. 45-216; 45-217; 45-221. RLN

Opinion No. 86-44

Schools—Teachers' Contracts—Due Process Procedure; Notice to Discontinue Contract; Negotiability of Date. David G. Shriver, Attorney for U.S.D. 418, McPherson, March 31, 1986.

Terms of teachers' contracts which are mandatorily negotiable are listed in K.S.A. 72-5413(1). Other matters are permissively negotiable if the parties agree they are properly related to professional service, the parties are willing to negotiate, and the matter is not controlled by statute. Pursuant to K.S.A. 72-5437, a teacher must give timely notice of his intent not to return the following school year. Accordingly, the date by which a teacher must notify the board of education of his decision not to continue is not negotiable and cannot be modified by contract. Cited herein: K.S.A. 72-5411; 72-5413(1); 72-5414; 72-5437. RLN

Opinion No. 86-45

State Departments; Public Officers and Employees—Tort Claims Act—Board of Trustees; Wichita State University. J. Eric Engstrom, Counsel, Board of

Trustees, Wichita State University, Wichita, March 31, 1986.

Under the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*, a member of the Board of Trustees of Wichita State University will be provided with legal representation in, and will not be personally liable for judgments resulting from, lawsuits in which the member has acted within the scope of his employment. Cited herein: K.S.A. 75-6102; 75-6103; 75-6108; 75-6109; 76-3a16. JSS

Opinion No. 86-46

Eminent Domain—Condemnation in Cities—Authority to Condemn. Representative Anthony Hensley, 58th District, Topeka, March 31, 1986.

Pursuant to the provisions of K.S.A. 26-201, a city may appropriate private property for public purposes when such appropriation is deemed necessary by the city governing body. Accordingly, a city may acquire by condemnation property which includes a burial plot. Additionally, the owner of property condemned under K.S.A. 26-201 may not compel a city to pay the cost of removing and reintering bodies buried upon property condemned by the city. Cited herein: K.S.A. 26-201, 26-513. TRH

Opinion No. 86-47

Townships and Township Officers—Township Trustee—Powers and Duties Generally.

Roads and Bridges—Roads; County and Township Roads—Duties of Township Board; Plans, Materials and Equipment. Michael P. Herrell, Gypsum Township Trustee, Derby, March 31, 1986.

In all counties not operating under the county road unit system, the maintenance of township roads and the purchase of equipment necessary to perform such maintenance is the duty of the township board (K.S.A. 68-526). For this purpose, the township board consists of the trustee, the treasurer and the clerk. Because these are township board functions, no officer acting alone may substitute his authority for that reserved to the board. To the extent the language of K.S.A. 68-526 conflicts with the general duties delegated to the trustee pursuant to K.S.A. 80-301, the earlier language of K.S.A. 80-301 must be deemed to be repealed by implication. Cited herein: K.S.A. 68-101; 68-526; 68-530; 80-301; 80-401; 80-501. JLM

ROBERT T. STEPHAN
 Attorney General

Doc. No. 004086

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD
NOTICE OF MEETING**

The State Banking Board will meet at 10 a.m. Monday, April 21, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The board reviews matters coming before it relating to its supervisory authority set forth in K.S.A. 98-1801 *et seq.*

EUGENE T. BARRETT, JR.
State Bank Commissioner

Doc. No. 004080

State of Kansas

**LEGISLATURE
LEGISLATIVE BILLS INTRODUCED**

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced March 27-April 2:

SB 752, by Committee on Ways and Means: An act concerning the food service inspection reimbursement fund; amending K.S.A. 1985 Supp. 36-512 and repealing the existing section.

SB 753, by Committee on Ways and Means: An act concerning the state board of healing arts; relating to members, officers and staff; amending K.S.A. 65-2904, 65-2905, 65-2909, 65-2811, 65-2811a, 65-2814, 65-2818, 65-2823, 65-2844, 65-2855, 65-2878, 65-2895, 65-2896, 65-2896d, 65-28,100, 65-2903, 65-2904, 65-2905 and 65-2911 and repealing the existing sections.

SB 754, by Committee on Ways and Means: An act relating to the taxation of income; granting certain credits to corporations for the investment in research and development activities.

SB 755, by Committee on Ways and Means: An act establishing the Kansas technology enterprise corporation; and prescribing its purpose, powers, duties and functions.

SB 756, by Committee on Ways and Means: An act establishing the Kansas statewide risk capital system act; prescribing the purposes of such act; authorizing investment by the pooled money investment board in Kansas Venture Capital, Inc.; concerning the investment by banks in small business investment companies; granting certain tax credits and exemptions and providing for the administration of the provisions of the act; amending K.S.A. 75-4205, 79-1109 and 79-32,117 and K.S.A. 1985 Supp. 9-1101 and repealing the existing sections.

SB 757, by Committee on Ways and Means: An act establishing the Kansas venture capital company act; prescribing the purpose of such act; certification of Kansas venture capital companies; granting certain income tax credits; and providing for the administration of the provisions of the act.

SB 758, by Committee on Ways and Means: An act concerning cities; requiring public bids for certain improvements and contracts; repealing K.S.A. 13-1017.

SB 759, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of economic development; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 760, by Committee on Ways and Means: An act concerning public improvements outside the corporate limits of a city; amending K.S.A. 1985 Supp. 12-715d and repealing the existing section.

HB 3130, by Committee on Ways and Means: An act relating to property taxation; concerning the appraisal of exempt property; amending K.S.A. 79-501 and 79-1466 and K.S.A. 1985 Supp. 79-1467 and 79-1476 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 79-1467a.

HB 3131, by Committee on Ways and Means: An act concerning historic property; relating to the placement of electric and telephone transmission lines near historic buildings or structures located in Shawnee county or Douglas county, Kansas.

HB 3132, by Committee on Ways and Means: An act concerning motor vehicles; authorizing a fee for vehicle information processing; disposition of proceeds.

HB 3133, by Committee on Ways and Means: An act concerning the monitoring of the environmental impact of power generation facilities; prescribing powers, duties and functions for the secretary of health and environment; abolishing the power generating facility fee fund; amending K.S.A. 65-3021, 65-3022 and 65-3023 and repealing the existing sections.

HB 3134, by Committee on Ways and Means: An act creating the state fair board; prescribing the composition thereof; attaching the board to the department of commerce; transfer of powers, duties and functions to the state fair board from board of state fair managers and abolishing such board; establishing the office of director of the state fair; providing for the preservation of existing orders, directives and rules and regulations; transfer of title of real property.

HB 3135, by Committee on Ways and Means: An act concerning schools; requiring boards of education to make certain program modifications and services available to assist school age parents continue their education.

HB 3136, by Committee on Ways and Means: An act concerning the conservation fee fund of the state corporation commission; relating to revenues and the unencumbered ending balance in such fund for each fiscal year; amending K.S.A. 55-131, 55-143, 55-609, 55-711, 55-901 and 55-1204 and repealing the existing sections.

HB 3137, by Committee on Ways and Means: An act concerning cities and counties; relating to the issuance of mortgage revenue bonds; amending K.S.A. 1985 Supp. 12-522d and repealing the existing section.

HB 3138, by Committee on Ways and Means: An act concerning support of minor children; imposing the obligation of support on grandparents in certain cases; amending K.S.A. 1985 Supp. 39-718a and repealing the existing section.

HB 3139, by Committee on Federal and State Affairs: An act providing civil immunity from liability to certain volunteer athletic coaches, managers or officials.

HB 3140, by Committee on Federal and State Affairs: An act concerning the judicial council; relating to membership and duties; amending K.S.A. 20-2201 and 20-2203 and repealing the existing sections.

HB 3141, by Committee on Ways and Means: An act concerning natural gas; relating to infill drilling.

HB 3142, by Committee on Ways and Means: An act concerning natural gas; relating to the transportation thereof.

HB 3143, by Committee on Ways and Means: An act concerning natural gas; relating to the maximum price for the sale thereof to agricultural users.

SCR 1644, by Committee on Local Government: A concurrent resolution urging cities and counties to exercise responsible home rule powers concerning zoning regulations restricting the location of group homes.

SR 1900, by Senator Burke: A resolution honoring the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America on their forty-eighth anniversary.

SR 1901, by Senator Yost: A resolution memorializing the United States Congress to support and fund the Strategic Defense Initiative and to provide a non-nuclear defense system in space and encouraging the President to deploy such system before 1988.

SR 1902, by Senator Ehrlich: A resolution establishing March 31 through April 5, 1986, as Kansas Health Planning Week.

SR 1903, by Senators Karr, Burke, Francisco, Frey, Harder, Walker, Werts and Winter: A resolution congratulating and commending the Kansas Master Teachers for 1986.

SR 1904, by Senators Parrish, Hoferer and Salisbury: A resolution congratulating and commending the Shawnee Heights High School girls' basketball team and its coach, Mark Henry, on winning the 1986 Class 5A State Basketball Championship in Kansas.

SR 1905, by Senator Ehrlich: A resolution congratulating and commending Norman C. Staab on being elected Commander-in-Chief of the Veterans of Foreign Wars of the United States.

SR 1906, by Senators Reilly and Gordon: A resolution honoring Dean and Alyce Riedesel on their many years of public service in the State of Kansas.

SR 1907, by Senator Ehrlich: A resolution congratulating the City of Albert on its Centennial anniversary.

SR 1908, by Senator Ehrlich: A resolution congratulating the City of Hoisington on its Centennial anniversary.

SR 1909, by Senators Hoferer, Parrish and Salisbury: A resolution congratulating and commending the Topeka High School boys' basketball team and its coach, Willie Nicklin, on winning the 1986 Class 6A State Basketball Championship in Kansas.

HCR 5053, by Committee on Federal and State Affairs: A concurrent resolution urging the Kansas Supreme Court to consider adoption of a court rule regulating the application and regulation of fees of all parties in civil litigation, including contingent fee contracts.

HCR 5054, by Representatives R. D. Miller, Acheson, Adam, Apt, Aylward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Buntin, C. Campbell, K. Campbell, Charlton, Chronister, Cloud, Cribbs, Cromwell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Dyck, Eckert, Erme, Flottman, Foster, Fox, Francisco, Freeman, Friedeman, Fry, Gjerstad, Graeber, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Heinemann, Helgeson, Hensley, Holmes, Hoy, Jarchow, Jenkins, Johnson, Justice, King, Kline, Knopp, Lacey, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Mayfield, D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Patrick, Peterson, Polson, Pottorff, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rolfs, Roper, Rosenau, Roy, Runnels, Sallee, Sand, Schmidt, Shore, Shriver, Sifers, Snowbarger, Solbach, Spaniol, Sprague, Sughrue, Sutter, Teagarden, Turquist, Vancrum, Wagnon, Walker, Weaver, Webb, Whiteman, Wilbert, Williams, Wisdom and Wunsch: A concurrent resolution congratulating and commending Norman G. Staab on being elected Commander-in-Chief of the Veterans of Foreign Wars of the United States.

HR 6237, by Representative Buntin: A resolution in memory of John C. Weeks.

HR 6238, by Representative Luzzati: A resolution honoring David Josiah Brewer on the 76th anniversary of his death.

HR 6239, by Representative Smith: A resolution congratulating the Hoyt United Methodist Church on its 100th anniversary.

HR 6240, by Representative Littlejohn: A resolution establishing March 31 through April 5, 1986, as Kansas Health Planning Week.

HR 6241, by Representative Littlejohn: A resolution congratulating and commending the Northern Valley High School boys' basketball team and its coach, Doug Reustik, on winning the 1986 Class 1A State Basketball Championship in Kansas.

HR 6242, by Representative Sughrue: A resolution congratulating and commending Frank Evans on being named one of the seven Kansas Master Teachers for 1986.

HR 6243, by Representative Wunsch: A resolution congratulating the City of Haven on its Centennial anniversary.

HR 6244, by Representative Friedeman: A resolution congratulating the City of Hoisington on its Centennial anniversary.

HR 6245, by Representative Buntin: A resolution in memory of John R. Hiller.

HR 6246, by Representative DeBaun: A resolution congratulating the City of Admire on its Centennial anniversary.

HR 6247, by Representative Smith: A resolution congratulating the City of Hoyt on its Centennial anniversary.

HR 6248, by Representative R. H. Miller: A resolution congratulating and commending Robert "Bob" Reader of Wellington and a ninth-grader at Wellington Junior High School on being selected to participate in a peace tour to the Soviet Union on May 4-18.

HR 6249, by Representative Leach: A resolution honoring Dean and Alyce Riedesel on their many years of public service in the State of Kansas.

HR 6250, by Representative Moomaw: A resolution congratulating and commending the Holcomb High School boys' basketball team and its coach, Dave Novack, on winning the 1986 Class 2A State Basketball Championship in Kansas.

HR 6251, by Representative Moomaw: A resolution congratulating and commending the Dighton High School girls' basketball team and its coach, Karl Kiewer, on placing second in the 1986 Class 2A State Basketball Championship Tournament in Kansas.

HR 6252, by Representative Graeber: A resolution congratulating and commending the First Presbyterian Church of Leavenworth on its 130th anniversary.

HR 6253, by Representative Friedeman: A resolution congratulating the City of Albert on its Centennial anniversary.

Doc. No. 004088

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING**

The Kansas Department of Health and Environment is applying to the Department of Health and Human Services, Public Health Service, for continued designation and funding as the state health planning and development agency for Kansas, pursuant to the provisions of P.L. 96-79, the National Health Planning and Resources Development Act, and K.S.A. 65-4701, *et seq.*, the Kansas Health Planning and Development Act. These laws provide that the state health planning and development agency shall conduct the health planning activities of the state, including administration of a certificate of need program which applies to new institutional health services proposed to be offered or developed within the state.

Persons wishing to review the application may do so between 8 a.m. and 4:30 p.m. April 7-25 at the Office of Health and Environmental Planning, Division of Policy and Planning, Kansas Department of Health and Environment, Building 321, Forbes Field, Topeka. Persons wishing to comment on the application should submit their comments in writing to Rita L. Wolf, Director, Division of Policy and Planning.

A hearing will be conducted at 10 a.m. Monday, April 28, to inform the public on the application's content. All interested individuals and organizations are invited to attend this hearing in the Department of Health and Environment's hearing room, Building 740, Forbes Field, Topeka.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004084

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, APRIL 21, 1986

#27064

Statewide—AUTOMOTIVE SUPPLIES

#27092

University of Kansas Medical Center, Kansas City;
University of Kansas, Lawrence; Kansas State
University, Manhattan; and Wichita State University,
Wichita—BLOOD BANK PRODUCTS AND
RELATED SPECIALTIES

#27102

Statewide—MODEMS FOR MICROCOMPUTERS

#65190

Department of Transportation, Hutchinson—
ASPHALT STORAGE TANK

#65191

Kansas Correctional Industries, Lansing—STEEL
SHEETS

#65196

University of Kansas, Lawrence—
ELECTRO-CHEMICAL APPARATUS

TUESDAY, APRIL 22, 1986

#A-5240 (rebid)

Fort Hays State University, Hays—PROVIDE
SPRAYED-ON THERMAL INSULATION, Stroup
Hall

#A-5485

Department of Human Resources, Topeka—ROOF
REPLACEMENT, WEST SIDE—JOB SERVICE
CENTER, Wichita

#27087

Statewide—TOOTHBRUSHES AND
TOOTHPASTE

#27095

University of Kansas Medical Center, Kansas
City—AIRCRAFT FLIGHT DISPATCH SERVICE

#27096

Winfield State Hospital and Training Center,
Winfield—WATER CHEMICALS AND SERVICE

#27097

Kansas State Penitentiary, Lansing—WATER
CHEMICALS AND SERVICE

#27098

University of Kansas Medical Center, Kansas
City—PERSONNEL RADIATION MONITORING

#65197

Department of Administration, Division of
Information Systems and Communications,
Topeka—TERMINALS

#65199

Wichita State University, Wichita—OFFICE
FURNITURE

#65200

University of Kansas Medical Center, Kansas
City—COMPUTER SYSTEM—IBM-AT
COMPATIBLE

#65201

Adjutant General's Department, Topeka—FURNISH
AND INSTALL HOLLOW METAL DOORS,
FRAMES AND ACCESSORIES

#65203

Wichita State University, Wichita—FLOOR CARE
PRODUCTS

#65204

Topeka State Hospital, Topeka—WOODEN DORM
DESKS

#65205

Wichita State University, Wichita—NURSERY
STOCK

#65206

Kansas State University, Manhattan and Pittsburg
State University, Pittsburg—COPIERS

#65209

Wichita State University, Wichita—LABORATORY
AUTOCLAVE

#65210

University of Kansas Medical Center, Kansas
City—HPLC SYSTEM

- #65211
Department of Transportation, Topeka—TESTING APPARATUS
- #65212
Department of Transportation, Topeka—CORE DRILL TRAILER
- #65213
Department of Transportation, Hutchinson—TRAILER
- #65214
University of Kansas, Lawrence—NEW OR USED WATER TRUCK
- #65215
Emporia State University, Emporia—COMPRESSOR AND FILTERS
- #65216
Kansas State University, Manhattan—MAGNET AND COIL ASSEMBLY
- #65217
Department of Corrections, Topeka—DUCTS, VANES, EXTRACTORS, CONNECTIONS, GRILLES, DIFFUSERS AND LOUVERS, Topeka Pre-Release Center
- #65231
Kansas State University, Manhattan—ROOM AIR CONDITIONERS
- #65232
Department of Social and Rehabilitation Services, Topeka—ICE MAKERS, various locations
- #65235
Kansas State University, Manhattan—TRANSFORMER AND OIL SWITCH

WEDNESDAY, APRIL 23, 1986

- #A-5343
Department of Transportation, Topeka—REROOF AREA OFFICE AND SHOP BUILDING, Great Bend
- #A-5493
Wichita State University, Wichita—REMODELING OF SUITE ROOMS 202 AND 203, Morrison Hall—on campus
- #65226
State Corporation Commission, Topeka—CONTINUOUS FORMS—"VEHICLE CAB CARD"
- #65227
Department of Human Resources, Topeka—CONTINUOUS MAILERS—K-BEN 41 AND 4211
- #65228
Wichita State University, Wichita—COPPER CABLE
- #65229
University of Kansas, Lawrence—REFRIGERATORS AND DISHWASHERS
- #65230
University of Kansas, Lawrence—PARTS FOR RADAR SYSTEM
- #65241
Department of Transportation, Garden City—FURNISH AND INSTALL OVERHEAD DOORS, various locations

THURSDAY, APRIL 24, 1986

- #65244
University of Kansas, Lawrence—RELOAD AMMUNITION, Hutchinson
- #65261
Kansas State University, Manhattan—MOLECULAR PUMP
- #65262
Kansas State University, Manhattan—VACUUM APPARATUS

FRIDAY, APRIL 25, 1986

- #27084
Statewide—SPICES AND MISCELLANEOUS GROCERIES
- #65252
Kansas State University, Manhattan—LAB SAFETY CABINET
- #65253
Kansas State University, Manhattan—LAB REAGENTS/EQUIPMENT
- #65254
Kansas State University, Manhattan—VACUUM EQUIPMENT
- #65255
Fort Hays State University, Hays—LEASE OF SOFTWARE PACKAGE
- #65256
Fort Hays State University, Hays—SOFTWARE PACKAGE
- #65259
Department of Revenue, Topeka—CONTINUOUS FORMS—CARBONLESS
- #65260
Department of Administration, Social Security Section, Topeka—COUPON BOOKS FOR MEDICARE TAX DEPOSITS

MONDAY, APRIL 28, 1986

- #65198
Department of Transportation, Hutchinson—AB SPECIAL AGGREGATE, Udall
- #65225
Department of Transportation, Hutchinson—AB SPECIAL AGGREGATE, Attica
- #65234
Kansas Technical Institute, Salina—DIGITAL THEODOLITE AND OPTIONAL EQUIPMENT
- #65245
Kansas State University, Manhattan—HERBICIDES, Garden City
- #65263
Kansas State Fair, Hutchinson—FURNISH AND INSTALL 201 TRANSLUCENT LIGHT PANELS

TUESDAY, APRIL 29, 1986

- #65233
Department of Social and Rehabilitation Services, Topeka—WHEELCHAIRS, various locations

FRIDAY, MAY 2, 1986

- #65202
University of Kansas Medical Center, Kansas City—MICROCOMPUTER SOFTWARE TO OPERATE "DATACOPY" CAMERA

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003392

State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION
SUPREME COURT DOCKET**

(Note: Dates and times of arguments are subject to change.)

**Monday, April 28, 1986
9:30 a.m.**

Case No.	Case Name	Attorneys	Originating County
57,689	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Quintin R. Bentley, appellant.	Carl N. Kelly	On Petition for Review
58,717	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Clyde Thomas, appellant.	Benjamin C. Wood	
57,942	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Van E. Turner, appellant.	Gerard C. Scott	On Petition for Review
58,718	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Robert Anthony Llamas, appellant.	Benjamin C. Wood	
1:30 p.m.			
58,635	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Bernie Norwood, Jr., appellant.	Benjamin C. Wood Steven R. Zinn	
58,636	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Bernie Norwood, Jr., appellant.	Benjamin C. Wood Steven R. Zinn	
58,637	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Bernie Norwood, Jr., appellant.	Benjamin C. Wood Steven R. Zinn	
58,676	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Bernie Norwood, Jr., appellant.	Benjamin C. Wood Steven R. Zinn	

Consolidated

58,663 State of Kansas, appellee, Robert T. Stephan, Attorney General Sedgwick
 Geary N. Gorup, Assistant District
 Attorney
 v.
 Mihan Mabrey, appellant. Benjamin C. Wood

Tuesday, April 29, 1986
 9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,376	State of Kansas, appellee, v. Max A. Hundley, appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney Linda C. McMaster	Sedgwick
58,415	State of Kansas, appellee, v. Arnold L. Baker, appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney Linda C. McMaster	Sedgwick
Consolidated with 58,474	State of Kansas, appellee, v. Arthur L. Coleman, appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney Kim D. Steele	Sedgwick
58,768	State of Kansas, appellee, v. Tommy L. Benford, appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney. Melissa Kelly	Sedgwick
58,822	Mary A. Burgess, Individually and as Heir-in-Law of Stephen D. Bloomer, Deceased, appellant, v. W. Land Perdue II, M.D., and State of Kansas, appellee.	Rene M. Netherton Wayne T. Stratton Reid Stacey David Plinsky	Shawnee
58,658	State of Kansas, appellant, v. Russell L. Spaulding, appellee.	Robert T. Stephan, Attorney General Gerald R. Kuckelman, Assistant County Attorney Joe Dickinson	Harvey
57,903	In the Matter of the Marriage of Larry John Arndt and Estelle Louise Arndt.	Stuart D. Mitchelson Paula J. Laurenzana	Johnson On Petition for Review

1:30 p.m.

(continued)

Wednesday, April 30, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,837	State of Kansas, appellee, v. Kirk V. Lewis, appellant.	Robert T. Stephan, Attorney General David Debenham, Assistant District Attorney Benjamin C. Wood	Shawnee
58,499	State of Kansas, appellee, v. Dale S. Gobert, appellant.	Robert T. Stephan, Attorney General Frank Kohl, County Attorney Benjamin C. Wood	Leavenworth
57,649	Billy G. Johnson and Linda K. Sharp, appellees, v. Ralph Noland, <i>et al.</i> , appellants.	Daniel Denk Edward H. Powers, Sr.	Wyandotte
56,932	Ernest E. Green and Phyllis K. Green, appellees, v. Don Geer, d/b/a Century 21 Geer Real Estate, <i>et al.</i> , appellants.	Gerald Jeserich Edward H. Powers, Sr. Paul Dent	Wyandotte

1:30 p.m.

58,296	In the Matter of Edward H. Powers, Jr., respondent.	Arno Windscheffel Edward H. Powers, Jr., <i>pro se</i> John H. Fields	Original
58,537	In the Matter of R. Keith Mountain, respondent.	Arno Windscheffel R. Keith Mountain, <i>pro se</i>	Original

Thursday, May 1, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,678	State of Kansas, appellee, v. Terle Slansky, appellant.	Robert T. Stephan, Attorney General Anita Rodriguez, Assistant County Attorney Benjamin C. Wood	Rooks
57,599	DSG Corporation, appellee, v. Jerry R. Shelor, Secretary of Human Resources for the State of Kansas, appellant.	Arthur E. Palmer H. Dean Cotton Wendell E. Yockey	Riley
58,758	State of Kansas, appellee, v. David Jackson, appellant.	Robert T. Stephan, Attorney General Richard M. Smith, County Attorney Benjamin C. Wood	Linn
58,149	Richard A. Braymen and Vail Kennels, Inc., appellees, v. Josserand Kennels, Inc., <i>et al.</i> , appellants.	Edward L. Bailey Robert E. Keeshan	Shawnee

1:30 p.m.

58,794	State of Kansas, appellee, v. David L. Mullins, appellant.	Robert T. Stephan, Attorney General Randy Hendershot, Assistant District Attorney	Shawnee
58,313	The Prudential Insurance Company of America, a New Jersey Corporation, appellee, v. Pyle-Taylor Farms, a General Partnership, <i>et al.</i> , appellants, and Taylor Farm Properties, Inc., appellant, v. TGT Petroleum Corporation and Clear Creek, Inc., appellees.	Jessica R. Kunen John J. Murphy William L. Fry Ron Beal Joseph Kennedy Sharon A. Werner Board of County Commissioners	Kiowa

Friday, May 2, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,571	State of Kansas, appellee, v. David Bowers, appellant.	Robert T. Stephan, Attorney General Randy Hendershot, Assistant District Attorney Steven R. Zinn Benjamin C. Wood	Shawnee
58,661	State of Kansas, appellee, v. Billy Jack Hayes, appellant.	Robert T. Stephan, Attorney General Sue Carpenter, Assistant District Attorney Benjamin C. Wood	Shawnee

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 004083

14438

(Published in the KANSAS REGISTER, April 10, 1986.)

**NOTICE OF REDEMPTION
RENO COUNTY, KANSAS
SINGLE FAMILY MORTGAGE
REVENUE BONDS
1979 SERIES A**

Serial Bonds Due November 1986-1999

Term Bonds Due November 1, 2010

Notice is hereby given that \$110,000 principal amount of the bonds, as listed below, are called for redemption on May 1, 1986 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the coupon bonds to be redeemed in full are as follows:

655	985	1272	1845	2424	3022	3602
775	1089	1462	2040	2625	3211	3790
859	1195	1656	2229	2824	3406	3940

The serial number of the registered bond to be redeemed in part is:

Bond Number	Principal Amount	Amount Called
R-346	\$10,000	\$5,000

On May 1, 1986 all bonds designated for redemption will become due and payable upon presentation thereof to one of the offices of the paying agents.

Coupon bonds with the November 1, 1986 coupon and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Illinois National Bank and Trust Company of Chicago

Attention: Corporate Trust Operations
30 N. LaSalle St., 16th Floor
Chicago, IL 60697

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

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

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

Interest on the bonds called for redemption will cease to accrue on May 1, 1986.

Coupons for May 1, 1986 may be detached and presented in the usual manner.

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

numbers when presenting their securities for collection.

Dated April 1, 1986.

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

Doc. No. 004064

(Published in the KANSAS REGISTER, April 10, 1986.)

**NOTICE OF REDEMPTION
TO THE HOLDERS OF
CITY OF MANHATTAN, KANSAS
COMMERCIAL REHABILITATION LOAN
PROGRAM REVENUE BONDS
(LOAN TO LENDERS)
SERIES B, 1982
DATED JUNE 1, 1982**

Notice is hereby given that pursuant to the provisions of Section 8(B) of Ordinance No. 3957 of the city of Manhattan, Kansas, the above mentioned bonds numbered 10, 12, 14, 15, 16, 19, 20, 25, 26, 27, 28, 29, 30, 33, 34, 37, 38, 39, 40, 41, 43, 44, 47, 49, 50, 52, 53, 55, 56, 57, 58, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72 and 73, maturing in the years 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993 and 1994, have been called for redemption and payment on June 1, 1986 at the offices of the Southwest National Bank of Wichita, Trust Department, P.O. Box 1401, Wichita, KS 67201.

On such redemption date there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 102 percent of the principal amount of each bond together with the interest accrued to the redemption date (upon presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds from and after June 1, 1986, and the interest coupons maturing after June 1, 1986 shall be void.

**THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE
CITY OF MANHATTAN, KANSAS**
By E. Gordon Johnson
Senior Vice President and Trust Officer

Doc. No. 004082

(Published in the KANSAS REGISTER, April 10, 1986.)

NOTICE OF BOND SALE
\$115,000
GENERAL OBLIGATION BRIDGE BONDS
SERIES A, 1986
OF SHERMAN COUNTY, KANSAS
 (general obligation bonds payable
 from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, County Clerk of Sherman County, Kansas, on behalf of the Board of County Commissioners, County Courthouse, Goodland, Kansas, until 1:30 p.m. Mountain Time, Monday, April 21, 1986, for the purchase of \$115,000 principal amount of general obligation bridge bonds, series A, 1986, of the county hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of County Commissioners immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiples thereof dated May 1, 1986, and becoming due serially on May 1 in the years as follows:

Year	Principal Amount
1987	\$ 5,000
1988	10,000
1989	10,000
1990	10,000
1991	10,000
1992	10,000
1993	15,000
1994	15,000
1995	15,000
1996	15,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1987.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the county and the Attorney General of the State of Kansas.

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

The number, type and denominations of the bonds and the names, addresses and social security or tax-

payer identification numbers of the registered owners shall be submitted in writing by the successful bidder of the county and bond registrar by May 5, 1986.

Redemption

The bonds shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the county during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid, all certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the Board of County Commissioners shall determine which bid, if any, shall be accepted, and its determination shall be final. The county reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose, and Security

The bonds are being issued pursuant to K.S.A. 68-1103 *et seq.*, as amended and supplemented, for the purpose of paying the cost of certain bridge improvements. The bonds and the interest thereon will constitute general obligations of the county, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the county.

Pending Federal Legislation Concerning

Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The

(continued)

Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of the states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The Bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the county will be able to comply with such requirements. The failure or inability of the county to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Subsequent to adoption of the Bill, the U.S. House of Representatives passed House Resolution 335 which states, in substance, that it was the consensus of the House of Representatives that the chairman and ranking member of the House Committee on Ways and Means be instructed, in conjunction with the Secretary of the Treasury and the chairman and ranking member of the Senate Committee on Finance, to make public an agreed upon statement which would have the effect of postponing the effective date of selected items of the Bill. In addition, the U.S. Senate passed Senate Resolution 281 which provides, in substance, that it was the consensus of the Senate that the effective date of the Bill should be delayed.

On March 14, 1986, a joint statement was made by Chairman Don Rostenkowski, D-Ill., House Committee on Ways and Means; Chairman Bob Packwood, R-Ore., Senate Committee on Finance; Rep. John J. Duncan, ranking member of the Committee on Ways and Means; Sen. Russel Long, ranking member of the Committee on Finance; and Secretary of the Treasury James A. Baker III, with respect to the effective dates of certain provisions of the Comprehensive Tax Reform Legislation (H.R. 3838) being considered by Congress. Excerpts of such joint statement are as follows:

"It is not our intent, however, to restrict the ability of States and Local Governments to finance their direct governmental operations or to force States to change their existing practices governing financing of those operations while tax reform legislation is pending. Therefore, we are endorsing a postponement, until September 1, 1986 (or the date of enactment of Tax Reform Legislation, if earlier) of any application of the provisions and restrictions listed below to Bonds that under present law are not (I) Industrial Development Bonds, (II) Bonds that would be IDBs if Section 501(C)(3) organizations were nonexempt persons engaged in trades or businesses, (III) Student Loan Bonds, (IV) Mortgage Subsidy Bonds, or (V) Other private ('Consumer') Loan Bonds for which tax-exemption is permitted. In addition, this action does not apply to so-called pension Bonds or to Bonds which involve payments by private parties for the use

of Bond-finance properties and which would be IDBs if such payments were used to pay debt service. The provisions and restrictions to which this action applies are:

- (1) The definition of nonessential function bond and new unified volume cap contained in H.R. 3838;
- (2) Any extension of arbitrage rebate restrictions, and any other new arbitrage restrictions, other than the method of determining bond yield (i.e., The reversal of the decision in *State of Washington v. Commissioner*);
- (3) Any new restrictions on early issuance of these Bonds (i.e., provisions requiring certain expenditures within certain periods);
- (4) Any new restrictions on advance refunding of bonds which were originally issued before 1986, other than a limitation on the temporary period for refunding Bonds proceeds to 30 days and the method of determining Bond Yield (listed in item (2), above);
- (5) Any extension of information reporting requirements to these Bonds; and
- (6) Any treatment of interest on these Bonds as a minimum tax preference item under H.R. 3838 as passed by the House."

The county has relied upon the joint statement in issuance of the bonds.

Legal Opinion and Tax Exemption

All legal matters relating to the authorization and issuance of the bonds are subject to the approving opinion of William P. Timmerman, Wichita, Kansas, as bond counsel, whose approving opinion will be printed on the bonds and an original of which will be delivered at closing to the purchasers of the bonds.

Under existing law, the interest on the bonds is exempt from federal income taxation and from intangible personal property taxes levied by Kansas counties, cities or townships. In our opinion, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form. In addition, in the taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Delivery and Payment

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the county.

(Published in the KANSAS REGISTER, April 10, 1986.)

NOTICE OF BOND SALE
\$1,679,000
GENERAL OBLIGATION BONDS
OF THE
CITY OF DERBY, KANSAS
SERIES A, 1986
(general obligation bonds payable
from unlimited ad valorem taxes)

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the county. The check for the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check. The checks of unsuccessful bidders will be returned promptly.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the Courthouse and must be received by the undersigned prior to 1:30 p.m. Mountain Time, on April 21, 1986.

Official Statement

The county has prepared a preliminary official statement dated April 1, 1986, copies of which may be obtained from the county clerk or from the financial adviser.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1985 are as follows:

Equalized assessed valuation of taxable tangible property	\$41,578,524
Tangible valuation of motor vehicles	\$ 5,205,873
Equalized assessed tangible valuation for computation of bonded debt limitations	\$46,784,397

The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$990,000.

Additional Information

Additional information regarding the bonds may be obtained from the county clerk, or from the financial adviser, Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, Attention: Jerry D. Rayl, (316) 262-5161.

Dated April 1, 1986.

SHERMAN COUNTY, KANSAS
By Janet R. Rumpel, County Clerk
Sherman County Courthouse
Goodland, KS 67735
(913) 899-7581

Sealed Bids

Sealed bids will be received by the undersigned city clerk on behalf of the City of Derby, Kansas, 229 N. Baltimore, Derby, KS 67037, until 7 p.m. Central Time, Tuesday, April 15, 1986, for the purchase of \$1,679,000 principal amount of general obligation bonds, series 1986, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or integral multiples thereof, except bond no. 1 in the amount of \$4,000, dated May 1, 1986, and becoming due serially on December 1 in the years as follows:

Year	Principal Amount
1987	\$169,000
1988	165,000
1989	165,000
1990	165,000
1991	165,000
1992	170,000
1993	170,000
1994	170,000
1995	170,000
1996	170,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 1987.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the State of Kansas.

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

The number and denominations of the bonds and

(continued)

the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

Redemption of Bonds Prior to Maturity

The bond shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five different interest rates, as may be specified by the bidders, subject to the following conditions: Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. The repetition of a rate will not constitute one of said maximum number of rates. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

Authority, Purpose, and Security

The bonds are being issued for the purpose of constructing certain street, sewer and water improvements in the city. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real

and personal, within the territorial limits of the city, with the balance payable from ad vaorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of the states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The Bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds from their date of issuance. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the Bill. The city has relied on the joint statement in issuance of the bonds.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Gaar & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds, and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties, and townships.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 22, 1986, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to his order at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the city clerk and must be received by the undersigned prior to 7 p.m. Central Time, on Tuesday, April 15, 1986.

Official Statement

The city has prepared a preliminary official statement dated April 1, 1986, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at its expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1985 is as follows:

Equalized assessed valuation of taxable tangible property	\$27,938,850
Tangible valuation of motor vehicles	\$ 7,810,070
Equalized assessed tangible valuation for computation of bonded debt limitations	\$35,748,920

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$10,992,735.87. The city also has outstanding temporary improvement notes in the amount of \$2,218,000, all of which will be retired from the proceeds of the bonds, special assessments which have been collected in cash, and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, or from the financial adviser, First Securities Company of Kansas, Inc., Wichita, KS 67202, Attention: David H. Perkins, (316) 262-4411.

Dated April 1, 1986.

CITY OF DERBY, KANSAS
By Geneva Moore, City Clerk
229 N. Baltimore
Derby, KS 67037
(316) 788-1519

Doc. No. 004081

State of Kansas

DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 1.—CERTIFICATE REGULATIONS

91-1-27a. Precertification examination. (a) On and after May 1, 1986, an initial certificate to teach shall be issued only to those applicants who have taken and satisfactorily passed the precertification examination prescribed by the state board.

(b) The precertification examination is confidential and the specific contents thereof shall be disclosed only for the purpose of administering the examination.

(c) Applicants may take the examination without limitation as to frequency.

(d) General information regarding the precertification examination may be obtained by contacting the state department of education. (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.)

91-1-27b. Exemptions from precertification examination. The precertification examination requirements set forth in K.A.R. 91-1-27a shall not apply if application is made for:

(1) A certificate with an endorsement or endorsements only in an area or areas that do not require the completion of a state-approved teacher education program;

(2) A certificate issued with an endorsement which does not require student teaching as a prerequisite for classroom instruction;

(3) A certificate with a substitute teaching endorsement only; or

(continued)

(4) A one-year certificate to teach, when an administrator of an accredited or approved local education agency verifies that the applicant will be employed if the certificate is issued. Any applicant seeking this certificate shall meet all other requirements for the issuance of an initial certificate to teach.

(b) An initial certificate to teach shall be issued to an applicant for certification who has not taken and satisfactorily passed the precertification examination if:

(1) the applicant holds a certificate to teach that is valid in another state and that certificate was issued before May 1, 1986; and

(2) the certificate was issued under requirements for certification that are comparable to those required for certification in this state, other than examination. (Authorized by K.S.A. 1984 Supp. 72-1388, as amended by Sec. 1 of 1985 HB 2461; implementing K.S.A. 1984 Supp. 72-1396, as amended by Sec. 2 of 1985 HB 1461; effective May 1, 1986.)

91-1-28. Special certificate. (a) A special certificate shall be issued to the applicant, if each of the following conditions have been met: (1) Each applicant shall explore the possibility of certification through all other existing channels prior to applying for this certificate.

(2) The superintendent of the district wishing to employ the applicant shall have a written petition to the professional teaching and school administration professional standards advisory board describing the particular competencies needed to fill the position.

(3) The committee designated in subsection (b) of this regulation shall recommend that the special certificate be issued.

(b) The request for a special certificate shall be heard by a committee of three. The teaching and school administration professional standards advisory board shall appoint one chief school administrator and one chairman of a department of education from its membership. The third member of the committee shall be designated by the commissioner of education.

(c) The committee's recommendation to grant or deny the application for a special certificate shall be based on the results of a personal interview with the applicant, exploring the applicant's: (1) Knowledge of the learning process for students of the age level for which the applicant is requesting certification;

(2) Ability to instruct and motivate students; and

(3) Knowledge and skill in the subject area for which endorsement is sought.

(d) If the application is approved, a recommendation for certification shall be forwarded to the state board of education. If the application is not approved by the committee, the applicant may appeal to the certification review committee as provided in 91-1-27(g).

(e) A special certificate shall be valid for only one school year. Two renewals, for one year each, shall be granted if renewal is recommended by the district school administrator and the committee designated in paragraph (b) above. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution;

effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

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

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

(2) Any secondary endorsement shall be extended to grades five and six, if the applicant's preparation:

(A) Includes course work in child and adolescent psychology, accredited experience in one of the grades from five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement; or

(B) Meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and the applicant documents accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(3) Any applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be granted an endorsement at the middle or junior high level, if the applicant meets the requirements of S.B.R. 91-1-30(a)(2).

(b) Renewal requirements.

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

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

(3) Applicants for renewal of certification based upon accredited experience who do not have previous credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

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

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

(B) the person is recommended for renewal by the

administration of the school in which the person is employed.

(5) For any person who does not hold an advanced degree, a renewal of a five-year certificate shall require that the person has completed a minimum of eight additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

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

(B) Further renewals of a five-year certificate issued to a person who holds an advanced degree shall require that the person has completed six additional hours of recent credit or the prescribed number of recent inservice education points as specified in S.B.R. 91-1-146a to 91-1-146d.

(7) Any applicant for renewal of an elementary certificate who has not previously completed a course in the teaching of reading shall have completed such a course. This course shall include a supervised practicum.

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

(A) One year of accredited, recent experience since the issuance of the most recent three-year Kansas certificate;

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

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

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

(B) Those certificates listed above, which were not valid as of July 1, 1980, shall be renewed as non-expiring certificates by meeting the requirements prescribed in S.B.R. 91-1-30 (b)(2), (b)(3), or (b)(4)(B).

(10) The state board reserves the right to modify or amend the regulations relating to renewal requirements for all certificates. (Authorized by and implementing 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, 1986.)

91-1-32a. District school administrator endorsements issued prior to May 1, 1986. Any applicant who holds a district school administrator endorsement issued prior to May 1, 1986 shall be issued a building administrator endorsement at the elementary and secondary levels upon submitting an application and appropriate fee. (Authorized by, and implementing,

Kansas Constitution Article 6, Section 2(a); effective (temporary) July 12, 1985; (permanent) May 1, 1986.)

91-1-33. Director of special education. (a) Each applicant for endorsement as director of special education shall have successfully completed:

(1) a state-approved graduate degree program;

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

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

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

(B) a state-approved special education supervisor/coordinator program, including two years teaching experience in a recognized special education area; and

(5) shall be recommended by a teacher education institution.

(b) An approved director of special education program shall require students to complete a course of study allowing the students to acquire the ability to:

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

(2) perform special education and related services program administrative operations in a supervised practicum placement. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-34. Special education supervisor/coordinator.

(a) Each applicant for special education supervisor/coordinator endorsement at the K through 12 level shall have successfully completed a state-approved graduate degree program, the requirements for a special education subject area endorsement, the requirements for the K through 12 level endorsement in one or more of the special education subject areas, and two years of experience in one or more special education subject areas. Each applicant shall be recommended by a teacher education institution.

(b) Each approved special education supervisor/coordinator program shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of procedures to develop and select curricula, instructional methods and media. The course of study shall allow students to acquire the ability to:

(A) Explain the relationship between instructional objectives and the curriculum developed or selected to attain them;

(B) identify the sources of influence upon curriculum development and selection;

(C) develop a curriculum unit related to the attainment of instructional objectives;

(D) describe a variety of instructional methods that can be applied with exceptional pupils;

(E) apply an instructional method to an instructional objective;

(F) use media as a part of the instructional process;

(continued)

(G) plan a process for completing a program of curriculum study and development; and

(H) describe the procedures required to establish and maintain an instructional resource center.

(2) Acquire knowledge of staff support system development and operation. The course of study shall allow students to acquire the ability to:

(A) Explain procedures to improve communication between and among staff members;

(B) elicit information from others about issues related to improvement of instructional programs and use the information to plan new approaches to instruction;

(C) describe a procedure to assist staff members in the areas of program planning and problem-solving skills;

(D) develop and implement a plan for program needs assessment;

(E) conduct a staff development workshop that is related to program needs; and

(F) describe procedures to assist staff members in applying knowledge and skills acquired through staff development activities.

(3) Acquire knowledge of human relations and consultation skills. The course of study shall allow students to acquire the ability to:

(A) Explain the function of consultation as part of a supervisor/coordinator's role;

(B) describe elements or components of the consultation process;

(C) develop a consultation plan to provide assistance to individual and groups of staff members; and

(D) display individual and group conferencing techniques.

(4) Acquire knowledge of instructional program evaluation. The course of study shall allow students to acquire the ability to:

(A) Develop a plan to instruct staff in the use of a peer supervision system;

(B) describe the procedures used to implement a clinical supervision program;

(C) explain the manner in which staff members and a supervisor/coordinator can collaborate on developing performance evaluation procedures consistent with role descriptions;

(D) plan a procedure to conduct formative and summary evaluations of instructional programs; and

(E) describe approaches that can be used to interpret and communicate instructional program evaluation information.

(5) Acquire knowledge of program management activities. The course of study shall allow students to acquire the ability to:

(A) describe processes for the selection, orientation and assignment of staff members;

(B) describe the role of the supervisor/coordinator in planning and implementing comprehensive instructional services;

(C) develop a system to coordinate assignment of teacher education students to directed teaching, practicum and other related experiences;

(D) plan a procedure to disseminate research re-

sults that can be used to improve instructional programs;

(E) develop a plan for the acquisition and distribution of instructional media;

(F) design a budget to provide instructional services for pupils in one of the special education subject area; and

(G) explain the relationship of instructional evaluation data to strategies of instructional improvement. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-52. Vocational special needs. (a) An initial three-year endorsement in vocational special needs shall be issued to any applicant who presents to the state department of education:

(1) verification of employment in an approved vocational special needs program; and

(2) (A) a valid Kansas certificate with an endorsement related to the application's function within the vocational special needs program; or

(B) 2,000 hours or one year of work experience directly related to the applicant's function within the vocational special needs program.

(b) Each person holding a three-year endorsement shall be granted a five-year endorsement upon:

(1) written recommendation for renewal from a local administrator of the accredited or approved employing educational agency; and

(2) completion of a professional growth plan approved by a local administrator. The plan shall include:

(A) eight semester hours of recent credit;

(B) the equivalent of eight semester hours of recent credit in the form of inservice education points as specified in S.B.R. 91-1-146a through 91-1-146d; or

(C) the equivalent of eight semester hours of recent credit in the form of state-approved workshops.

(c) Semester hours, inservice education points or state-approved workshops to be used for renewal of a vocational special needs endorsement, shall be selected from the following areas:

(1) knowledge of individual differences, which means awareness of the individual student differences and appropriate expectations of special needs students;

(2) knowledge of curriculum development, which means planning course content, designing instructional materials, and implementing activities which are appropriate to the needs and interests of special needs students;

(3) knowledge of methods of instruction, which means using appropriate instructional, motivational and reinforcement techniques, and instructional media which will result in an effective delivery system for special needs students;

(4) skills in program planning, which means planning an educational program to meet the needs of special needs students within the framework of available facilities and occupational opportunities;

(5) skills in evaluation, which means selecting and

using appropriate methods of evaluation which reflect special needs student's accomplishments and the effectiveness of instruction provided to those students;

(6) skills in guidance, which means communicating occupational information to special needs students and assisting them in setting realistic goals in cooperation with other school staff and parents;

(7) skills in human relations, which means demonstrating a personal concern for special needs students and parents in all aspects of the educational experience; and

(8) skills in the management of learning and behavior, which means providing an atmosphere in which the special needs student can work toward self-fulfillment in a school, home, community, and occupational setting.

(c) Each applicant for renewal of a five-year endorsement shall meet the requirements of subsection (b) of this regulation.

(d) Each applicant for renewal who presently holds an endorsement in exemplary and special needs and who meets the requirements of subsection (a) shall be granted endorsement for the remaining term of the applicant's current certificate. (Authorized by and implementing, Kansas Constitution Article 6, Section 2, effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-62. Accredited out-of-state colleges, universities, and validation of credit. (a) The state board shall accept the accreditation of those out-of-state colleges and universities which are accredited by the state education agency of the state in which the institution is located.

(b) The state board shall approve off-campus courses offered by out-of-state institutions for credit, before the same may be used for Kansas certification renewal purposes. An off-campus course shall not be considered for approval unless the out-of-state institution has first registered the course with the state board of regents in accordance with K.S.A. 74-3251.

(c) Validation of credit. The credit from a nonaccredited institution may be accepted as a basis for certification if the applicant has completed a minimum of eight semester hours of credit from a state-approved program and received the recommendation of an approved teacher education institution. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

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

91-1-83. Aerospace education. (a) Each applicant for an aerospace education endorsement at the secondary level shall have successfully completed a state-approved program in aerospace education, shall possess secondary endorsement in another area, and shall be recommended by a teacher education institu-

tion. The aerospace endorsement shall be granted only for the secondary level.

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

(1) Knowledge of aerospace, aeronautics and air transportation. The course of study shall allow students to acquire the ability to:

(A) Explain the methods and concepts of aerospace, aeronautics and air transportation; and

(B) identify contributions leading to present day technology and trends in aviation.

(2) Knowledge of meteorology and astronomy. The course of study shall allow students to acquire the ability to:

(A) Identify and apply the concepts of world weather patterns, storms and forecasting as related to aviation and aerospace; and

(B) describe the principles of astronomy and how astronomy relates to aviation and aerospace.

(3) Knowledge of aviation education. The course of study shall allow students to acquire the ability to:

(A) Develop and evaluate curriculum for aviation education; and

(B) develop and demonstrate the use of teaching materials, resources and techniques for aviation education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

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

91-1-91. English. (a) Each applicant for endorsement in English at the secondary level shall have successfully completed a state-approved English program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of the acquisition and development of language, of the history of the English language, of traditional and modern theories of rhetoric, and knowledge of more than one English grammar;

(2) demonstrate knowledge of the role of language in society, including the matters of dialect, semantics, media, and nonverbal communication; and demonstrate knowledge of the functions of language in representing experience, communicating with and influencing others, and in shaping feelings and ideas;

(3) demonstrate knowledge of the process of composing written and spoken discourse, including the relationships among reading, writing and speaking;

(4) demonstrate knowledge of the works of major English and American writers and the works of representative writers in world literature, including contemporary literature, and demonstrate knowledge of young adult literature and the literature of minority groups; and

(5) demonstrate knowledge of approaches to liter-

(continued)

ary analysis, both classical and contemporary. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-93. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1928; (permanent) May 1, 1982; revoked May 1, 1986.)

91-1-93a. Special education. (a) (1) Each applicant for a special education endorsement shall have successfully completed a state-approved program in at least one of the following special education subject areas: behavior disorders; early childhood handicapped; gifted; hearing impaired; learning disabilities; mentally retarded; physically impaired; severely multiply handicapped or visually impaired. Each applicant shall be recommended by a teacher education institution.

(2) Each applicant shall have successfully completed a state-approved program to teach regular education students at the level for which the special education subject area endorsement application is submitted, except any applicant for an endorsement to teach early childhood handicapped or severely multiply handicapped may substitute an undergraduate degree in occupational therapy, speech-language pathology, child development, nursing or other related field.

(b) Upon written request from an administrator of an accredited or approved educational agency to a teacher education institution, provisional endorsement in one of the special education subject areas listed in subsection (a) may be recommended by a teacher education institution that has a state-approved program in the special education subject area for which the provisional endorsement application is submitted. Each applicant for a provisional endorsement shall have successfully completed the subject area outcomes of paragraphs (c)(1), (2), (3), (5), (8) and (12)(A) and (B) of this regulation and one of the placements from paragraph (c)(14). Provisional endorsement shall be for one year. With verification of successful experience during that year, the individual may be recommended for yearly renewal of the provisional endorsement for a maximum of three additional years if progress is made each year toward completing the requirements for full endorsement in the area.

(c) An approved special education subject area program shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of special education foundations. The course of study shall allow students to acquire the ability to:

(A) explain the relationship of special education to regular education;

(B) describe contributions of other disciplines to the identification, classification, treatment and education of exceptional pupils;

(C) identify contributors to the growth and improvement of special education knowledge and practices;

(D) describe types of instructional arrangements for exceptional pupils;

(E) explain the impact that state and national legislation, litigation and professional and parent organizations have upon the development of special education programs;

(F) describe the roles that teachers, other professionals and parents assume in providing instruction and other services for exceptional and nonexceptional pupils;

(G) explain commonalities and differences among special education areas in terms of etiology, diagnosis, characteristics, treatment/instructional approaches and post-school status;

(H) explain the manner in which a code of ethical conduct applies to continued development of professional skills, responsibility for the welfare of those served, sharing knowledge with others and cooperative efforts with colleagues; and

(I) describe ways to use past and present literature to improve performance as a professional special educator.

(2) Acquire knowledge of the concepts used to establish etiology, identify characteristics and select instructional and intervention strategies. The course of study shall allow students to acquire the ability to:

(A) describe procedures used to identify and classify variance from normal standards in social, communication, cognitive, motor and affective behaviors;

(B) describe contributions of family, biological and environmental factors to the origins of variant behaviors;

(C) explain the procedures used to screen and diagnose, and the manner in which these are related to selection of an instructional and intervention plan.

(D) give examples of behavioral performance profiles; and

(E) compare the similarities and differences among instructional and intervention strategies and describe the basis for the selection of strategies and the manner in which the effectiveness of strategies is determined.

(3) Acquire the ability to apply and report the results of preinstructional assessment procedures. The course of study shall allow students to acquire the ability to:

(A) select and use formal and informal measurement instruments commensurate with a pupil's developmental level;

(B) score and interpret norm and criterion referenced tests of academic achievement;

(C) modify or construct measurement devices when other instruments are not applicable;

(D) collect and analyze performance information through systematic observations and recordings of social and academic behaviors;

(E) use task analysis or similar procedures to determine the effectiveness of a pupil's problem-solving strategy;

(F) evaluate the impact of a present placement on a pupil's presenting problems; and

(G) present a report of assessment results.

(4) Acquire the ability to relate instructional con-

tent and media to pupil needs. The course of study shall allow students to acquire the ability to:

(A) select instructional content that enables pupils to acquire knowledge and skills in areas such as literacy, self-care, personal growth, career preparation and social competence;

(B) select media to attain instructional goals and objectives; and

(C) explain the relationship between pupil failure and inappropriate behavior, and content and media that are too easy or difficult.

(5) Acquire the ability to use assessment data to plan and implement instructional methodology. The course of study shall allow students to acquire the ability to:

(A) establish goals and objectives from assessment information;

(B) develop the scope and sequence of learning activities for pupil attainment of instructional goals and objectives;

(C) apply computer and related technology to instructional processes;

(D) vary instructional format and schedule to enhance pupil performance;

(E) select and apply specialized methods; and

(F) provide a pupil with information about performance results for the purpose of enhancing continued progress and the development of self-evaluation skills.

(6) Acquire the ability to plan learning environments. The course of study shall allow students to acquire the ability to:

(A) arrange the instructional setting to enhance pupil performance;

(B) ensure pupil access to necessary instructional media;

(C) designate areas for specific pupil activities; and

(D) use visual displays consistent with instructional goals and objectives.

(7) Acquire knowledge of processes to establish constructive pupil-teacher and pupil-pupil interpersonal relationships. The course of study shall allow students to acquire the ability to:

(A) explain the impact of cultural, social, affective and other pupil variables upon interpersonal relationships;

(B) describe methods to establish and maintain communication with a pupil;

(C) model behavior appropriate to specific circumstances, such as anger, affection, humor, honesty;

(D) explain how communication methods are used to support pupil efforts to achieve; and

(E) develop a plan to enable exceptional and non-exceptional pupils to understand that both groups have needs in common and needs that are unique to individuals.

(8) Acquire the ability to implement individual and group behavior management procedures. The course of study shall allow students to acquire the ability to:

(A) observe and record pupil performance on instructional and related objectives;

(B) apply appropriate expectations and consequences for pupil performance;

(C) plan programs to increase appropriate and decrease inappropriate pupil behaviors; and

(D) involve pupils in the development of group and self-management plans.

(9) Acquire the ability to establish a program evaluation plan. The course of study shall allow students to acquire the ability to:

(A) develop measurement strategies consistent with instructional objectives;

(B) calculate the effects of the program upon individual pupil performance and use them to determine total program effectiveness;

(C) use evaluation results to maintain or change an instructional program;

(D) communicate evaluation results to administrators, other teachers, parents and members of the community; and

(E) develop a system to follow the progress of pupils who no longer need special education and related services.

(10) Acquire knowledge of and ability to apply principles related to development of cooperative and supportive relationships with colleagues. The course of study shall allow students to acquire the ability to:

(A) model communication, consultation and problem solving skills that can be used to provide regular and special educators with knowledge of instructional and management procedures for exceptional pupils;

(B) develop a plan to communicate program needs to others;

(C) describe the manner in which suggestions from others can be used for program improvement;

(D) explain procedures for planning and implementing staff development activities; and

(E) participate as a member of an interdisciplinary team in activities related to planning, implementing and evaluating instructional and related programs for a pupil.

(11) Acquire knowledge of procedures to involve parents in planning and implementing instructional and related programs. The course of study shall allow students to acquire the ability to:

(A) model consultation and communication skills that can be used in individual and group parent conferences;

(B) develop a plan to instruct parents in methods for implementing a home-based teaching and management plan for their child;

(C) locate and describe community services for exceptional pupils and their parents; and

(D) explain parental rights and responsibilities that are described in state and federal statutes and regulations.

(12) Acquire knowledge of general management, supervisory and regulatory role functions. The course of study shall allow students to acquire the ability to:

(A) describe the state special education plan to colleagues and members of the community;

(B) explain procedural due process rights to others;

(C) apply the knowledge and abilities required by paragraphs (3) through (9) of this regulation in developing, implementing and evaluating an individualized education program;

(continued)

(D) explain the role of paraprofessionals and volunteers in an instructional program; and

(E) describe a local educational agency's policies and procedures for providing special education and related services; and

(13) Acquire knowledge of procedures used in regular class, resource, self-contained, hospital and homebound, special school, residential center and other instructional placements and the ability to describe operational variables or characteristics that discriminate among types of instructional placements.

(14) Acquire the knowledge and abilities required by paragraphs (1) through (13) of this regulation in a minimum of two of the placements common to the exceptionality area.

(d) Programs for applicants who choose to add a level or levels to an exceptionality area endorsement in addition to the level approved for certification to teach nonexceptional pupils shall require students to complete a course of study allowing the student to:

(1) Acquire the ability to apply level-relevant knowledge and skills of the exceptionality area to level-associated curriculum and instructional methods. The course of study shall allow students to acquire the ability to:

(A) describe the impact of exceptionality upon cognitive, affective, social and motor domains;

(B) assess pupil performance before and after an instructional unit;

(C) plan instructional experiences that are appropriate in scope and sequence; and

(D) select instructional methods and media that function to increase pupil growth in knowledge and skills.

(2) Acquire the knowledge and abilities required by paragraphs (d)(1)(A) through (d)(1)(D) of this regulation in one of the placements common to the exceptionality area at the level for which the endorsement is added. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985; amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

91-1-94 through 91-1-100. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

91-1-107 through 91-1-109. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

91-1-110a. Adapted physical education. (a) Each applicant for an adapted physical education endorsement at the elementary, middle or secondary level of instruction shall have successfully completed a state approved adapted physical education program and the requirements of S.B.R. 91-1-110 for a physical education endorsement and shall be recommended by a teacher education institution.

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

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

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

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

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

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

(6) demonstrating the ability to use community and staff resources within the special education environment. (Authorized by, and implementing, Kans. Const. Art. 6, Sec. 2(a); effective May 1, 1984; amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

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

91-1-120. Speech communication. (a) Each applicant for endorsement in speech communication at the secondary level shall have successfully completed a state-approved speech communication program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to demonstrate knowledge of:

(1) Basic speech, including public speaking, speech organization, and purposes for public communication;

(2) interpersonal communication and group discussion;

(3) oral interpretation as performance and as an approach to understanding literature;

(4) theatre, including acting, directing, stagecraft, and managing a drama program;

(5) debate and forensics, including debate theory, persuasion, and directing debate and forensic activities; and

(6) mass communication, including broadcasting, film, and the social influences of mass media. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-121. Drama (Theatre). (a) Each applicant for endorsement in drama at the secondary level shall have successfully completed a state-approved drama program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of theatre as a social and aesthetic experience, including:

(A) a broad knowledge of the history of the theatre and acquaintance with representative plays of past and present; and

(B) knowledge of the practice of theatre as a means of developing creativity in the individual.

(2) Demonstrate knowledge of the process of organizing an academic or non-academic production or program, including audience services that are possible within the context of available school time, facilities and monies, and including the promotion of a production or program to gain the support of the school and community;

(3) demonstrate knowledge of the process of augmenting and maintaining existing theater materials and supplies in an order of significant priority;

(4) demonstrate the ability to serve as a resource person within a school system for those activities in which elements of theatre are found; and

(5) demonstrate knowledge necessary to inform others of educational and vocational opportunities in theatre arts.

(6) Demonstrate ability:

(A) in directing a theatre production, including play selection, analysis, casting, and conducting rehearsals;

(B) in basic acting skills and techniques; and

(C) in the technical requirements of a theatre production, including effective designing and executing of scenery, lights, make-up, sound, properties, costume, and special effects. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-122. Journalism. (a) Each applicant for endorsement in journalism at the secondary level shall have successfully completed a state-approved journalism program and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate proficiency in the basic reporting skills of interviewing and fact-gathering, research, news judgment, and news, feature, editorial and sports writing;

(2) demonstrate basic knowledge of the principles of communications law as they apply to scholastic journalism, including libel, censorship, invasion of privacy, obscenity and copyright law;

(3) demonstrate proficiency in the basic editing skills of copy editing, headline writing and basic layout techniques;

(4) demonstrate the abilities required to teach scholastic journalism and supervise school publications, including those related to business, advertising and selling practices, and interpersonal relationships;

(5) demonstrate proficiency in photographic skills, including photo editing, darkroom techniques, film developing and printing;

(6) demonstrate proficiency in journalistic layout and design, including use of photographs, graphics and special effects; and

(7) demonstrate knowledge of the historical significance of mass media and the theory of mass media. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-127 through 91-1-129. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

(temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

91-1-131. School counselor. (a) Each applicant for a school counselor endorsement at the elementary or secondary level shall:

(1) have successfully completed a state-approved graduate degree program that includes coursework and a supervised practicum at the level at which endorsement is sought;

(2) present documentation of two years of teaching experience, or one year of teaching experience and arrangements for a one-year supervised field experience in counseling; and

(3) be recommended by a teacher education institution.

(b) Approved programs shall enable students to:

(1) Demonstrate knowledge of the philosophical, historical and social foundations of contemporary educational and counseling practices, preparation standards and professional certification practices.

(2) Demonstrate knowledge of normal and abnormal developmental processes and of social, cultural, racial and ethnic differences by:

(A) Demonstrating an understanding of developmental tasks and life span psychology as they relate to behavioral and developmental patterns; and

(B) demonstrating knowledge of the effects of social, cultural, racial and ethnic differences on development.

(3) Demonstrate knowledge of the theories which form the basis of developmental counseling and guidance programs by:

(A) Demonstrating knowledge of personality and learning theories as they apply to the classroom and life settings;

(B) demonstrating knowledge of counseling theory as it applies to case and crisis management; and

(C) demonstrating knowledge of theoretical concepts as they relate to the counseling interview, career exploration activities, decision-making, and student environment enhancement.

(4) Demonstrate knowledge of assessment tools used to gather data for interpretation in individual and group settings.

(5) Demonstrate knowledge of management and consultation skills necessary for curriculum development, program planning, management and evaluation by:

(A) Demonstrating knowledge of effective leadership concepts, including those related to needs assessment, decision-making processes, program evaluation and the creation of appropriate program climate; and

(B) demonstrating knowledge of, and experiences with, referral sources and other services outside of the school setting.

(6) Demonstrate the ability to use counseling skills by:

(A) utilizing counseling theory in case and crisis management;

(C) utilizing personality and learning theory in educational and life settings;

(continued)

(D) utilizing theoretical concepts as they relate to the counseling interview, career exploration activities, and student environment enhancement; and,

(E) selecting, administering and interpreting assessment tools in individual, group and organizational evaluation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986.)

91-1-133 and 91-1-134. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1986.)

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

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

91-1-145. Evaluating credits from international institutions. (a) To receive a valid teaching certificate for the state of Kansas, all persons who have graduated from accredited institutions outside of the United States of America shall:

(1) Contact a credentials evaluator for complete evaluation of academic credentials. Official copies of secondary education transcripts, certificates, and diplomas shall be provided. Material which is not written in English shall be translated into English by a translator, and the translator shall verify the accuracy of the translation. A list of credentials evaluators shall be maintained by the Kansas state department of education.

(2) Obtain a teacher education institution recommendation. The institution shall be accredited by the state board or a state-authorized agency of the state in which the institution is located, if the state has officially adopted standards for accrediting teacher education institutions. The definition of teacher education institution cited in S.B.R. 91-1-26(s)(1) and (2) shall not apply to the recommendation process described in this regulation.

(3) Provide evidence of the recent credit or recent, accredited experience specified in S.B.R. 91-1-27(c).

(4) Complete the Kansas application for certification. The application shall be accompanied by official documentation including official transcripts, certificates, and diplomas. The application also shall be accompanied by the certification fee established by the state board.

(5) Provide evidence of holding an appropriate document authorizing work in the United States of America.

(6) Obtain a passing score on an English language proficiency examination designated by the Kansas state department of education for all applicants whose primary language is not English. The examination shall include competency in spoken English. The examination shall have been taken within the six-year

period immediately preceding the date of application for certification.

(b) All applicants shall:

(1) Possess the equivalent of a four-year baccalaureate degree at an institution of higher education in the United States of America;

(2) have a minimum cumulative grade point average of 2.5 on a 4-point grade scale, or its equivalent; and

(3) have and provide evidence of the recent credit or recent, accredited experience specified in S.B.R. 91-1-27(c).

(c) If the applicant does not meet all of the above requirements, he or she shall be given information regarding accredited teacher education programs at Kansas institutions of higher education. In addition, an applicant who meets substantially all the above requirements shall be notified of the appeal process prescribed in S.B.R. 91-1-27g. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1986.)

91-1-148a. Computer studies. (a) Each applicant for a computer studies endorsement at the middle or secondary level shall have successfully completed a state-approved program and shall be recommended by a teacher education institution.

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

(1) Acquire the ability to recognize that the computer is an integral part of today's society. The course of study shall allow students to acquire:

(A) the ability to identify the role of the computer in the total society, including its uses and misuses, and the economic, sociological and psychological impact of this technology;

(B) knowledge of where and the manner in which the computer is used in today's society, including its use in governmental agencies, health services and education;

(C) recognition of the implications of mass data banks in relation to individual rights; and

(D) recognition of the implications of nationally accessible computer networks.

(2) Acquire an awareness of the historical development and the future impact of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the significant events that outline the historical developments in computer technology;

(B) recognition of state of the art technology and its use; and

(C) the ability to identify future trends and directions of computer technology and applications.

(3) Acquire an understanding of the basic concepts of hardware and software in relation to the use of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the basic components of a computer system, including input/output, central processing unit and storage components;

(B) the ability to identify specific devices in a computer system and describe their function;

(C) recognition of software types such as operating systems, compilers, interpreters, applications and utilities;

(D) the ability to identify the role of commercial software and user-developed software and to list advantages-disadvantages of both;

(E) the ability to document software and computer operations; and

(F) the ability to identify the roles of centralized and distributed processing.

(4) Acquire the ability to identify and solve problems in a logical manner with the computer. The course of study shall allow students to acquire the ability to:

(A) use techniques for visualizing logical steps in problem solving, including flow diagrams and decision tables; and

(B) design problem-solving logic for others to follow.

(5) Acquire the ability to recognize the role of the computer in the organization, entry, storage and retrieval of information. The course of study shall allow students to acquire the ability to:

(A) identify the numbering systems utilized by computers;

(B) identify the manner in which characters are structured in machine-readable form and main memory;

(C) identify the different character representation codes, such as ASCII—American Standards Code for Information Interchange, BCD—Binary Code Decimal and EBCDIC—Extended Binary Coded Decimal Interchange Code;

(D) understand data entry techniques;

(E) understand data files and data base concepts;

(F) identify different file access methods; and

(G) understand networking.

(6) Acquire competency in a programming language at a level which would allow the design and development of code that could be successfully executed on a computer system. The course of study shall allow students to acquire the ability to:

(A) identify various programming languages in common use;

(B) write code for various types of applications or problem-solving programs;

(C) identify and exhibit debugging and trace techniques in program development;

(D) identify and exhibit valid testing procedures in program development;

(E) display the ability to implement completed programs; and

(F) identify the role of the user in program development.

(7) Acquire an awareness of career opportunities that incorporate the use of computer technology. The course of study shall allow students to acquire the ability to:

(A) identify career paths in the areas of business data processing and computer science; and

(B) describe the manner in which computer technology impacts other areas of employment.

(8) Acquire an awareness of the computer for personal and home use. The course of study shall allow students to acquire:

(A) the ability to identify personal uses of a home computer;

(B) knowledge of software and hardware for personal use; and

(C) knowledge of factors to be considered in the evaluation and acquisition of a computer for home use. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985; amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

Article 5.—DRIVER AND TRAFFIC SAFETY EDUCATION COURSES

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.

(b) Schools accredited by the state board as special schools may develop driver education programs with the approval of the state board. Students in such a program shall meet the same requirements for completion of the driver education programs as students in accredited secondary schools.

(c) A driver education program shall not be approved unless it requires that each student successfully complete each phase of instruction, including classroom, in-car, simulation or multi-range instruction. (Authorized by K.S.A. 72-5017 and 72-7514; implementing K.S.A. 72-5017, 72-7513; effective January 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.)

Article 8.—ACCREDITING COMMUNITY COLLEGES; CRITERIA

91-8-17. Student personnel service. (a) Admissions. The following persons shall be eligible for admission to any community college:

(1) Graduates of an accredited high school and recipients of a general educational development (GED) diploma;

(2) high school pupils who have completed 15 units of credit from an accredited high school and who have a written recommendation for early college enrollment from the high school principal;

(3) "Gifted children," as defined in K.S.A. 72-962(g), who are enrolled in any of the grades nine through 12, and who have been recommended for early college enrollment; and

(4) High school pupils who have completed 10 units of credit from an accredited high school and who have obtained a written recommendation from the high school principal for enrollment in an approved vocational program. The vocational program shall be a

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program that is offered in a community college which is also officially designated as an area vocational school by the Kansas state board of education.

(b) Persons who are 18 years of age or older and who are not graduates from a state accredited high school may be admitted conditionally if the college admissions officer, after evaluating the applicant's educational credentials, determines the applicant could profit from the courses in which the applicant wishes to enroll.

(c) Transfer credit. The community college shall accept at their full value all credits transferred from high schools or colleges accredited by their respective state departments of education. The community college accepting the transfer credit may evaluate the applicability of the credit towards meeting the graduation requirements. Transfer credit from nonaccredited high schools or colleges shall be validated by examination or by successful completion of higher level college courses.

(d) Advanced standing. Advanced standing may be granted on the basis of special examination. Special examinations administered for advanced standing shall be subject to review by the state board. The results of special examinations shall become a permanent part of the regular academic record of the student.

(e) Credit for lecture or laboratory class. One semester hour credit shall be recorded for a lecture class, if the student has made satisfactory progress in the class and the class consists of at least 900 minutes of instruction. One semester hour of credit shall be recorded for a laboratory class, if the student has made satisfactory progress in the class and the class consists of at least 1,350 minutes. Registration and examination time may be included as a part of the total time.

(f) Graduation requirements. Community colleges may award the associate in arts degree or the associate in science degree to students who have satisfactorily completed college and university parallel curricula of 60 or more semester hours. An associate in applied science degree may be awarded to students who have satisfactorily completed programs in two-year occupational curricula of 60 or more semester hours and who have also met any other requirements for graduation. Occupational certificates may be granted for programs of instruction that are less than 60 semester hours in length.

(g) Orientation. Provision shall be made for orienting each new student to the community college environment, including the campus, other physical factors, the educational programs offered, and community resources.

(h) Counseling. A counseling program which includes educational, vocational, and personal counseling shall be provided.

(i) Housing. Each college-operated dormitory or other housing shall be supervised by the college.

(j) Student financial aid.

(1) Scholarships and tuition grants.

(A) Scholarship or tuition grants of any kind shall not be paid or provided from the general fund of a community college, except that tuition grants and

nonathletic scholarships may be provided to students who reside within the district of the community college.

(B) Tuition grants and scholarships, athletic or otherwise, provided for students residing both within and without the district of the community college, may be funded from revenues generated by admission charges for activities sponsored by the community college. Funds for these scholarships and tuition grants shall be maintained in an account distinct from the general fund of the community college. Athletic grants shall not be awarded from this fund to a student who is not a resident of the state of Kansas.

(2) Financial aid other than scholarships and tuition grants may be paid or provided from the general fund of the community college. All such aid shall be supervised by the administration of the college and shall be distributed impartially on the basis of scholarship and need.

(3) Each college shall print a public statement regarding student financial aid and shall make the statement readily available to all interested persons.

(4) Nothing contained in this subsection shall affect any scholarship or grants and aid provided by the state or from any sources other than the community college.

(k) Extra-class activities.

(1) Student government: Each community college shall provide opportunities for student representation and participation in the conduct of student affairs.

(2) Organizations and clubs. Educational and social clubs and organizations shall be available to students.

(3) Athletics. Athletic programs shall be administered under plans consistent with the policy of service to youth within the community who can profit from these services. A written statement of athletic purposes, policies, and practices shall be developed and maintained. (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.)

Article 10.—GENERAL EDUCATIONAL DEVELOPMENT TESTS

91-10-1. Eligibility. (a) Except as provided in subsection (b), each applicant for the general educational development (G.E.D.) test of the G.E.D. testing service of the American council on education, Washington, D.C., shall be no less than 18 years of age or the class of which the applicant was a member shall have been graduated.

(b) Any person who does not meet the requirements of subsection (a) may, upon submitting the recommendations of two persons other than members of the immediate family, apply to take the G.E.D. test if the person:

(1) is 16 years of age or older;

(2) if the person would benefit from receipt of a Kansas state high school equivalency diploma; or

(3) if the person is:

(A) a ward of the state or of the court;

(B) self-supporting;

(C) joining any branch of the armed services; or

(D) confronted with a set of circumstances or conditions not usually associated with youth of this age.

(c) Each applicant shall have proof of Kansas residency at the time of application for the credential, or have last attended school in Kansas. (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.)

Article 12.—SPECIAL EDUCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Mild retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1983; and

(B) possession of functional capabilities which can be developed to aid the individual in interaction and decision making; and

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

(A) Moderate retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1983; and

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

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

(z) "Parent," as used in these regulations, means lawful custodian and educational advocate as defined in K.S.A. 72-962, and any amendments to that statute.

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

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

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

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

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

(ff) "Resource room plan" means a plan for the delivery of special education services under which exceptional children are enrolled in a regular education program, but go to a specially equipped room to receive special education services from a special teacher. The special resource room teacher shall be responsible not only for the resource room, but also for maintaining communication with the regular classroom teacher or teachers of the exceptional children.

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

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

(ii) "School psychological services" means special

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

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

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

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

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

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

(2) "School term," for preschool handicapped children, means 450 hours for a center-based program or 215 hours for a home-based program, except as prescribed in this subsection. Any proportional combination of the two programs may be used. A lesser number of hours may be prescribed on an individual basis for those children whose physical or emotional needs, or both, are such that a lesser number of hours is advisable. Any number of hours less than those prescribed in this subsection shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

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

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

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

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

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

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

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

Special education action includes:

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

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

(pp) "Special purpose school" means any school for exceptional children which is operated by a private, nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, meeting the requirements of these regulations and S.B.R. 91-33-1 *et seq.*, are provided.

(qq) "Special teacher" means:

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

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

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

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

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

(rr) "Specific learning disability" means a disorder in the ability to learn effectively with respect to one's own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between aptitude and achievement in one or more of the following areas: Preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and

(continued)

mathematics reasoning. This discrepancy shall not be primarily attributable to vision, hearing, or motor impairments; mental retardation; emotional disabilities; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

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

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

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

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

(uu) "Vocational training" means instruction which prepares handicapped individuals for paid or unpaid employment, or which provides additional preparation for a career requiring other than a baccalaureate or advanced degree. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

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

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

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

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

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

(1) Local education agencies shall complete and submit a state department of education end-of-month report which identifies specific information regarding individual students receiving homebound and hospital instruction.

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

lation. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1986.)

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

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

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

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

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

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

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

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

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

(c) Special purpose schools at mental health and youth center facilities shall meet class size and caseload limitations as stated in K.A.R. 91-12-55, Table VI. Class size and caseload limitations shall be set on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically impaired or other health impaired.

(d) Class size and caseload shall not exceed the lowest maximum enrollment for any of the categorical groups of students served in the delivery model being used. The limitations for interrelated programs are given in Table I.

TABLE I
PROGRAM CLASS SIZE AND CASELOAD
FOR INTERRELATED PROGRAMS

Administration Plan	Categorical Grouping	Number of Paraprofessionals	Maximum Caseload
Itinerant	BD/EMR *	0	Primary—12 Secondary—15
		1	Primary—15 Secondary—18
	BD/LD	0	15
		1	18

	EMR/LD *	0	Primary—12 Secondary—15
		1	Primary—15 Secondary—18
	BD/EMR/LD *	0	Primary—12 Secondary—15
		1	Primary—15 Secondary—18
Resource	BD/EMR *	0	12
		1	14 (No more than 8 at any one time)
	BD/LD	0	12
		1	14
		2	16 (No more than 8 at any one time)
	EMR/LD *	0	12
		1	Primary—15 Secondary—20
	BD/EMR/LD *	0	12
		1	14 (No more than 8 at any one time)
Special Classroom	BD/EMR *	0	8
		1	10
	BD/LD	0	8
		1	10
	EMR/LD *	0	10
		1	12
	BD/EMR/LD *	0	8
		0	10
	EMH/TMR *	0	9
		1	Primary—10 Secondary—11 (15 with a shel- tered work- shop)
	SMH/TMR	0	1
		1	2-4
		2	5-8

* The chronological age span shall not exceed 4 years.

(Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1986.)

91-12-30. State institutions and state schools. (a) Each state institution and state school shall provide special education services for all exceptional children housed and maintained therein. All state-operated educational programs shall comply with the requirements of article 12 of agency 91 of the Kansas administrative regulations.

(b) The procedures for placing Kansas residents into the Kansas state school for the visually handicapped and the Kansas state school for the deaf shall meet the following requirements:

(1) Admission procedures shall be initiated by the child's home school district and by the child's parent or parents.

(2) Placement of any child in a state school shall be made only after the local district and the child's parent or parents have considered local placement options.

(3) Placement shall be based on a comprehensive

evaluation which indicates a need for educational services provided at the state school.

(4) If the original comprehensive evaluation and staffing are conducted by any local education agency and if one of the state schools is an alternative placement for the child, a representative or representatives from the state school shall be included in the staffing.

(5) Any local education agency may refer a child to a state school for a portion or all of the original comprehensive evaluation. In such a case, a representative or representatives from the local education agency shall be included in the staffing.

(6) Each child enrolled in a state school shall have access to the educational programs in the local school districts near the location of the school, either on a part-time or full-time basis.

(7) If differences of opinion occur as to eligibility for or placement of any child in a state school, procedural due process, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive and any amendments to those statutes, shall be followed.

(8) 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 the individual education program conference. The feasibility of returning the child to the local public school shall be considered at the annual conference.

(c) If a student transfers from a state school or state institution to a school district, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded to the receiving school district. (Authorized by K.S.A. 1984 Supp 72-963; implementing K.S.A. 1984 Supp. 72-963 and K.S.A. 72-970; effective May 1, 1983; amended May 1, 1986.)

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

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

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

(d) The program required to meet approved alternative graduation requirements shall be specified in the individualized education program of each exceptional child. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1986.)

91-12-34. Local comprehensive plan. (a) Each

(continued)

local education agency shall develop and submit to the special education administration section a comprehensive plan for providing special education services. Each local comprehensive plan shall include:

(1) A statement of the local education agency's philosophy regarding the education of exceptional children;

(2) a projection of the numbers and kinds of special education and related services needed. This projection shall include a description of the categorical and interrelated service units required to provide an appropriate service continuum;

(3) needs assessment data, reported on forms provided by the state education agency;

(4) a description of procedures for identifying exceptional children;

(5) a description of procedures for assuring that exceptional children are receiving appropriate special education and related services;

(6) a description of public awareness activities;

(7) the policy or policies of the local education agency regarding the graduation of exceptional children;

(8) a description of inservice activities to upgrade the competencies of staff working with exceptional children; and

(9) a description of procedures for evaluating the effectiveness of the special education and related services provided by the local education agency.

(b) A comprehensive plan shall be submitted triennially. This plan shall be updated annually with those portions of the plan which are unchanged incorporated by reference.

(c) Each local comprehensive plan shall be adopted formally by the local education agency.

(d) Each local education agency shall appoint a special education advisory committee which includes parents of exceptional children. Members of the committee shall be appointed by the local education agency with input from local parent organizations. The major function of the local special education advisory committee shall be to assist in formulating and updating the local comprehensive plan. The special education advisory committee also shall act in an advisory capacity to the local education agency and shall facilitate communication and participation by parents, community representatives, and educators in the planning of means by which the needs of exceptional children can be met.

(e) The local advisory committee shall review and comment upon the local comprehensive plan adopted by the local education agency. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1986.)

91-12-39. Exceptional children attending private schools. (a) Each local education agency shall:

(1) Maintain administrative control and direction over special education services and related services provided by the local education agency to exceptional children attending private schools. In exercising administrative control, records and accounts for equipment shall be kept to ensure that equipment is used

solely for the purposes of the specified program or project;

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

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

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

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

(2) be responsible for all due process proceedings.

(b) The state board of education shall adopt due process proceedings for the Kansas state school for visually handicapped and the Kansas state school for the deaf, and the secretary of social and rehabilitation services shall adopt special education due process proceedings for other state institutions.

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

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

(2) if the lawful custodian of the child cannot be determined or cannot be found, cause proper proceedings to be instituted, pursuant to the Kansas code for care of children, to determine whether the child is in need of care;

(3) if the lawful custodian of the child is the secretary of social and rehabilitation services, notify the appropriate area office of the department of social and rehabilitation services; and

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

(d) If special education action is proposed in regard to any person who is 18 years of age or older and the person has not been legally adjudicated to be an incapacitated person, due process shall be granted only to the person. (Authorized by K.S.A. 1984 Supp. 72-963; implementing K.S.A. 1984 Supp. 72-963, K.S.A. 72-972; effective May 1, 1983; amended May 1, 1986.)

91-12-47. Local education agency due process hearing. (a) The request for a due process hearing shall be made, in writing, to the local board of education, the state board or the secretary of social and rehabilitation services, as appropriate. If a request for a due process hearing is received, the statutory provisions in article 9 of chapter 72 of Kansas statutes annotated shall become operative and shall be followed.

(b) Responsibilities of the hearing officer prior to the hearing. The hearing officer shall be responsible for assuring that due process is afforded both parties to the hearing. The hearing officer shall:

(1) Verify, through personal or telephone contact,

that the parent understands the parent has the right to have an independent evaluation of the child performed, and has the right to have access to school reports, files, and records relating to any proposed special education action;

(2) verify, through personal or telephone contact, that both the parent of the child and school officials understand the rights of parties in a due process hearing as specified in K.S.A. 1984 Supp. 72-973;

(3) make arrangements for an interpreter, if necessary. At all stages of the due process procedures, parents or children who are deaf, or who have a hearing impairment or other sensory disability, and non-English speaking parents or children shall be provided with an interpreter at public expense;

(4) at least 10 days prior to the hearing, notify each party, in writing, of the provisions of K.S.A. 1984 Supp. 72-973(a)(7);

(5) at least five days prior to the hearing, notify the parties, in writing, of the time and place of the hearing, which shall be at a time and place reasonably convenient to the parent;

(6) if necessary, request the clerk of the district court to issue subpoenas for the attendance of witnesses or the production of relevant records, or both;

(7) ascertain whether the exceptional child will attend or participate in the hearing. If any special education action is proposed for a person 18 years of age or older, and the person has not been adjudicated to be an incapacitated person, that person shall have the right to attend the hearing. If any special education action is proposed for a child, the parent of the child shall have the right to determine whether the child shall attend or participate in the hearing. The decision of the parent of the child shall be made a part of the record of the hearing;

(8) ascertain whether the hearing is to be open or closed as prescribed in K.S.A. 1984 Supp. 72-973(a). This determination shall be made a part of the record of the hearing; and

(9) preside at the hearing and conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony.

(c) A record of the hearing shall be made by mechanical or electronic recording or by an official court reporter.

(d) Decision of the hearing officer.

(1) The hearing officer or officers shall render a written decision in regard to the matter or matters considered at the hearing and the decision shall be rendered not more than 10 days after conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include findings of fact, conclusions of law, and reasons for these findings and conclusions.

(2) The decision shall be sent, by restricted mail, to each of the parties or to their respective representatives, within 24 hours after the decision is rendered.

(3) After deletion of all personally identifiable information, a copy of the decision shall be sent to the state advisory council for special education. (Autho-

rized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

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

(1) Afford parents of preschool age children the right to information or training which assists them in participating in the comprehensive evaluation process. Assistance in observation techniques and information regarding the developmental stages of early childhood shall be offered to the parents; and

(2) assure that all personnel who participate in the comprehensive evaluation of any preschool age child are competent in the evaluation of children ages birth to five.

(b) Instructional personnel.

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

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

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

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

(c) Educational settings.

(1) Private center-based programs accepting placements of identified handicapped preschool children shall be licensed by the state department of health and environment and approved by the state department of education.

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

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

(e) Developmentally delayed children under age three may be served in early childhood programs and may be reported as handicapped children. Developmentally delayed children three years of age and older

(continued)

may be served, but shall not be reported, as handicapped. Such developmentally delayed children shall not be counted for state or federal special education funding purposes, unless and until a specific handicap is identified.

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

TABLE II
CLASS SIZE AND CASELOAD

CENTERBASED GROUP PROGRAMS

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

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

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

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

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

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

(Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986.)

91-12-53. Language, speech and hearing impaired. (a) The special education administration section, Kansas state department of education, and the bureau of maternal and child health, Kansas state department of health and environment, shall review and assure the competency of persons assigned by each local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendment to that statute.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying children with speech, language and hearing impairments, shall include an as-

essment of articulation, language, fluency, voice, and auditory acuity and perception, and an examination of the peripheral speech mechanism.

(c) Monitoring hearing aids.

(1) Each local education agency shall maintain a list of all children whom the agency is responsible to educate who wear hearing aids.

(2) Each local education agency shall adopt procedures for the regular and frequent monitoring of the functioning of all hearing aids. Those procedures shall meet the following requirements:

(A) The aids shall be checked not less than once each week.

(B) Personnel shall be designated and trained to provide the listening check in any school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.

(C) Until a child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.

(D) Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.

(d) Paraprofessionals.

(1) Paraprofessionals employed in language or speech programs shall be assigned and shall function according to the requirements of K.A.R. 91-12-61, except that, if a paraprofessional is assigned to assist an itinerant speech or language clinician, supervision shall be provided not less than once each week. These language or speech clinicians shall develop a monitoring system for checking the reliability of the services being performed by each paraprofessional assigned to assist them.

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

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

- (1) hearing screening;
 - (2) pure tone and bone condition testing, with contralateral masking;
 - (3) speech discrimination and speech reception audiometry;
 - (4) site-of-lesion battery; and
 - (5) hearing aid evaluation or consultation, or both.
- (f) Facilities.

(1) Itinerant and consulting language, speech, hearing conservation, and audiometric hearing screening programs may use mobile speech and hearing vans, if available space in schools and other centers does not meet the state approved standards. Speech and hearing vans shall be used only on a temporary basis, and the local education agency's local comprehensive plan shall provide for their replacement with permanent facilities. Any local education agency having a temporary facility shall submit to the education administration section an annual request for approval of that facility.

(2) If diagnostic audiological services are offered, a specially constructed, sound-treated suite, providing

adequate attenuation of outside noise, shall be used. The maximum noise levels allowed shall be as prescribed in ANSI S3.1 of the "American National Standard Criteria for Background Noise in Audiometer Rooms," 1977 edition, which is incorporated here by reference.

(3) Any local education agency operating a demonstration program through a special grant shall provide observation areas or windows in the facility.

(g) Class size and caseload.

(1) The maximum class size and caseload for speech and language programs shall be as prescribed in table IV.

GROUP SIZE	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
	Individual or Group (through indirect service.)	Individual or small group. 3 students per session.	Individual or small group. 5 students per session.	10 students per speech or language clinician. 15 students per speech or language clinician with a paraprofessional.
TIME PER WEEK	As needed.	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASE-LOAD	10-15 students severe.	25-55 students.	15-25 students.	15 students with paraprofessional.
MAXIMUMS	15-40 students mild to moderate.			10 students without paraprofessional.

(2) The maximum class size for programs for children with hearing impairments shall be as prescribed in table V. If paraprofessionals are employed as a part of any of the following special class program models, the maximum caseload may be increased by three students. The chronological age span shall not exceed three years, unless permission is obtained from the special education administration section.

TABLE V Class Size and Caseload for Programs for Hearing Impaired

Administrative Plan	Number of Students
Special Self-Contained Class—Preschool	6
Special Self-Contained Class—Primary	6
Special Self-Contained Class—Intermediate	8
Special Self-Contained Class—Secondary	8
Special Self-Contained Class—Elementary (two or more levels combined)	6
Special Self-Contained Class—Secondary (two or more levels combined)	8
Itinerant	15
Resource Room	As Needed
Diagnostic Assessment	As Needed
Parent/Infant	20 when parent and child are seen primarily on an individualized basis
Residential	The same maximums apply for delivery models listed above
Regular Class	No more than two hearing impaired students shall be assigned to the same regular classroom or regular classroom teacher.

(Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

91-12-55. Behavior disorders. (a) Comprehensive evaluation. In addition to meeting the requirements of

(continued)

K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with behavior disorders:

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

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(3) procedures for determining the need for a mental health consultation. If a need for consultation is indicated, such consultation shall be provided at public expense.

(b) The curriculum of each behavior disorders program shall emphasize development of acceptable methods of coping with and adjusting to the environment in order that each child may function in progressively less restrictive educational environments.

(c) In addition to meeting the requirements of K.A.R. 91-12-23, state approval of behavior disorders programs shall be contingent upon the following:

(1) Each consulting and itinerant teacher shall be fully endorsed to instruct children with behavior disorders.

(2) Consulting teacher and itinerant teacher plans for delivering special education services shall not be used for moderately to severely handicapped children, or for children requiring crisis intervention.

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

(4) Children hospitalized for the treatment of behavior disorders shall receive instruction in the hospital setting for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with behavior disorders shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with behavior disorders shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(d) Related services.

(1) The services of a school psychologist certified and endorsed by the state board of education or

of an appropriately trained clinical psychologist shall be available to each behavior disorders program.

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

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

TABLE VI
Class Size & Caseload Limitations for
Behavior Disorders Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Consulting teacher	No more than ¼ time to be spent with students.
	Itinerant teacher	15—Increase to 18 with a full-time paraprofessional.
	Resource room	12—No more than 8 at any one time. Increase to 16 (2 per each full-time paraprofessional up to 2 paraprofessionals). The maximum chronological age span shall be no more than four years at any time.
	Special Classroom	8—Increase to 10 with a full-time paraprofessional. The maximum chronological age span shall be four years.
	Special purpose schools (departmentalized by curricular content area)	No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

(Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

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

(1) If a specific learning disability is suspected, a teacher endorsed by the state board to teach learning disabled children shall be included on the multidisciplinary team. Each child's regular teacher or a regular teacher qualified to teach a child of that age also shall be included on the evaluation team.

(2) Any child whose intellectual functioning is more than two standard deviations below the mean of the standardized, individual test of intellectual functioning administered to the child shall not be identified as learning disabled. A total or full-scale score shall be used in applying the intellectual criterion. If the measured intellectual functioning of a child does not meet this criterion, but the results of the test are suspect and the child's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that supposition.

(3) At least one evaluation team member, other than the child's regular teacher, shall observe the child's academic performance in the regular classroom setting. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The

individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(4) In determining whether a significant discrepancy exists, the team shall employ procedures that use a standard score comparison in which current achievement and aptitude scores are converted to the same standard score scale so they can be directly compared. The results of the comparison shall be considered in combination with other identification factors.

(A) The regression formula for predicting the discrepancy between aptitude and achievement shall be used to determine whether a significant discrepancy exists.

(B) The simple standard score difference between aptitude and achievement shall be used to determine whether a significant discrepancy exists if the technical data necessary to account for the effects of regression are not available.

(5) In cases where significant discrepancy criteria have not been met, but the multidisciplinary team believes there is a significant discrepancy, the team shall state, in writing, the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and its reasons for believing that a severe discrepancy is present that is not correctable without the provision of special education.

(6) The multidisciplinary team shall prepare a written report of the results of each evaluation which shall include the following:

(A) Whether the child has been provided with learning experiences in an environment which is appropriate for the child's age and ability levels, and a statement that the child has failed to learn in that environment;

(B) whether the child has a specific learning disability as evidenced by a significant discrepancy between achievement and aptitude which is not correctable without special education and related services;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and

(F) any educationally-relevant medical findings.

(G) Each evaluation team member shall certify, in writing, whether the report reflects that member's conclusions. If it does not, the team member shall submit a separate, written statement presenting the member's conclusions. This statement shall be included in the team report.

(b) Class size and caseload limitations are given in Table IX.

TABLE IX
CLASS SIZE AND CASELOAD FOR
LEARNING DISABILITY PROGRAMS

Program Level	Administrative Plan	Maximum Caseload
All Levels	Consulting Teacher	No more than 1/2 time to be spent with students.
	Itinerant Teacher	18
	shall not be assigned to more than 5 attendance centers	Increase to 24 (2 for each paraprofessional up to 3 paraprofessionals)
	Resource Room	18
		No more than 10 at one time. Increase to 22 (2 per each paraprofessional up to 2 paraprofessionals)
	Special Classroom	10 Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)
	Developmental Classroom	10 Same as special classroom

(Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

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

(b) Local education agencies shall not be responsible for the delivery of medical treatment, but shall be responsible for the provision of medical services for diagnostic or evaluation purposes which are necessary to the educational planning and programming for each exceptional child.

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

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

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

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

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

(f) Caseload and class size limitations for related

(continued)

services shall be as recommended by the licensing or certifying agency which provides the related services. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

91-12-61. Paraprofessionals in special education.

(a) No special education paraprofessional shall:

- (1) Be solely responsible for a classroom or a professional support or related service;
- (2) select diagnostic or psychological instruments or interpret the results of those instruments;
- (3) program or prescribe educational activities or materials for the students, without the supervision and guidance of the teacher;
- (4) be solely responsible for preparing lesson plans or initiating original concept instruction;
- (5) be assigned to work with one or more of the most difficult students the majority of the school day merely for the convenience of the teacher;
- (6) be employed in lieu of needed itinerant special education personnel;
- (7) be utilized as a substitute teacher, unless the paraprofessional possesses the appropriate certificate;
- (8) give medication, unless licensed to do so; or
- (9) be enrolled as an elementary or secondary school student.

(b) Assignment.

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

(2) Each local education agency shall obtain individual approval from the special education administration section for any paraprofessional whose only assignment is to assist students with one or more hearing, physical or visual impairments in a regular classroom program.

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

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

(c) Approval of paraprofessional programs.

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

(2) The inservice training program shall include:

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

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

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

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

(A) two years experience as an instructional paraprofessional;

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

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

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

(A) three years experience as an instructional paraprofessional;

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

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. (Authorized by and implementing K.S.A. 1984 Supp. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986.)

91-12-71. Educational advocates; qualifications and powers. (a) Any person appointed as an educational advocate shall:

- (1) Be at least 18 years of age;
- (2) have completed a training program respecting the powers, duties and functions of a lawful custodian; and

(3) have presented three references for appointment as an educational advocate.

(b) Any person appointed as an educational advocate shall:

- (1) Vigorously protect the child's rights in the edu-

cation 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) actively participate in the development of the child's individualized education program; and

(4) diligently exercise all the other rights given to lawful custodians under the special education for exceptional children act. (Authorized by and implementing L. 1985, ch. 237, § 2; effective, T-86-41, Dec. 11, 1985; effective May 1, 1986.)

91-12-72. Guidelines for appointment of educational advocates. (a) An educational advocate shall be appointed for a child who is in the custody of the secretary of social and rehabilitation services pursuant to K.S.A. 1984 Supp. 38-1501 *et seq.* and who is known to be or is suspected of being exceptional if:

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

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

(b) The secretary of social and rehabilitation services shall appoint each educational advocate. Each educational advocate shall meet the qualifications prescribed in K.A.R. 91-12-71. In appointing each educational advocate, the secretary shall observe the following rules:

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

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

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

(4) if a child is not in a state institution, the educational advocate may be a social and rehabilitation services social worker. (Authorized by L. 1985, ch. 237, § 2; implementing L. 1985, ch. 237, §§ 1 and 2; effective, T-86-41, Dec. 11, 1985; effective May 1, 1986.)

Article 31.—ACCREDITATION

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

(a) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

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

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

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

(e) evidence that all teachers of such programs have met criteria established by the state board.

The state board shall notify the superintendent in writing of approval or denial of the program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

91-31-12a. Accreditation regulations applicable to high schools. (a) Organization.

(1) Each high school shall be organized to include at least grades 10, 11 and 12 and may include grades seven through 12 in its organization. Any closing or change in the use of a school building shall be in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

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

(b) Staff.

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

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any high school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

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

(a) Successfully completing class work;

(b) Passing examinations administered by the district; and

(c) Participation in the programs outlined by S.B.R. 91-31-12c through 91-31-12g, inclusive.

(d) Athletic practices. Athletic practice for competition shall not be counted for physical education credit.

(e) Correspondence credit. Correspondence credit, except in those courses required by K.S.A. 72-1103, and any amendments to that statute, may be earned from any school or institution with the approval of the school principal within guidelines established by the board of education. (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.)

91-31-13. Accreditation regulations applicable to junior high schools. (a) Organization. (1) Each junior high school shall be organized to include at least two

(continued)

consecutive grades and may include grades six through nine. Any closing or change in the use of a school building shall be conducted in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

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

(b) Staff.

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

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any junior high school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended (temporary) July 12, 1985, (permanent) May 1, 1986.)

91-31-14a. Accreditation regulations applicable to elementary schools. (a) Each elementary school shall conform to the provisions of K.S.A. 1984 Supp. 72-1107, regarding age of entrance.

(b) Each accredited elementary school shall be organized to include any combination of grades kindergarten through nine. The middle school concept of organization shall be recognized as a consecutive combination of any grades five through nine. Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half clock hours each day when in session. Any closing or changing the use of a school building shall be conducted in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

(c) Each accredited elementary school shall count no more than two 15 minute supervised recess periods per day, one during the mid-morning and one during the mid-afternoon, as part of the school term.

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

(1) In school buildings having more than 16 teachers, excluding the principal, the principal shall spend at least 80% of the school day on administrative duties.

(2) In school buildings having six to 16 teachers, excluding the principal, the principal shall spend at least one-half of the school day on administrative duties.

(3) In school buildings having fewer than six teachers, excluding the principal, time during the school week shall be reserved for the principal's administrative duties.

(4) For the purpose of determining the number of teachers in paragraphs (c) (1), (2), and (3), part-time teachers shall be counted on a fractional basis accord-

ing to the amount of time spent by the teacher in the building.

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

(e) All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any middle school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement.

(f) Elementary schools which have an organized guidance program shall have the services of a certified counselor.

(g) The curriculum of each elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986.)

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 004014

(Published in the KANSAS REGISTER, April 10, 1986)

SENATE BILL No. 489

AN ACT concerning cities; relating to the sale of certain real estate; amending K.S.A. 1985 Supp. 12-16,103 and 12-16,104 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 12-16,103 is hereby amended to read as follows: 12-16,103. (a) The governing body of any city may acquire by condemnation, dedication, gift or purchase the underlying fee interest in any real estate in which it holds a permanent easement in order to merge the title and sell such real estate.

(b) The governing body of any city may sell real estate acquired or held in fee simple when it is no longer needed for public purposes, including, but not limited to, real estate acquired for the construction of municipal water supply structures or reservoirs and land adjacent thereto, street, sanitary and storm sewer systems. A record of all sales authorized herein shall be maintained in the office of the city clerk.

Sec. 2. K.S.A. 1985 Supp. 12-16,104 is hereby amended to read as follows: 12-16,104. (a) The governing body of any city may charge a fee for the release of any easement. Such fee shall not exceed the increase in value accruing to the underlying fee owners resulting from the termination of the property interest held by the governing body of the city or the original price paid for the easement by the city, whichever is less, plus reasonable administrative costs.

(b) Before the release or vacation of any easement, the governing body shall notify the underlying fee owners or their heirs or assigns, if the same can be found through diligent search, that they may purchase the easement. Notice shall be published once each week for three consecutive weeks in the official city newspaper. The notice shall include a statement that the purchase option authorized by this subsection shall expire 30 days following the date of the final publication.

(c) If the easement is not purchased as provided by subsection (b), the city may sell the easement in a manner deemed expedient by the governing body of the city and the city may make, execute and deliver a warranty deed or other deed of conveyance to the purchaser thereof.

(d) A city may charge for the release or vacation of an easement only for real estate which constitutes a site large enough to allow the building of a structure under the zoning code of the city, pursuant to the appropriate zoning classification.

Sec. 3. K.S.A. 1985 Supp. 12-16,103 and 12-16,104 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 26, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 27, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 4, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 10, 1986)
HOUSE BILL No. 2634

AN ACT concerning motor vehicles; relating to studded traction equipment; amending K.S.A. 1985 Supp. 8-1742 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 8-1742 is hereby amended to read as follows: 8-1742. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) *studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or*

(3) (4) pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. To qualify under this subpart (3) or (4), such tires or *studded traction equipment* shall be approved by the secretary of transportation by adoption of rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.

(d) The secretary of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(e) It is unlawful for any person to operate a motor vehicle having one or more tires in an unsafe condition. A solid rubber

tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:

(1) Any part of the ply or cord exposed;

(2) any bump, bulge or separation;

(3) a tread design depth of less than 1/16 inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;

(4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";

(5) tread of sidewall cracks, cuts or snags deep enough to expose the body cord;

(6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or

(7) such other conditions as may be reasonably demonstrated to render it unsafe.

Sec. 2. K.S.A. 1985 Supp. 8-1742 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 13, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE March 26, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 4, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 10, 1986)

SENATE BILL No. 447

AN ACT relating to public warehousemen; concerning grain purchase contracts; amending K.S.A. 1985 Supp. 34-2,111 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 34-2,111 is hereby amended to read as follows: 34-2,111. (a) Whenever a public warehouseman offers to purchase grain pursuant to a grain purchase contract which includes provision for deferred payment or delayed pricing of the grain, the public warehouseman shall inform the seller that such grain purchase contract is a voluntary extension of credit and is not protected by the surety bond of the public warehouseman.

(b) Each grain purchase contract which contains a provision for deferred payment or delayed pricing, or both such provisions, shall be in writing and shall include the following statement: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT BY THE SELLER TO THE PUBLIC WAREHOUSEMAN AND IS NOT PROTECTED BY THE SURETY BOND OF THE PUBLIC WAREHOUSEMAN." The statement shall be prominently displayed in capital letters which are at least as large as 10-point type and shall be followed by a

(continued)

signature line which has the following statement in parentheses under the line: "Must be signed by seller." Such statements and signature line shall be framed in a box and placed on the first page of the grain purchase contract as a part thereof so that it stands out from the other provisions of the grain purchase contract.

(c) If a public warehouseman has entered into a written grain purchase contract with a seller that produced the grain and if such grain purchase contract provides for either deferred payment or delayed pricing, or both, then, upon demand of the seller made after delivery of such grain to the public warehouseman, the public warehouseman shall cause a financial institution whose deposits, shares or accounts are insured by a federal agency to issue to the seller a standby letter of credit in the amount of the unpaid balance under the grain purchase contract at the time such demand is made. Each public warehouseman who offers to enter into such a grain purchase contract with any seller that produced the grain shall post a sign providing public notice of the availability of such standby letter of credit.

(d) As used in this section:

(1) "Deferred payment" shall mean means any payment to be made under the terms of a grain purchase contract after delivery of the grain to the public warehouseman;

(2) "delayed pricing" shall mean means any method of pricing grain under the terms of a grain purchase contract after such grain has been delivered to the public warehouseman;

(3) "financial institution" means any institution whose deposits, shares or accounts are insured by a federal agency or banks for cooperatives created under title III of the farm credit act of 1971;

(4) "standby letter of credit" shall mean means a letter of credit within the meaning of K.S.A. 84-5-103(1)(a), and amendments thereto, which, by its terms:

(A) Is irrevocable;

(B) is nontransferable;

(C) names the seller that produced the grain as beneficiary;

(D) shall not expire earlier than 60 days after the final payment is due under the terms of the underlying grain purchase contract; and

(E) cannot be drawn upon by the beneficiary in the absence of a default in payment under the terms of the underlying grain purchase contract;

(4) (5) "unpaid balance" shall mean means that portion of the purchase price, together with interest thereon, if any, remaining unpaid to the seller under the terms of a grain purchase contract at the time the seller makes demand as provided in this section. Where the grain purchase contract provides for delayed pricing and the price has not been established at the time demand is made by the seller, then, for the purposes of this section only, the "unpaid balance" shall be determined as though the price had been established at the time of the closing of the relevant futures market on the last trading day before demand is made by the seller under this section.

(e) As used in this section, the words and phrases defined in K.S.A. 34-223, and amendments thereto, shall have the meanings ascribed to them in that statute.

(f) This section shall be construed as supplemental to the statutes contained in article 2 of chapter 34 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 1985 Supp. 34-2,111 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 13, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 24, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 3, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 10, 1986)

HOUSE BILL No. 2091

AN ACT concerning the state board of education; authorizing an increase in fees for certification thereby; amending K.S.A. 72-1387 and repealing the existing section.

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

Section 1. K.S.A. 72-1387 is hereby amended to read as follows: 72-1387. Each application to the state board of education for certification, renewal of certification or duplication of certification shall be accompanied by a fee which shall be established by the state board of education and shall be in an amount of not less than \$13 \$18 nor more than \$18 \$24. Prior to July 1 of each year, the state board of education shall determine the amount of revenue which will be required to properly administer the provisions of article 13 of chapter 72 of Kansas Statutes Annotated during the ensuing fiscal year, and shall establish the certification fee for such year in the amount deemed necessary for such purposes. Such The certification fee shall become effective on July 1 of each year. The state board of education shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the certificate fees fund, and shall be used only for the payment of expenses connected with the issuance, renewal, or duplication of such certifications, and for the keeping of records by the state department of education. All expenditures from the certificate fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of education or by a person or persons designated by it.

Sec. 2. K.S.A. 72-1387 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 5, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE March 26, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 4, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 10, 1986)

SENATE BILL No. 673

AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-4172 and repealing the existing section.

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

Section 1. K.S.A. 25-4172 is hereby amended to read as follows: 25-4172. (a) ~~Notwithstanding any other provisions of the campaign finance act~~ Except as provided by subsection (b), any combination of three or more individuals or a person other than an individual, not domiciled in this state, which makes or intends to make a contribution or contributions to a candidate, candidate committee, party committee or political committee in this state shall either:

(1) Prepare a verified statement containing: (A) The names and addresses of the responsible individuals; (B) the name and address of each person who has made one or more contributions to such out-of-state combination of individuals or person other than an individual in an aggregate amount in excess of \$50 within the preceding 12 months, together with the amount and date of such contributions; and (C) the aggregate amount of all other contributions to such out-of-state combination of individuals or person other than an individual within the preceding 12 months. Such statement shall be submitted to each treasurer receiving any contribution from such out-of-state combination of individuals or person other than an individual. Such statement shall be a part of and attached to the report required of such treasurer by K.S.A. 25-4148, and amendments thereto; or

(2) file a statement of organization as provided by K.S.A. 25-4145, and amendments thereto, establish a separate fund for the purpose of receiving contributions and making expenditures relating to any election for state office in this state and file statements and reports involving such fund in the manner provided by K.S.A. 25-4148, and amendments thereto, for political committees and party committees. Any transfer from another fund to the separate fund herein provided for shall be subject to the requirements of subsection provision (1).

(b) The provisions of subsection (a) shall not apply to: (1) Any political party having a national organization; (2) a bona fide corporation organized under the laws of another state; or (3) a union, if the contribution is made from union funds.

(c) Each combination of individuals or person other than an individual which is subject to this section shall maintain, in its own records, the name and address of any person who has made one or more contributions to such combination of individuals or person other than an individual, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

Sec. 2. K.S.A. 25-4172 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 11, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 25, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 3, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 10, 1986)

SENATE BILL No. 542

AN ACT concerning emergency medical services; relating to the demonstration program in manual cardiac defibrillation; amending K.S.A. 65-4336 and 65-4338 and repealing the existing sections.

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

Section 1. K.S.A. 65-4336 is hereby amended to read as follows: 65-4336. On or before December 31, 1986, the council shall submit a report to the governor and to the legislature concerning the operation of the demonstration program established by this act. The report shall contain a review and evaluation of the demonstration program, specific recommendations with regard to the demonstration program and such other information and recommendations relating to the demonstration program as the council deems appropriate.

Sec. 2. K.S.A. 65-4338 is hereby amended to read as follows: 65-4338. The provisions of K.S.A. 65-4332 to 65-4338, inclusive, of this act and amendments thereto, shall expire on July 1, 1987.

Sec. 3. K.S.A. 65-4336 and 65-4338 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 20, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 24, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 3, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 10, 1986)

HOUSE BILL No. 2994

AN ACT relating to the taxation of property; concerning the assessment sales ratio study; amending K.S.A. 1985 Supp. 79-1437 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 79-1437 is hereby amended to read as follows: 79-1437. (a) Upon securing information of real estate sales from the counties, the director shall determine, as nearly as possible, the sale price of each tract or piece of real estate and the ratio of the assessed valuation to the sale price. The director shall determine the average ratio of all sales of urban real estate and rural real estate and for each classification of property and for all classes combined in each county and unified school district for the twelve-month period ending on August 31 of such year. The director shall quarterly notify the board of county commissioners of each county and the school board of each unified school district of the ratios determined for such county or school district for the preceding quarter. In addition, the director shall determine the average ratio of all sales in all counties and unified school districts of the state for such twelve-month period. In determining the ratio of sales as required in this section, the director of property valuation shall, in all sales of property in which there is to be a change in the classification or subclassification of the property, place such sale in the proper classification or subclassification, and such sale resulting in a change of classification shall not be used in determining the ratio of the prior classification. Ratios for each twelve-month period shall be published annually by the director not later than December 1 next following the close of such period, in convenient form for the use and information of the legislature, taxpayers and other interested parties and public officers. The annual report of the director of property valuation published as required by this section shall include reports of county and unified school district ratios of urban real estate and rural real estate, ratios for the classifications of property established by K.S.A. 79-1459 and amendments thereto and ratios for a combination of all classes of property within each county and unified school district. In addition thereto, such report shall include reports of statewide average ratios of sales of urban real estate, sales of rural real estate and of all sales in all counties and unified school districts of the state for the period hereinbefore prescribed.

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

Sec. 2. K.S.A. 1985 Supp. 79-1437 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 5, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE March 27, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 3, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

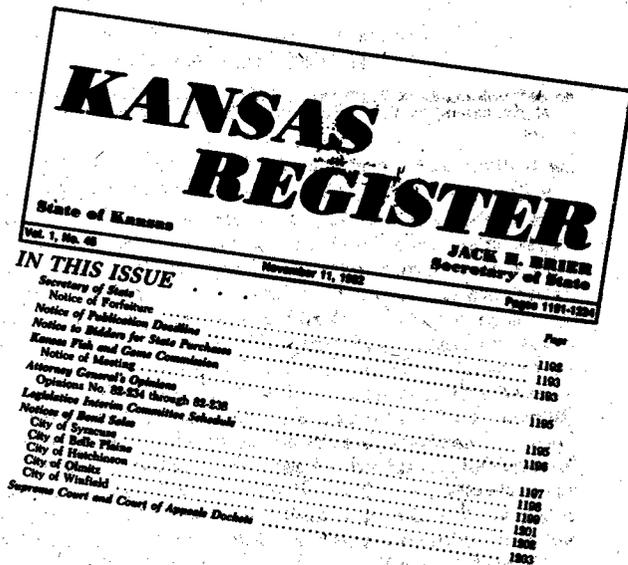
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

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