

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 5, NUMBER 6
MONDAY, JANUARY 1, 1979



IN THIS ISSUE

Public Hearings Scheduled	525
Emergency Regulations Now in Effect:	
Department for Human Resources— Public Assistance	525
Amended Regulations Now in Effect:	
Board of Accountancy	529
Department of Education:	
Instructional Services— Unit of School Psychologist	530
Teacher Education— Teacher Preparation Programs	531
Exceptional and Handicapped Programs	532
Department of Libraries and Archives:	
Libraries— Textbooks for Non-Public Schools	541
Proposed Amendments:	
Board for Licensing Hearing Aid Dealers	542
Board of Hairdressers and Cosmetologists	542
Department of Parks— Campgrounds	549
Bureau of Highways— Highway Classifications	549
Department of Education:	
School District Finance	552
Pupil Transportation	553
Instructional Services	554
Department of Housing, Buildings and Construction:	
Electrical Inspectors	555
Department for Human Resources— Controlled Substances	557
Proposed Regulations Received Through December 15:	
Kentucky Higher Education Assistance Authority:	
KHEAA Grant Programs	558
Department of Military Affairs:	
National Guard— Rescue Organizations	559
Board for Licensing Hearing Aid Dealers	560
Department of Education— Teacher Certification	561
Department for Human Resources:	
Controlled Substances	561
Public Assistance	562
Minutes of Administrative Regulation Review Subcommittee	565

CUMULATIVE SUPPLEMENT

Locator Table— Effective Dates	F 2
KRS Cross-Reference Table	F 6
Cumulative Index	F 9

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The *Administrative Register of Kentucky* is the monthly advance sheets service for the 1979 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806 KAR 50 : 155		
Cabinet Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

Administrative Register of Kentucky

(USPS 044310)

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The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Room 300, State Capitol, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing regarding 109 proposed regulations from the Division of Air Pollution will be held from 10 a.m. to 5 p.m. EST January 9 and 10, 1979, and from 7 to 9 p.m. January 9, in the auditorium of the Human Resources Building, 275 East Main Street, Frankfort, Kentucky. For additional information or submission of comments contact: John T. Smither, Director, Division of Air Pollution, Capital Plaza Tower, Frankfort, Kentucky 40601.

Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65 [5 Ky.R. 352-514]

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

A public hearing will be held at 10 a.m. EST, January 30, 1979, in the auditorium of Capital Plaza Tower, Room G-2, Frankfort, Kentucky 40601, on the following regulation:

815 KAR 35:010. Electrical inspector's certification. [5 Ky.R. 555]

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR

Executive Order 78-1144

November 20, 1978

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the department with respect to the provisions of the Emergency Assistance Program; and

WHEREAS, the 1978 General Assembly appropriated additional funds to be utilized by the Department for Human Resources to expand the program eligibility requirement of the Emergency Assistance Program and allocated \$3.6 million for Fiscal Year 1979; and

WHEREAS, Executive Order 78-914 declared an emergency so that 904 KAR 2:009E could be filed to expand the eligibility requirements of the Emergency Assistance Program; and

WHEREAS, on November 13, 1978, under the expanded eligibility requirements, \$1.1 million has been expended or obligated in the Emergency Assistance Program; and

WHEREAS, if the current trend under the expanded eligibility requirements continue, the Secretary for Human Resources has determined that substantial budget deficits will occur which would lead to termination of the program prior to the end of the fiscal year; and

WHEREAS, the Secretary for Human Resources has found that additional conditions have created a new emergency in relation to the Emergency Assistance Program and the expenditure of funds thereunder and it appearing that a new regulation on the Emergency Assistance Program should be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I **JULIAN M. CARROLL,**

Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of a new emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for the Emergency Assistance Program, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

Executive Order 78-94, dated September 21, 1978, authorizing the filing of 904 KAR 2:009E, is hereby rescinded.

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:008E. Program for emergency assistance.

RELATES TO: KRS 205.215

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: November 22, 1978

EXPIRES: March 22, 1979

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.215 to provide short term assistance to families with children in crisis situations as provided for in Title IV-A of the Social Security Act. This regulation sets forth the criteria for eligibility and type and amounts of assistance granted under the Emergency Assistance Program, hereinafter referred to as EAP, as administered in accordance with 45 C.F.R. § 233.120.

Section 1. Eligibility Conditions for Receipt of Emergency Assistance. (1) The Emergency Assistance Program provides assistance to families with dependent children who are destitute or facing destitution if such destitution did not arise because:

(a) Such child who is eighteen (18) years or older or the specified relative of such child refused to accept employment, or training for employment, or terminated such without good cause;

(b) The family voluntarily created the situation for the purpose of receiving emergency assistance;

(c) The family created the situation through money mismanagement; or

(d) The situation is related solely to lack of employment due to normal vacation or layoff periods if there is a job to which to return, and return can be anticipated at the end of the normal vacation or layoff period; or the destitute situation is related solely to lack of work due to weather conditions, if return can be anticipated within thirty (30) days.

(2) Assistance may be provided only after a signed application has been made on behalf of an eligible group as specified in Section 3. Such application may be made by the specified relative, child or an interested party acting on behalf of a child. In the event the application is made by other than the specified relative, and the specified relative states prior to processing of the application that he/she does not wish assistance to be provided at that time in order to conserve family eligibility, the application shall be denied due to lack of proper authority by the applicant.

Section 2. Definitions. Terms used in the EAP program are defined as follows:

(1) Destitution shall be considered to exist when a child is deprived of adequate shelter including utilities, necessary clothing, or sufficient food; and the liquid assets, plus continuing monthly income of the family, are less than limitations prescribed by the department.

(2) A natural disaster is a fire, flood, storm or earthquake or other occurrences designated as such by the department.

(3) Good cause must always be established in regard to an applicant for emergency assistance if lack of employment has caused the destitution and the responsible relative or child (if age eighteen (18) or over) refused to accept employment or training for employment or terminated employment within the prior six (6) months. Good cause shall not exist if destitution is due solely to direct participation in a labor dispute. ("Direct participation" exists if the individual is: on strike, whether or not such strike is legal; or not working as a result of honoring or refusing to cross picket lines set up by those who are on strike; or not working due to lack of work resulting from a strike situation if employed in a managerial or supervisory position by the firm/organization whose workers are on strike). Good cause for refusal to accept or continue in an employment situation or training for employment exists only when:

(a) A definite bona fide offer of employment was not made at a minimum wage customary for such work in that community;

(b) The child or responsible relative is unable to engage in such employment or training for mental or physical health reasons;

(c) The child or responsible relative has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours daily; or

(d) Working conditions at such job or training would be a risk to the health or safety of the child or responsible relative.

(4) Gross income is income from all sources before any deductions. Self-employed persons' and farmers' gross income is to be considered as gross profit less business expenses. Any special allowance made in an AFDC case is to be disregarded in computing gross income. In determining destitution of an applicant for AFDC, the AFDC payment is not to be considered as income until actually received by the client and the EAP application is to be processed independently of the AFDC application.

(5) Liquid assets include, but are not limited to, cash on hand, checking accounts, savings accounts, stocks, bonds, certificates of deposit, and similar assets readily convertible to cash. Excluded for purposes of this program are prepaid burial contracts or burial policies, the cash surrender value of life insurance policies, equity in real or personal property, or home insurance settlements received or to be received.

(6) Net income is gross income less mandatory deductions and work related expenses, which include transportation and child care; any special allowance made in an AFDC case is to be disregarded in determining net income.

(7) Specified relative is any relative acting as the person responsible for the child and who is within the degree of relationship shown in Section 406(a)(1) of the Social Security Act.

Section 3. Eligible Groups. Any family which includes a child under twenty-one (21) or an unborn child may qualify for EAP if all other eligibility conditions are met. In addition, a child who, within six (6) months, did reside with a specified relative as defined in Section 406(a)(1) of the Social Security Act may qualify. Specifically excluded is any family who voluntarily creates the destitution or whose need resulted because of refusal without good cause of the child or responsible relative to accept employment or training for employment or termination of such without good cause as specified above.

Section 4. Limitations for Receipt of Emergency Assistance. (1) Any family which is potentially eligible for any federal assistance program (such as disaster relief, emergency assistance, etc., but not including income transfer programs such as Supplemental Security Income, Social Security benefits, etc.) must apply for those benefits and provide verification of entitlement or award.

(2) Emergency assistance is limited to one (1) period of thirty (30) consecutive days in any twelve (12) consecutive months.

(3) All liquid assets and gross monthly income will be totaled and compared to the financial eligibility scale for the family size. If the amount exceeds that specified, the family is ineligible. If the amount is less than that specified, financial eligibility exists.

Financial Eligibility Scale

Family Size	Income Limitation
1	\$150
2	183
3	250
4	317
5	367
6	417
7 or more	467

(4) When an application is made by or on behalf of a child who voluntarily establishes a living arrangement independent from his family group, the parent's income and liquid assets must be considered in determining financial eligibility. If a child has not lived with his/her parents during the prior six (6) months, but meets the criteria for inclusion as shown in Section 3, only that amount of income available to the child is to be considered. A child absent from the home for the purpose of attending a school or training course is considered to be a member of the family group remaining in the home, and when application is made under proper authority the income, resources and needs of all family members must be taken into consideration.

Section 5. Needs Which Can Be Met. The emergency assistance program provides for the following needs: food, clothing, shelter, utilities and/or heating fuel, home repairs, home furnishings, transportation, and child care; the stranded or destitute transient or migrant family is assisted to reach its destination through provisions of the following as needed: voucher for groceries or prepared meals, overnight lodging, public transportation, car repairs, gas, oil, and information and referral services. Community resources may be utilized to supplement payments provided by the program.

Section 6. Method and Amount of Payment. Emergency assistance payments are made indirectly to vendors by means of locally authorized voucher or by check drawn in favor of the recipient or recipient and vendor, not to exceed the amounts payable in accordance with Section 7.

Section 7. Payment limitations in the Emergency Assistance Program. (1) All liquid assets and net monthly income will be totaled and compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. (The protected amount is never applied to the amount of need.) A home insurance settlement is to be applied to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the separate maximum amounts set forth in subsections (2), (3), (4)(d) and (6) below, for those items.

Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 75	1	\$ 75
135	2	135
185	3	185
235	4	235
275	5	275
310	6	310
345	7 or more	345

(2) Payment for limited repairs necessary to make a home owned by the family habitable may in no instance exceed \$1,500, and the need for such repairs must be the result of a natural disaster.

(3) Payment for the repair or replacement of minimum home furnishings determined necessary by the department

may in no instance exceed \$1,500, and such need for repair or replacement must be the result of a natural disaster.

(4) A stranded or destitute family (transient or migrant) may be assisted to reach its destination through provision of:

- (a) Voucher for groceries or prepared meals;
- (b) Overnight lodging;
- (c) Public transportation; or
- (d) Car repairs, if needed, not to exceed \$300, and/or voucher for gas/oil.

(5) Food may be provided up to the value of one (1) month's equivalent food stamp allotment for the eligible family members.

(6) Clothing may be provided to eligible family members to ensure a minimum supply of basic apparel in quantities determined necessary by the department, and such need for clothing must be the result of a natural disaster. The total maximum payment amounts for clothing needs may not exceed the payment maximums shown in subsection (1) above, and these amounts shall be in addition to any other needs (such as food and shelter) met pursuant to that payment limitation scale.

(7) Shelter needs may be met as necessary to obtain or retain a home or to secure temporary lodging for the destitute family. The department shall make payments for shelter costs in excess of one (1) month's rent or mortgage payment only when such is determined necessary.

(8) Payment for utilities and heating fuels may be authorized as necessary to obtain or retain service. Payment for installation and the base service cost of a telephone may be reimbursed when medically necessary as verified by a physician or a nurse practitioner.

(9) Child care may be provided on a temporary basis if required due to the imprisonment or hospitalization of the specified relative. Payment for such must be reasonable and may not exceed eight (8) weeks of care.

Section 8. 904 KAR 2:009E is hereby repealed.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 16, 1978

RECEIVED BY LRC: November 22, 1978 at 2 p.m.

JULIAN M. CARROLL, GOVERNOR
EXECUTIVE ORDER 78-1165
November 30, 1978

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources has determined that the policy of the Department for Human Resources with respect to the Energy Cost Assistance Program should be expressed in a regulation of current effect; and

WHEREAS, pursuant to the authority of KRS 194.050 and 205.400, the Secretary has promulgated a regulation to express the policy of the Department with regard to the Energy Cost Assistance Program; and

WHEREAS, the Secretary for Human Resources has found that an emergency exists in that extreme hardships to the elderly, blind and disabled during the severe weather months could result if a regulation implementing the program is not immediately in effect:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for the Energy Cost Assistance Program, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:085E. Energy cost assistance program.

RELATES TO: KRS 205.400
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: November 30, 1978
EXPIRES: March 30, 1979

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.400 to provide assistance payments to the citizens of the Commonwealth for the purpose of purchasing or supplementing the cost of energy for household use. This regulation sets forth the criteria for eligibility and amounts of assistance available under the Energy Cost Assistance Program, and the method whereby available funds shall be allocated to Area Development Districts to assure that all citizens of the Commonwealth shall have an opportunity to participate in the program.

Section 1. Application. Each household requesting assistance will be required to complete an application and provide such information as may be deemed necessary to determine eligibility, in accordance with the procedural requirements prescribed by the department.

Section 2. Definitions. Terms used in the energy cost assistance program, hereinafter referred to as ECAP, are

defined as follows: (1) Principal residence is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place when absent, he/she intends to return; and such place is identifiable from other residences or commercial establishments.

(2) Aged person is that individual sixty-two (62) years of age or older.

(3) Blind or disabled person is that individual meeting the supplemental security income program's criteria for blindness or permanent and total disability.

(4) Energy is defined as electricity, gas, and any other heating, lighting and cooking fuel such as coal, wood, oil, bottled gas, etc., that is used to sustain reasonable living conditions.

(5) Winter months for purposes of this program are defined as December, January, February, and March.

(6) Household is defined as one or more persons who share common living arrangements in a principal residence.

Section 3. Period of Assistance. Assistance will be approved to cover the defined winter months, except as specified in Section 6.

Section 4. Consideration of Income and Resources. (1) For purposes of determining eligibility and amount of assistance, continuing earned and unearned gross income anticipated to be received by the household in the month of approval will be considered available. The Supplemental Medical Insurance premium, and any federal, state, or local benefit which is specifically designated for a special purpose or need will be deducted as applicable from gross income. Non-continuing income is considered available during the month received or anticipated to be received.

(2) In addition to income, liquid resources of the household will be considered in determining eligibility. Liquid resources include savings accounts, checking accounts, stocks, bonds, certificates, and cash on hand.

Section 5. Eligibility and Benefit Schedule. (1) Total monthly adjusted gross income of the household is compared to the eligibility and benefit schedule to determine eligibility and the benefit payment.

**Household Income Eligibility
and Benefit Schedule**

No. in Household	Income Range to Receive \$80.00	Income Range to Receive \$60.00	Income Range to Receive \$40.00	Maximum Allowable Resource
1	\$0-197	\$198-262	\$263-328	\$1,500
2	\$0-260	\$261-347	\$348-434	\$3,000
3	\$0-324	\$325-432	\$433-540	\$3,050
4	\$0-388	\$389-517	\$518-646	\$3,100
5	\$0-452	\$453-602	\$603-753	\$3,150
6	\$0-515	\$516-687	\$688-859	\$3,200
7	\$0-579	\$580-772	\$773-965	\$3,250
8	\$0-643	\$644-857	\$858-1,071	\$3,300
9	\$0-707	\$708-942	\$943-1,178	\$3,350
10 or more	\$0-770	\$771-1,027	\$1,208-1,284	\$3,400

(2) the secretary may make such supplemental payments as deemed appropriate at the conclusion of the program for each fiscal year to expend the remaining appropriation.

Section 6. Payment Limitations. (1) Households who meet eligibility criteria but have not resided in the state for

the defined winter months, shall have their benefit payment prorated.

(2) Any individual who has had the benefit of an ECAP payment during that fiscal year shall not be considered a member of any other household during that same fiscal year.

(3) Payments to eligible individuals will be limited to once during each fiscal year.

Section 7. Payment Methods. Payment may be authorized to one (1) or more providers, at the discretion of the recipient.

(1) If the recipient utilizes a utility provider who has a continuous billing cycle, payment is authorized by a two (2) party check made payable to the provider and recipient; except as specified in subsection (2), below.

(2) A recipient who utilizes energy from suppliers on an irregular or one (1) time basis has the option of authorizing payment utilizing a two (2) party check or receiving a check made payable to the recipient only.

Section 8. Participation Requirements. Any provider who accepts a payment authorized under this program shall:

(1) Reduce the outstanding bill of the appropriate customer by the amount of the payment;

(2) Apply the remaining balance, if any, to future charges; and

(3) Refund to the customer the remaining balance, if any, should the service be terminated.

Section 9. Time Standards. The department shall make an eligibility determination within thirty (30) days of receipt of a completed and signed application.

Section 10. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 11. Effective Dates. Applications will be accepted from December 1 through April 30 of each fiscal year of program operation.

Section 12. Program Termination. The program may be terminated by the secretary when actual and projected program expenditures will deplete the appropriation for that fiscal year.

Section 13. Protection Against Rental or Utility Services Rate Increases. No provider of housing or utility services shall raise the cost to the ECAP recipient, of such housing or utility service solely as a result of the ECAP payment made to or on behalf of the ECAP recipient; except that in the instance of publicly funded housing where the rent and/or utility payment is variable based on income, the appropriate required increase may be made.

Section 14. Method of Allocation. The fiscal year appropriation shall be allocated in the following manner:

(1) A base fund of eighty (80) percent of the appropriation shall be allocated to the fifteen (15) area development districts based on the percentage of persons age sixty-five (65) and over in each district when compared to the total state population over age sixty-five (65).

(2) The balance of available funds shall be retained for sixty (60) days as reserve against which any district shall draw in the event the district's expenditures exceed its base allocation; and

(3) After sixty (60) days of program operation, all unexpended funds shall be available on a statewide basis.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 15, 1978

RECEIVED BY LRC: November 30, 1978 at 4:20 p.m.

Amended Regulations Now In Effect

DEPARTMENT OF FINANCE
Divisions of Occupations and Professions
Board of Accountancy
As Amended

201 KAR 1:045. Subjects of examination; grading; re-examination.

RELATES TO: KRS 325.265, 325.270

PURSUANT TO: KRS 325.240

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to subjects of examination, grading and re-examination.

Section 1. Examinations will include questions or problems on the following subjects:

- (1) Accounting practice;
- (2) Theory of accounts;
- (3) Auditing;
- (4) Business law.

Section 2. The candidate will be required to make a grade of not less than seventy-five (75) percent in each subject before he will be declared to have passed the examination.

Section 3. A candidate who fails to receive a conditional credit or credits in any examination shall have the right to re-examination.

Section 4. A candidate who fails to pass all subjects, but who receives a passing grade in two (2) or more subjects, or accounting practice alone, shall receive a conditional credit for such subject or subjects provided such candidate averages fifty (50) percent or more on the parts failed. This minimum average grade requirement is waived if three (3) parts are passed at a single sitting.

Section 5. To add to conditioned status, the candidate must obtain a grade of seventy-five (75) or more and an average grade of fifty (50) in all parts not passed. While an average grade of less than fifty (50) prevents the candidate from adding to his conditional status, it alone does not remove or cancel conditioned status previously attained.

Section 6. A candidate who receives such conditional credit or credits must pass the remaining subjects *within the five (5) [at the three (3)] examinations next succeeding the examination at which the first conditional credit was earned. [unless excused in accordance with Section 7 of this regulation.]* [any three (3) of the four (4) examinations next succeeding the examination at which the first conditional credit was earned.] *The board may grant a candidate the right to sit for the sixth examination next succeeding the examination at which the first conditional credit was earned upon good cause shown for failure to attend or complete the fifth examination.* In the event of the [his] failure of a candidate thus to pass the examination within the above prescribed period, he will be considered to have failed the examination. Such a candidate may, however, thereafter make a new application, which shall be reviewed by the board as in the case of any new applicant.

Section 7. [Every candidate must sit for every examination for which he is eligible unless excused for a cause *submitted in writing* acceptable to the board.] At any sitting, the candidate must sit for all parts for which he has not yet received a passing grade. *The failure of a candidate to submit a paper in regard to any part of an examination will disqualify all papers submitted by that candidate at that examination unless the board, in its discretion, finds good cause not to disqualify the papers submitted.* [Failure to sit, if not excused, will void the application and failure of the candidate to so submit any such paper may, in the discretion of the board, result in the disqualification of all papers submitted by such candidate in said examination.]

Section 8. Any person licensed to practice law in this state need not be examined in the subject of business law. An applicant claiming waiver of the examination in business law by virtue of this section must include with his application a certification from the Kentucky State Bar Association to the effect that such candidate is duly licensed to practice law in this state and is in good standing as provided in KRS 30.170.

Section 9. A candidate for the certificate of certified public accountant who has written the uniform examination under the jurisdiction of another state and has failed to receive a passing grade in all subjects, but has passed two (2) or more subjects, or accounting practice alone, may in the discretion of the board be given conditional credit for parts passed, provided that the applicant met all requirements of the Kentucky law and regulations, except for residence, at the time of writing the examination.

BERNARD W. GRATZER, Executive Secretary
ADOPTED: October 6, 1978
APPROVED: ROY STEVENS, Secretary
RECEIVED BY LRC: October 31, 1978 at 3:30 p.m.

EDUCATION AND ARTS CABINET
Department of Elementary and Secondary Education
Bureau of Instruction
As Amended

704 KAR 3:175. Criteria for the unit of school psychologist.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: KRS 156.360 requires the Superintendent of Public Instruction to allot units to the unit of school psychologist. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. The unit for the position of school psychologist shall be defined as the services provided by a certified school psychologist and described as follows. The school psychologist is a person with a unique combination of skills in psychology and education. The school psychologist is trained in the usual area of psychological study including human development, learning theory, human exceptionalities, group social processes, psychodiagnostics, intervention strategies, and research. In addition, this professional is particularly cognizant of educational theory, school curriculum, school administration, mental health education, and procedures in special education. Furthermore, the school psychologist is trained in applying the principles of this broad background in school settings. Specifically, this practitioner of behavioral science possesses consultative skills which enables combining of the principles of psychology and education. The school psychologist works cooperatively with other members of the pupil personnel team, teachers, children, and other school staff. He/she is also capable of utilizing parents and community resources as a means of enhancing the effectiveness of the school program.

Section 2. (1) A person qualified to serve in an approved unit for school psychologist shall hold either the provisional or standard certificate for school psychologist.

(2) A school psychologist *legally certified or licensed for the position of school psychologist and employed within a local school district for the position during the 1978-79 school term* [holding a valid teaching certificate who was approved for serving in a unit for school psychologist in 1959-60] shall have continuing approval for serving in the position of school psychologist *so long as such legal certification or licensure is kept valid.*

JAMES B. GRAHAM
Superintendent of Public Instruction
ADOPTED: October 25, 1978
RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Elementary and Secondary Education
Bureau of Instruction
As Amended

704 KAR 15:015. Approval of teacher preparation programs.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board for Elementary and Secondary [of] Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes an appropriate certificate and relates to the corresponding [the] standards and procedures for program [which are to be used for the] approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel [of the various teacher preparation programs offered by the colleges and universities].

Section 1. (1) The Standard Certificate for School Psychologist shall be issued in accordance with the pertinent Kentucky statutes and State Board for Elementary and Secondary [of] Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel and who in addition thereto has completed the required examinations authorized [conducted jointly] by the Superintendent of Public Instruction [State Board of Examiners of Psychologists and the State Board of Education].

(2) The Standard Certificate for School Psychologist shall be issued initially for a duration period of three (3) years and may be renewed for subsequent three (3) year periods upon completion within each period of at least one (1) year of full-time experience as a school psychologist to include attendance and participation in staff development activities [jointly] sponsored by [the State Board of Examiners of Psychologists and] the Department for Elementary and Secondary [of] Education. If any portion of the renewal experience is not completed, the Standard Certificate for School Psychologist may be renewed upon completion of six (6) semester hours of additional graduate credit appropriate for the position of school psychologist.

(3) The Standard Certificate for School Psychologist shall be extended for continuous service [and for autonomous functioning] as a school psychologist upon completion of three (3) years of satisfactory service as a school psychologist [and upon completion of the standards and requirements for autonomous functioning which have been established jointly by the State Board of Examiners of Psychologists and the State Board of Education].

(4) The Standard Certificate for School Psychologist shall be valid for serving in the position of school psychologist in the common schools and in other elementary, secondary, and vocational schools approved under the jurisdiction of the State Board for Elementary and Secondary Education or the State Board for Occupational Education, but not for any private practice outside these school situations [, but only under the supervision of a doctoral level school psychologist approved for supervision by the State Board of Examiners of Psychologists until such time as the certificate may be extended for continuous service and for autonomous functioning].

Section 2. (1) The Provisional Certificate for School Psychologist shall be issued in accordance with the pertinent Kentucky statutes and State Board for Elementary and Secondary [of] Education regulations to an applicant who has completed, except for the one (1) year internship, the approved program of preparation for the Standard Certificate for School Psychologist at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel and who in addition thereto has completed the required examinations authorized [conducted jointly] by the Superintendent of Public Instruction [State Board of Examiners of Psychologists and the State Board of Education].

(2) The Provisional Certificate for School Psychologist shall be issued initially for a duration period of one (1) year.

(3) The Provisional Certificate for School Psychologist shall be valid for serving in a school situation in the position of school psychologist under the supervision of the Department of Elementary and Secondary Education [a doctoral level school psychologist approved for supervision jointly by the State Board of Examiners of Psychology and the State Board of Education]. During this first year of service the employer of the individual holding the Provisional Certificate for School Psychologist shall permit the individual to engage in the internship component of preparation as described in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel for the Standard Certificate for School Psychologist.

[Section 3. (1) A license for the practice of school psychologist shall be issued to an applicant who has received the Standard Certificate for School Psychologist extended for continuous service and who in addition thereto has satisfied the legal requirements as described in KRS 310.050 and who has completed a written examination for licensure in psychology conducted jointly by the State Board of Examiners of Psychologists and the State Board of Education.]

[(2) A licensed school psychologist shall be qualified to supervise master's level holders of the Standard Certificate when so designated by the State Board of Examiners of Psychologists and the State Department of Education.]

JAMES B. GRAHAM
 Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:051. Exceptional children's programs.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for exceptional children. This regulation is necessary to assure uniformity in providing special education and related services to exceptional children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for exceptional children of school attendance age pursuant to KRS 157.200 to 157.305 inclusive, the criteria listed in this chapter and "Standards for Programs for Exceptional Children." Copies may be obtained from the Bureau of Education for Exceptional Children, Kentucky Department of Education, Capital Plaza Tower, Frankfort, Kentucky 40601.

(1) Classroom units. Classroom units for exceptional children are allocated to local school districts provided the following criteria are met:

- (a) Approved teacher;
- (b) Approved housing;
- (c) Approved program plan; and
- (d) Minimum number of children meeting eligibility criteria for type of unit requested.

(2) Fractional classroom unit. A fractional classroom unit is a unit having fewer pupils than the prescribed pupil-teacher ratio as indicated in standards pertaining to the specific categorical program or if the program is in operation for less than a full day or full school year. Such units shall be allotted and certified on a basis proportionate to the pupil-teacher ratio and/or the proportionate length of the school day or the school year.

(3) Personnel. Appropriate state certification shall be as required and provided in 704 KAR 20:205.

(4) Housing:

(a) The resource room and special class programs for exceptional children shall be housed in an elementary or secondary school dependent upon the age range of the pupils, unless exceptions are provided in the sections of the standards which pertain to specific areas of exceptionality. Classroom location shall be made consistent with the least restrictive environment concept. Classrooms shall meet the standards for regular classrooms pursuant to 702 KAR 4:010 to 702 KAR 4:100.

(b) Housing for the itinerant teacher plan shall be in facilities and/or rooms appropriate for instructing pupils in small groups or individually and shall be housed in an elementary or secondary school dependent upon the age range of the pupils.

(5) Classroom plan. The appropriate classroom plan for exceptional pupils in the local school district shall be determined by the needs of the pupils as specified on this individual education program (IEP). Consideration shall be given to the least restrictive environment concept in the placement of pupils. Programs shall be organized and operated under one or more, or a combination of the following:

- (a) A special class plan shall be a classroom-based pro-

gram which serves exceptional pupils who shall be entered on the class roll of the special class teacher. The pupils shall participate in the regular class program to the maximum extent appropriate as specified on the pupils' individual education programs. The chronological age range for pupils enrolled in the special class shall be determined by the appropriate categorical standards.

(b) A resource room plan shall be a program which serves exceptional pupils who shall be entered on the class roll of a regular class teacher and shall do part of their classwork in the regular class. The pupils shall go to the resource room for special instruction as specified on their individual education programs. The number of pupils in the resource room for instructional purposes at any one time shall be determined by the appropriate categorical standards.

(c) An itinerant teacher plan shall be a program in which the teacher travels to exceptional pupils' school(s) class(es), homes, or hospital setting(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Services by the itinerant teacher shall be determined by the appropriate admissions and release committee and specified on the exceptional pupils' individual education program.

1. Teacher headquarters. For the itinerant teacher plan permanent work space, in addition to the area where personnel work with pupils, shall be provided.

2. Travel expenses. For the itinerant teacher plan, the local board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program pursuant to 702 KAR 3:120.

3. Itinerant teacher in school. Those pupils being served in a school facility shall be entered on the class roll of a regular class teacher and shall receive the majority of their instruction through the regular program. The itinerant teacher shall work with the pupils in an area in the regular classroom or in a room provided for such services.

4. Itinerant teacher in home and/or hospital. The itinerant teacher providing instructional services in the home and/or hospital shall keep a regular Kentucky attendance register. A pupil receiving home and/or hospital services shall have a minimum of two (2) one (1) hour visits per week in order to be counted as being in attendance five (5) days.

(d) A variation plan shall be an alternative to the above plans to include one or more areas of exceptionality. The local school district shall submit annually a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan. The following components shall be considered by the Bureau of Education for Exceptional Children in granting approval of such plan:

- 1. Rationale for need of the variation plan;
- 2. Detailed description of the plan;
- 3. Verification of teacher's certification in the categorical area of the majority of the students to be served or certification in learning and behavior disorders;
- 4. Method of evaluation to be used to determine effectiveness of the plan.

(6) Length of school day. The length of school day shall be the same as for non-handicapped children except as specified in KRS 157.270 and 158.060.

Section 2. Identification of Exceptional Children. Local school district personnel shall continue the identification of exceptional pupils residing in their school district including those who are otherwise eligible for attendance in

public education systems but who are not attending a program of the local district; and, those pupils enrolled in the education system but who are not currently receiving an appropriate education.

Section 3. Admissions and Release Committees. Local school district personnel shall establish one (1) district-wide administrative admissions and release committee and a school-based admissions and release committee in each school with appropriate membership and functions as listed below. In addition, for those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees may be established pursuant to approval by the Bureau of Education for Exceptional Children.

(1) **Administrative Admissions and Release Committee.** The membership of the Administrative Admissions and Release Committee (AARC) shall consist of:

(a) Director, local school district's program for exceptional children or person having such responsibility, chairperson (permanent member);

(b) Local school district superintendent or his designee (permanent member);

(c) Referred pupil's principal and teacher (if the child is enrolled in public or private school);

(d) Involved instructional supervisor depending on the age and level of the child;

(e) The parent(s) of the referred child;

(f) The referred child, where appropriate;

(g) Personnel responsible for providing evaluation information;

(h) Other members as requested by the AARC.

(2) The functions of the AARC shall include the following:

(a) Receive referrals of the following nature:

1. Receive written information on identified children not currently enrolled in the local school district who are thought to need special education and related services.

2. Review cases where the School-Based Admissions and Release Committee is not able to determine an appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.

(b) Follow due process procedures to insure that exceptional children and their parent(s) are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Discuss written results of the formal and informal evaluation.

(e) Make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall be in the form of an individual education program (IEP). The AARC shall determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district. For those pupils who shall receive services within the local school district, the appropriate school-based admissions and release committee shall assume responsibility for the implementation, monitoring, evaluation and annual review of the IEP as well as annual review of placement. In those cases where the local school district has determined that appropriate special education and related services cannot be provided through existing programs in

the local school district, services shall be provided to the identified child pursuant to the following:

1. Local school district referral of an exceptional child to a public or private agency. The Administrative Admissions and Release Committee shall:

a. Contact a public agency or approved private agency/organization, as provided in 707 KAR 1:070, which provides the type of services specified on the child's IEP regarding the possible referral of the child to the agency.

b. Insure that a representative(s) of the receiving agency shall participate in a meeting(s) with the AARC regarding the possible referral. Participation may be provided through attendance at meetings, written communications, and/or individual or conference calls. Receiving agency means an approved agency/organization which has indicated a willingness to provide the services requested by the local school district.

c. In collaboration with representative(s) of the receiving agency, review and revise, where appropriate, the child's IEP.

d. In collaboration with representative(s) of the receiving agency, determine if such agency is the appropriate agency to provide the specified services. If the agency is an appropriate one, such agency assumes responsibility for implementing the provisions of the special education and related services specified on the IEP.

e. The local school district shall be responsible for providing continued educational services to the child until such time as the child enters the programs provided by the receiving agency.

2. Placement of an exceptional child in a public or private agency:

a. Public agency (another local school district, Kentucky School for the Blind, Kentucky School for the Deaf). Upon admission of the referred child to the agency's program, the agency shall: Assume responsibility for providing special education and related services to the exceptional child as specified on the IEP; and, insure that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Section 9, and 707 KAR 1:060.

b. An admissions and release committee of the receiving public agency shall: Conduct meetings for the purposes of reviewing and where appropriate revising the IEP, assure that the IEP shall be reviewed on at least an annual basis and revised where appropriate; insure that any review (including annual review) and revision of the IEP shall be done with the input and approval of the parent(s); and, insure that any review and revisions of the IEP shall include input and approval of the local school district placing the child in the program. The participation of the parent(s) and the local school district placing the child may take place through attendance at meetings, written communications and/or individual or conference calls.

c. Monitoring and evaluation of the IEP shall be done by specific members of the receiving public agency's admissions and release committee at intervals specified on the IEP. This shall be done to document progress and mastery of objectives specified in the IEP. Written results of such monitoring and evaluation shall be forwarded to the parent(s) and the Administrative Admissions and Release Committee of the local school district placing the child in the agency's program.

d. Responsibilities of the Administrative Admissions and Release Committee of the local school district placing the child in another public agency shall be: participation in meetings called by the receiving agency for the purpose of

review and revision of the IEP; and, at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to his educational progress in that setting.

e. Private agency/organization (as defined in 707 KAR 1:070) the private agency shall provide those special education and related services specified on the child's IEP. At the discretion of the local school district, the private agency may initiate and conduct meetings for the purposes of reviewing and revising the child's IEP. When circumstances warrant, the private agency shall be responsible for notifying the local school district of the need to initiate and conduct a meeting for such purposes. The local school district shall insure that the parent(s) and a local school district representative(s) are involved in any decision regarding review and revisions of the child's IEP; and, agree to any placement changes before such changes are implemented.

f. Responsibilities for the Administrative Admissions and Release Committee of the local school district placing the child in a private agency shall be: participation in meetings called by the receiving agency regarding review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to the educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in Section 9 of this regulation and 707 KAR 1:060.

(f) For those referred pupils who are determined by the AARC not to need special education and related services, the AARC shall provide the referring person and the parents with written explanation of why the child is not to receive special education and related services and shall provide in writing recommended remedial action.

(3) School-Based Admissions and Release Committee (SBARC): The membership of the School-Based Admissions and Release Committee shall consist of:

(a) Chairperson, building principal or designee. The designee shall be recommended by the building principal and approved by the local school superintendent. This person shall not be a regular or special education teacher, (permanent member).

(b) Referring teacher(s);

(c) Teacher(s) of exceptional children;

(d) Parent(s) of the referred pupil;

(e) The referred child, where appropriate;

(f) Personnel responsible for providing evaluation information;

(g) Other members providing input into the referred pupil's educational program as requested by the SBARC.

(4) The functions of the SBARC shall include the following:

(a) Receive written referrals on pupils currently enrolled in the school and thought to need special education and related services.

(b) Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Discuss written results of the formal and informal evaluations.

(e) Make recommendations as to appropriate services and/or programs for the identified child. These recom-

mendations shall be in the form of an individual education program (IEP).

(f) At least annually, review the pupil's IEP and review the placement of each exceptional child in the school in relation to his or her educational progress in that setting to determine;

1. Continuation of current educational placement;

2. Change in educational placement; or

3. That special education and related services are no longer needed.

(g) For those referred pupils who are determined by the SBARC not to need special education and related services the SBARC shall provide the referring person and the parents with written explanation why the child is not to receive special education and related services and shall provide in writing recommended remedial actions.

(h) Refer cases where appropriate services are not available within the school to the AARC.

(5) If at any time during the school year, the child's educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s) or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060.

(a) When a review is requested for the purpose of securing a less restrictive environment, the appropriate admissions and release committee determines that the child's needs can be met in a less restrictive setting and the child's placement and educational program shall be changed and support services provided as necessary.

(b) When a review is requested for the purpose of securing a more restrictive educational placement for the child the appropriate admissions and release committee shall review that current educational program after it has been implemented for the minimum time of thirty (30) calendar days.

(6) At any time, during the three (3) years following an individual evaluation utilized for placement purposes, the parent(s), principal, teacher, or specialist(s) providing services to the child may request a re-evaluation. The appropriate admissions and release committee shall be responsible for assuring that such evaluation(s) are obtained or conducted, and shall follow the procedures outlined in Section 3(2) and (4), functions of the AARC and SBARC.

(7) Sub-district admissions and release committees: For those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees (ARCs) may be established within the local school district to facilitate school to school placements. The sub-district ARCs shall not supplant administrative and school-based admissions and release committees and their respective functions. Sub-district ARCs shall be established to conform with district-specified school groupings. These groupings may be organized either by instructional level or school clusters. Those local school districts wishing to establish sub-district ARCs shall submit a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan. The following components shall be considered by the Bureau of Education for Exceptional Children in granting approval for such plan: Rationale for need of the sub-district ARCs; and, detailed description of the plan, including organizational patterns, and specific functions of the committees.

(a) The membership of sub-district ARCs shall consist of:

1. Local school district administrative staff member, designated by the superintendent, chairperson (permanent member);
2. Person(s) qualified to provide or supervise the provisions of special education programs;
3. Person(s) qualified to provide or supervise the provision of instruction for the age level of the referred child;
4. Referred child's principal and teacher;
5. Parent(s) of the referred child;
6. Referred child, where appropriate;
7. Personnel responsible for providing evaluation information;
8. Other members as requested by such committees.

(b) The functions of sub-district committees shall be similar to the functions of the Administrative Admissions and Release Committee with the following exception: For those pupils recommended to receive services outside the area served by a sub-district ARC or outside the local school district's programs, the sub-district ARC shall be responsible for referring the child to the AARC.

Section 4. Child Evaluation. Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records. The appropriate admissions and release committee shall be responsible for assuring that child evaluation information is obtained pursuant to the following:

(1) All due process procedures related to evaluation as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(2) Appropriate evaluations shall be conducted by a multidisciplinary team. Evaluation personnel shall be determined by the appropriate admissions and release committee.

(3) Areas for evaluation shall be determined by the appropriate admissions and release committee and as specified by regulations related to the suspected area of exceptionality.

(4) Evaluation procedures: To the maximum extent possible, child evaluation procedures, shall be non-discriminatory in that:

(a) Techniques and/or materials used are non-biased relative to race, culture, socio-economic status or impaired sensory, manual, or speaking skills.

(b) Qualified personnel provide the evaluation services. Qualified personnel refers to those certified special education personnel and others, as appropriate, selected by the local school district to conduct evaluations. Such personnel shall be trained in specific areas of child evaluation and shall assure that they:

1. Have the expertise to conduct the evaluation;
2. Understand the use of the different evaluation procedures; and
3. Properly administer and interpret the evaluation results.

4. Such personnel may include but are not limited to: educational diagnosticians, assessment specialists, classroom teachers, speech and language therapists, psychologists, psychometrists, counselors.

(c) Tests and materials are provided and administered in the child's native language or primary mode of communication.

(d) Tests and materials have been validated for the specific purpose for which they are used.

(e) Tests and materials are administered in conformance with the instructions provided by the producer.

(5) No single evaluation procedure shall be used to determine an appropriate program for a child.

(6) Each child placed in a program for exceptional children shall be re-evaluated every three years or more frequently as warranted.

(7) Any evaluation conducted within one year prior to the current referral may be accepted by the appropriate admissions and release committee as a legitimate substitute for another evaluation of the same type provided the information obtained meets the criteria specified above in subsection (1) to (5).

Section 5. Individual Education Programs (IEP). The appropriate admissions and release committee shall be responsible for the development, implementation, and monitoring/evaluation of each exceptional child's individual education program.

(1) Development. The individual education program shall include but not be limited to the following components:

(a) Present level of educational/behavioral performance including a written summary of strengths and weaknesses.

(b) Annual goals based on child's current level of functioning.

(c) Short term instructional objectives for each of the annual goals. Short term instructional objectives refer to measureable intermediate steps between the present level of educational/behavioral performance and the specified annual goals. These objectives are identified for the purpose of periodically reviewing and evaluating pupil progress toward meeting the annual goal(s) specified on the IEP.

(d) Specific special education and related services needed to meet the specified goals and objectives.

(e) Extent to which the child will participate in the regular education program.

(f) Projected dates for initiation of specified educational and related services.

(g) Anticipated duration of the specified special education and related services.

(h) Appropriate objective criteria and evaluation procedures; and

(i) Schedule for determining, at least on an annual basis, whether the goals and objectives are being achieved.

(2) Implementation and evaluation. The appropriate admissions and release committee shall be responsible for assuring that strategies and activities designed to meet short-term objectives are implemented, and that the child's progress toward and mastery of the short-term objectives is [periodically] evaluated *at least annually*.

(a) For each short-term objective specified on the IEP the appropriate admissions and release committee shall assign a specific person(s) who shall be responsible for determining and implementing appropriate strategies and activities that will assist the child in achieving the specified objectives and goals.

(b) *The implementer(s) shall maintain records of student progress in achieving short term objectives.*

(b) Written documentation of the strategies and activities utilized by the implementer to assist the child in mastering the specified objective shall be maintained.]

(c) Written documentation of pupil progress and/or mastery of objectives shall be maintained. The documentation shall include, but not be limited to: criteria used to determine progress and/or mastery, timelines for comple-

tion of strategies and activities including dates when strategies and activities were initiated and when mastery was achieved; and, effectiveness of strategies and activities.]

(c) [(d)] The above *records* [written documentation] shall be utilized by the implementer and the appropriate admissions and release committee for on-going evaluation of the IEP to determine *the* [, at specified intervals,] effectiveness and appropriateness of the IEP [, to recommend changes in the IEP,] and to document implementation of the IEP.

Section 6. Placement. All exceptional children as defined in KRS 157.200 are eligible for enrollment in a program for exceptional children.

(1) Placement shall be determined by the appropriate admissions and release committee pursuant to the following:

(a) All due process procedures related to placement as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(b) The student recommended for placement in a specific categorical program for exceptional children shall meet the established standards (criteria) for eligibility for placement in that program. A written statement justifying placement shall be maintained in the pupil's file. This statement shall contain a description of each evaluation procedure, test, record or report the admissions and release committee used as a basis for the recommended placement.

(c) Placement shall be based on the child's IEP.

(d) Placement shall be determined at least annually, and shall be made consistent with the least restrictive environment concept as required and provided in Section 7 of this regulation.

(e) Temporary placement.

1. Temporary placement may occur, upon written request from the parent, for those students who are new to the school or to the local school district and who have been provided special education and related services by another local school or agency. The appropriate admissions and release committee shall convene to determine appropriate program and placement within thirty (30) calendar days of the pupil's entry into the school or school system.

2. Temporary placement (trial basis) for students not new to the school or school system may be considered pursuant to the following conditions:

a. The placement shall be for no longer than four (4) calendar months and shall not be continued beyond this specified time.

b. Written rationale justifying the temporary placement shall be provided by the admissions and release committee recommending temporary placement and shall be maintained with the IEP.

c. The pupil shall have an IEP specifying temporary placement and the starting and ending dates of such placement.

d. A temporary placement shall not serve as a substitution for a more appropriate placement.

e. The appropriate admissions and release committee shall review the temporary placement no later than four (4) months after initiation of services to determine the effectiveness of such services, and to make recommendations for continuation in that program or a change in programs.

f. All due process procedures as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be afforded the parent, child, and school, including written parental permission for temporary placement.

(2) Change in placement. Change in placement refers to

those actions that cause a significant alteration in programming for a child who is currently receiving special education and related services. Such alterations may be admissions and release committee initiated or may be the result of extenuating circumstances (e.g., family moves).

(a) The following actions shall be considered significant alteration or change in placement for an exceptional child. A change from:

1. Special education and related services to regular education, including regular education with support services;

2. One categorical program to another (e.g., TMH to EMH);

3. One program plan to another (e.g., special class to resource room);

4. One instructional level to another (e.g., elementary to middle school);

5. A special school or setting to or from a regular school;

6. One school district to another school district.

(b) Any change in placement shall follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and placement, including written parental permission for change in placement.

(c) Any change in placement shall be subject to established admissions and release committee procedures and consideration of the least restrictive environment concept.

Section 7. Least Restrictive Environment. Least restrictive environment refers to that educational setting or program in which he identified child can function most effectively based upon his/her unique needs and capabilities.

(1) To the maximum extent appropriate exceptional children as defined in KRS 157.200 including those children in public or private institutions or other care facilities shall be educated with children who are not identified as exceptional.

(2) Self-contained classes, separate schooling or other removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Unless an exceptional child's individual education program requires some other arrangement, the child shall be educated in the school in which he or she would attend if not identified as exceptional.

(4) Each agency providing educational services shall insure that a continuum of placement alternatives is available to meet the needs of exceptional children for special education and related services. The alternatives shall include but not be limited to instruction in the regular classroom, special classes, special schools and home and hospital instruction. The alternatives shall also make provision for supplemental services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

(5) The identified child shall be returned to the most normal setting possible when specified goals and objectives have been achieved, consistent with the child's capabilities and educational needs and as determined by the appropriate admissions and release committee.

Section 8. Program Completion. An exceptional pupil shall be granted a high school diploma pursuant to meeting

criteria and standards as provided in the "Program of Studies for Kentucky Schools." These pupils should be considered a part of the graduating class and no distinction shall be made in the ceremonies.

Section 9. Procedural Safeguards. Each child and his or her parent(s) and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation and educational placement of the child in programs for exceptional children as provided in 707 KAR 1:060, the "Due Process Policy and Procedure Manual." These safeguards shall include the following:

(1) The child shall be represented by his or her parent(s) at all decision making points in the identification, evaluation and placement process. "Parent" refers to a natural mother or father, adoptive mother or father, a legally appointed guardian, a person acting as a parent of a child, (grandparent, stepparent, etc.) or a surrogate parent appointed to act in this capacity.

(2) The parent(s) shall receive notification from the local school district that their child has been referred as a possible candidate for programs for exceptional children and that the child has the right to receive a free, appropriate public education.

(3) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation and placement procedures.

(4) The local school district shall obtain written parental permission prior to individual evaluation, and placement in a program for exceptional children.

(5) The parent(s) shall be notified annually that they have access to relevant school records consistent with the following:

(a) "Educational records" are open for inspection and review by the individual child's parent(s), as defined in Section 9(1).

(b) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(c) Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights.

(d) The parent may request a representative to inspect and review the child's records.

(e) The location, types and person responsible for education records shall be made public information by the agency.

(f) A record of access shall be maintained for those individuals obtaining access to such records, except the parents and authorized parties of the agency.

(g) Information from records containing data on more than one child shall be provided in such a way as to preserve the confidentiality of the other students.

(h) The parent(s) have the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the record.

(i) If the result of the hearing does not require such amendment, the parent has the right to place a statement outlining points of dissent in the educational records. This statement must accompany the information each time it is released.

(j) A listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.

(k) Parental consent must be obtained before disclosing personally identifiable information to individuals or agen-

cies as delineated in the Family Educational Rights and Privacy Act, and P.L. 94-142.

(l) Public agencies must inform the parent(s) when education records are no longer needed for educational services, and destroy that information upon request of the parent. The agency must inform the parents that such information could be needed later for social security benefits or other purposes. A permanent record of the students name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

(m) The public agency should develop and adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of P.L. 94-142 for all exceptional pupils receiving educational services from that agency.

(6) The parent(s) shall have the right to obtain an independent educational evaluation conducted by a qualified examiner. The results of this evaluation must be considered in decisions regarding the provision of a free appropriate public education to the child.

(7) In accordance with procedures outlined in 707 KAR 1:060, the "Due Process Policy and Procedure Manual," either the parent(s) or the local school district may request an impartial due process hearing to resolve disagreements regarding the identification, evaluation and educational placement of exceptional children. Appeals related to the due process hearing decision shall be conducted pursuant to 707 KAR 1:080.

(8) Where a child's parent(s) or guardian(s) are not known, are unavailable or the child is a ward of the State, such child shall be assigned a surrogate parent to represent him/her in all matters relating to the provision of a free, appropriate public education.

(a) The State Department of Education and local school districts, in cooperation with other public and private agencies, shall recruit persons who can and will serve as surrogate parents. The State Department of Education, Bureau of Education for Exceptional Children, shall maintain a registry of such persons to act in this capacity. Persons selected as surrogate parents shall:

1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

3. Be familiar with the educational system within the state;

4. Be readily accessible to the children they represent;

(b) Assignment of a surrogate to a particular child shall be made according to the following procedures:

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education, Bureau of Education for Exceptional Children.

2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

3. If the local school district determines need for a surrogate as provided in Section 9(1), the State Department of Education, Bureau of Education for Exceptional Children, shall be notified in writing of such need. The Bureau of Education for Exceptional Children shall assign a surrogate within seven (7) calendar days of the notification.

4. The assigned surrogate shall represent the child in all

matters relating to identification, evaluation and placement, and the provision of a free appropriate public education.

5. Surrogates shall not be assigned to children who have reached the age of majority.

6. An individual assigned as a surrogate shall not be an employee of a public agency involved in the education or care of the child.

(9) Testing and evaluation materials utilized for the purpose of evaluation and placement of exceptional children must be selected and administered so as not to be racially or culturally discriminatory.

(10) Decisions regarding the placement of exceptional children shall be made with regard to educating these students to the maximum extent appropriate with their non-handicapped peers in the least restrictive environment.

Section 10. 707 KAR 1:050 is hereby repealed.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children
As Amended

707 KAR 1:054. Programs for the emotionally disturbed; behavior disordered.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for emotionally disturbed (behavior disordered) children. This regulation is necessary to assure uniformity in providing special education and related services to emotionally disturbed children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for the emotionally disturbed (behavior disordered) of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. Pupils shall be eligible for enrollment in a program for the emotionally disturbed (behavior disordered) who demonstrate one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(1) An inability to learn commensurate with the measured functioning ability *because of emotional problems*;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and *adults* [teachers];

(3) Inappropriate types of behavior under normal circumstances;

(4) A general pervasive mood of unhappiness or depression;

(5) A tendency to develop physical symptoms or fears associated with personal or school problems;

(6) The term emotionally disturbed (behavior disordered) includes pupils who *manifest symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism*. [are schizophrenic or autistic] The term does not include pupils who are socially maladjusted, *unless it is determined that they are seriously emotionally disturbed*.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of emotionally disturbed (behavior disordered) pupils. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(1) A health screening which would indicate there are no primary visual, auditory or physical handicapping conditions;

(2) A compilation of specific behavioral data collected over a period of time by the referral source;

(3) A written compilation of data from direct observation of the referred pupil in familiar surroundings by a person other than the referral source;

(4) An individual educational assessment of the referred pupil's specific strengths and weaknesses in basic skill areas;

(5) An individual psychological or psychiatric evaluation;

(6) A developmental and social history;

(7) A record/evidence of previous educational/behavioral intervention strategies that have been utilized.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for emotionally disturbed (behavior disordered) pupils shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Classroom plans for emotionally disturbed (behavior disordered) pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for emotionally disturbed (behavior disordered) pupils shall be established under the resource room, special class or variation plan. Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 8. Housing. Classes for emotionally disturbed (behavior disordered) pupils shall be housed in elementary

and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:056. Programs for children with specific learning disabilities.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for learning disabled children. The regulation is necessary to assure uniformity in providing special education and related services to children with specific learning disabilities and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for learning disabled children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. Pupils shall be eligible for enrollment in programs for children with specific learning disabilities pursuant to the following:

(1) An admissions and release committee shall determine that a child has a specific learning disability if:

(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below):

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation;
7. Mathematics reasoning.

(b) The admissions and release committee finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.

(2) The admissions and release committee shall not identify a child as having a specific learning disability of the severe discrepancy between ability and achievement is primarily the result of:

- (a) A visual, hearing or motor handicap;
- (b) Mental retardation;
- (c) Emotional disturbance; or
- (d) Environmental, cultural or economic disadvantage.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification,

evaluation and placement of learning disabled children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4.

(1) **Team Membership.** In order to evaluate and identify children with specific learning disabilities, the team membership shall include, but not be limited to:

(a) Referred pupil's regular education teacher; or
 1. If the child does not have a regular education teacher, then a teacher qualified to teach a child of his or her age.

2. For a child of less than school age, an individual qualified by the state education agency to teach a child of his or her age.

(b) At least one (1) person qualified to conduct individual diagnostic examinations of children.

(c) Certified teacher of the learning disabled.

(d) Individual qualified to administer individual intelligence tests.

(e) Other individuals as needed; such as,

1. Speech and language pathologist;
2. Guidance counselors;
3. Remedial reading teacher;
4. Physician.

(2) **Assessment for identification and placement.** The assessment for identification and placement shall consist of:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) Written behavioral observation.

1. An evaluation team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

2. In the case of a child of less than school age or out of school a team member shall observe the child in an environment appropriate for a child of that age.

(c) Individual standardized test(s) of basic skills to be administered by qualified personnel.

(d) An individual measure of intelligence to be administered by qualified personnel.

(e) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(3) **Written report.** The evaluation team shall prepare a written report of the results of the evaluation.

(a) The report shall include a statement of:

1. Whether the child has a specific learning disability;
2. The basis for making the determination;
3. The relevant behavior noted during the observation of the child;
4. The relationship of that behavior to the child's academic functioning;
5. The educationally relevant medical findings, if any;
6. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

7. The determination of the evaluation team concerning the effects of environmental, cultural, or economic disadvantage on the child's performance.

(b) Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the evaluation team member shall submit a separate statement presenting his or her conclusions.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for children with specific learning disabilities shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Classroom programs for children with specific learning disabilities shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. The following types of classroom plans shall be utilized: itinerant teacher, resource room variation, and special class plan. Membership and age range in the above plans shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 8. Housing. Classes for learning disabled pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
As Amended

707 KAR 1:058. Programs for multiple handicapped children.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for multiple handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to multiple handicapped children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for multiple handicapped children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. "Multiple handicapped children" shall be those children who have a combination of two or more impairments (such as mentally handicapped-blind, mentally handicapped-orthopedically impaired, etc.) the combination of which produces such severe learning, developmental or behavioral problems that appropriate services cannot be provided in special education programs designed solely for children with one impairment. Pupils who meet the requirements of this definition are eligible for enrollment in programs for the multiple handicapped. The term shall not include deaf-blind children or severely/profoundly handicapped children.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of multiple handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluations shall include: (1) A developmental and social history;

(2) A medical evaluation;

(3) An individual psychological assessment of current intellectual functioning;

(4) An individual educational assessment of basic skills (i.e., math, reading, language);

(5) Written behavioral observation;

(6) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for multiple handicapped children shall be determined by the appropriate admissions and release committee pursuant to procedures described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Programs for multiple handicapped pupils shall be established under the special class or variation plan as described in 707 KAR 1:051, Section 1. Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 8. Housing. Classrooms for multiple handicapped children shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Library and Archives
As Amended

725 KAR 2:050. Textbooks for non-public schools.

RELATES TO: KRS 171.215

PURSUANT TO: KRS 13.082, 171.215

EFFECTIVE: December 6, 1978

NECESSITY AND FUNCTION: This regulation is necessary for the Department of Library and Archives to exercise its duties. The Department is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing textbooks to pupils in *approved* [accredited] nonpublic schools in Kentucky. This program includes selection, purchase, distribution, and accountability of the textbooks.

Section 1. Hereinafter, the expression "eligible non-public school" refers to those nonpublic schools, grades one (1) through twelve (12) which are *approved* [accredited] by the Kentucky Department of Education, the initials "D.L.A." refer to the Department of Library and Archives, and the term "textbooks" refers to textbooks approved by the State Textbook Commission and which conform to the State Board of Education distribution schedule.

Section 2. (1) Textbook Selection, Acquisition, and Distribution. During the first year of implementation (1978-79) the selection of the subject and grade level will be determined by a committee appointed by the State Librarian within the DLA in consultation with the Kentucky Department of Education. Beginning with the 1979-80 school year an advisory committee shall be appointed by the State Librarian to advise the DLA regarding selections. Membership on this committee shall not exceed five (5) in number and shall be composed of the chief executive or administrative officer of eligible schools and shall, as far as possible, represent the various types of eligible schools. The quantity of textbooks purchased shall be determined annually based on the amount of available funds.

(2) The Technical Services Division of the DLA shall order and process the textbooks. The textbooks shall be received, counted, and stamped with the DLA property stamp, and held for distribution as eligible applications are filled or processed in the order in which they are received. Should the supply of textbooks prove inadequate to meet the demand within the specified application period, applicants shall be mailed written notification of the status of their request, i.e., availability of a partial supply of requested number or unable to provide due to exhausted supply.

Section 3. Application. (1) Any *approved* [accredited] nonpublic school in Kentucky shall be eligible to make annual application for the available textbooks. Applications shall be made according to the following procedure. The DLA shall officially notify all eligible schools of the availability of the textbooks, specifying that applications will be considered on a first-come, first-served basis. This notice shall include a brief application form requesting basic data:

- (a) Name of school;
- (b) Address;
- (c) Chief executive or administrative officer;
- (d) Total school enrollment;

(e) Total enrollment in specified grade level and subject; and

(f) Additional information as deemed necessary on a year to year basis.

(2) A deadline for application shall be established annually.

Section 4. (1) The textbooks shall be distributed to the qualified applicants for use by pupils in the specified subject and grade level with the stipulation that the textbooks remain the property of the DLA and that an annual inventory report will be required. The annual report shall consist of an accounting at the end of each school year, indicating:

- (a) The number of textbooks allotted to the school;
- (b) The number of textbooks distributed to pupils during the current school year;
- (c) The number of textbooks collected and held at the end of the school year for redistribution within that school the following year; and
- (d) The condition and location of the textbooks.

(2) When use of the textbooks is discontinued, the schools shall notify the DLA which will direct the school as to the proper disposition of these books.

(3) The chief executive or administrative officer of recipient schools shall be responsible for the care of the textbooks allotted to their respective institutions and for the accountability of same to the DLA.

BARBARA M. WILLIAMS, State Librarian
WENDELL P. BUTLER, Secretary

ADOPTED: September 28, 1978

RECEIVED BY LRC: September 28, 1978 at 4 p.m.

Proposed Amendments

DEPARTMENT FOR FINANCE Division of Occupations and Professions Board for Licensing Hearing Aid Dealers (Proposed Amendment)

201 KAR 7:070. License renewal.

RELATES TO: KRS 334.110

PURSUANT TO: KRS 13.082, 334.150

NECESSITY AND FUNCTION: To enumerate certain requirements for renewals.

Section 1. Responsibility for filing for renewal of licenses, permits or certificates and for paying fees shall rest with the individual holder. The board is not responsible for sending a letter of reminder.

Section 2. For renewal of a license or certificate the holder shall send the board with his renewal application, a copy of a certificate of calibration for his audiometric testing equipment completed within the last twelve (12) months [.] , and *satisfactory evidence of continuing education hours as required in 201 KAR 7:075.*

ROBERT C. STOCKLER, Chairman

ADOPTED: April 1, 1978

APPROVED:

ROY STEVENS, Secretary

RECEIVED BY LRC: November 27, 1978 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Occupations and Professions,
P.O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE Board of Hairdressers and Cosmetologists (Proposed Amendment)

201 KAR 12:020. Examination.

RELATES TO: KRS 317A.010, 317A.020, 317A.050, 317A.100

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: KRS 317A.050 requires all students of cosmetology to register with the board when enrolling in a school of cosmetology.

Section 1. No graduate of any school of cosmetology licensed by this board will be accepted for apprentice examination who has not registered with the board at least ten (10) months and two (2) weeks prior to said examination. No graduate manicurist will be accepted for examination who has not registered with the board at least thirty-seven and one-half (37½) days prior to examination.

Section 2. Out-of-state graduates must submit a certification of hours from the state board where the hours were obtained.

Section 3. No student or apprentice cosmetologist will be permitted to take the board's examination whose application completed in full has not reached the office of the board at least ten (10) working days prior to the beginning date of examination.

Section 4. The board's examination will be given only to students who have been notified to appear for the examination and who are wearing a clean, washable uniform and who have with them a pencil for their written examination and instruments to be used by them in the giving of practical examination.

Section 5. The examination shall consist of both a written test and practical demonstration in all subjects relating to cosmetology. The practical demonstration shall be performed on a live female model.

Section 6. (1) An average grade of seventy (70) percent in theory and practical will be required as a passing grade on the board's apprentice examination. No license will be issued to an applicant, not including instructors, with a grade below seventy (70) percent in any one subject and applicant must submit to re-examination on subjects not successfully completed.

(2) Instructors license will not be issued to any applicant receiving a grade below eighty-five (85) percent in any one subject. Applicant must submit to re-examination on subjects not successfully completed.

Section 7. A student who works in a beauty salon prior to the apprentice examination given by the board will be considered ineligible to take the examination.

Section 8. A bulletin board must be provided by a school and the examination schedule must be conspicuously displayed thereon at all times.

Section 9. Applicants successfully completing the state board examinations must buy their licenses within thirty (30) days following their examination. Failure to purchase said license will require the paying of the appropriate restoration as required by KRS 317A.050.

[Section 10. An applicant who fails the physical examination is required to receive treatment from a competent physician and furnish the board with a physician's affidavit that said applicant is free from any contagious and infectious disease, prior to being examined by the board.]

Section 10. [11.] The fee accompanying an application will not be refunded unless the application is rejected by the board.

Section 11. [12] Any applicant who fails the state board examinations may be rescheduled for examination during any examination period provided all qualifications are met.

Section 12. [13.] Any applicant who fails any phase of

the state board examination and waits over ninety (90) days to retake the examination must file another application.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:082. School's course of instruction.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Schools must provide a course of instruction of 1,800 hours of student training. The curriculum prepares the individual for examination for the appropriate license.

Section 1. The regular course of instruction for cosmetology students shall contain the following:

(1) Professional practices:

(a) The cosmetology profession:

1. Cosmetology vocabulary.
2. Brief history; how it began, and changes.
3. Ethics; ethics in a beauty salon; and salon conduct.

(b) Salon procedures:

1. Hygiene and good grooming; personal and public; personal characteristics; and responsibilities of the cosmetologists.

2. Professional attitudes and salesmanship; personality development; salesmanship and business management; customer relationship; and telephone personality.

3. Public relations and psychology; behavior; and proper image.

(c) Speciality services:

1. Facial treatments and make up: facial treatment, make up preparation; implements and supplies; procedure in giving a plain facial; purpose and effect of massage movements; facial cosmetics; special problems; eyebrow arching; and lash and brow dye.

2. Manicuring: purpose and effect; preparation; equipment; and procedures, including the following: plain manicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of lacquer, and application of artificial nails.

(2) Life sciences (general anatomy):

(a) Osteology: definition; and functions.

(b) Myology: definition; functions; and types.

(c) Neurology: definition; functions; types (motor and sensory) and principal nerves of the head, face and neck.

(d) Angiology: definition; composition of blood, and function of blood.

(e) Dermatology: structure of skin; functions of skin; appendages of skin; conditions of the skin, and lesions of the skin.

(f) Trichology: structure of hair, composition; blood and nerve supply; growth and regeneration; color, texture elasticity, porosity; and conditions to be recognized.

(g) Nails: structure and composition; growth and regeneration; and irregularities.

(3) Physical sciences (chemistry and treatment):

(a) Chemistry:

1. Elements, compounds, and mixtures; properties of; acid and alkali; and chemistry of water.

2. Composition and uses of cosmetics: for the body; for the skin and face; and for the scalp and hair.

3. Chemistry of hair lightening.

4. Chemistry of hair coloring.

5. Chemical hair relaxing.

6. Chemistry of make up.

7. Chemistry of facial treatments.

8. Chemistry of rinses; soaps and shampoos; and detergents.

9. Chemistry of cold waving.

(b) Scalp and hair treatments: purpose and effects; preparation and procedure; use of cap; electricity and therapeutic ray; and safety rules.

(c) Shampoos and rinses: importance of good shampoo; purpose of effects; required materials and implements; brushing and drying; types of shampoos; rinses (not colored); and composition.

(d) Hair coloring: principle reasons for coloring; advantages of coloring; classifications of hair coloring; variation of products; procedures; and safety measures.

(e) Hair lightening: types of lighteners; implements and supplies; procedure; special problems in hair lightening; fillers and toners; removal of aniline derivative tints; and tint back to natural coloring.

(f) Cold waving: basic requirements; scalp and hair analysis; hair porosity; hair texture; hair elasticity; hair density; curling rods and chemicals; variation of permanent wave products; procedures; problems and safety measures.

(g) Sterilization and sanitation: definitions; importance; sterilization rules; and methods of sterilization.

(4) Hair designing or sculpturing:

(a) Hair shaping: fundamentals of hair shaping; correct use of tools; designing and planning the hair cut; sectioning and thinning; razor and shear shaping; wig shaping; and safety precautions.

(b) Hair styling: finger waving; pin curls; hair partings; artisty hair styling; dressing of the coiffure; special consideration in hair styling; chemical hair relaxing and styling; facial types; and hair pressing and types of hot-iron curling.

(c) Care and styling of wigs: purpose; quality; types of wigs; ordering wigs; cleaning; shaping; tinting and color rinsing; setting and safety precautions.

Section 2. Schools must teach the students of the various supplies and equipment used in the usual salon practices.

Section 3. Schools must have the following charts available for students' use:

(1) Charts showing anatomy of muscles of face and neck with special reference to the direction of muscle fibers and function of muscle or groups of muscles;

(2) Charts showing anatomy of nails.

Section 4. All students shall receive not less than 1,800 hours in clinical class work and scientific lectures with 450

minimum lecture hours for science and theory and 1,305 minimum clinic and practice hours; and forty-five (45) hours of Kentucky statutes and regulations.

Section 5. One (1) hour per week should be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and the rules and regulations of the board.

Section 6. When permission of this board is given a student to enroll in a school for a special brushup course in any of the following subjects, said student will be required to have a course of training of the following number of hours in the course or courses he or she desires to take:

- (1) Permanent waving, *and all chemical control*, 150 hours [croquignole and spiral combination, and all wet curls, 100 hours].
- (2) Manicuring, hand and arm massage, [and bleach] 100 hours.
- (3) [Marcelling and] All iron curls, 100 hours.
- (4) Facials, 125 hours.
- (5) Hair coloring and bleaching, 150 hours.
- (6) Scalp massage, 25 hours [125 hours].
- (7) Hair shaping, trimming, and thinning, 125 hours.
- (8) Science, 100 hours.
- (9) Hair dressing and styling, 150 hours.

Section 7. No school of cosmetology shall be granted a license to operate a school of cosmetology or annual renewal of license unless the following curriculum is maintained and taught.

- (1) Curriculum for freshmen students:
 - (a) Theory and related theory class, 100 hours:
 1. General theory, including Kentucky Cosmetology Law and rules and regulations adopted thereunder.
 2. Clinical theory.
 3. Lecturing theory.
 - (b) Clinical and related theory class (freshman practice class on students or mannequins), 200 hours:
 1. Cold waves.
 2. Facials and make up.
 3. Complete "S" formations or complete fingerwaves.
 4. Pincurl technique.
 5. Hairshaping.
 6. Hairstyling techniques.
 7. Lash and brow tint.
 8. Eyebrow arches.
 9. Manicuring.
 10. Scalp treatments.
 11. Shampooing.
 12. Hair coloring, bleaching, and rinsing (mixing and formulas).
 13. Heat permanent.
 14. Safety measures.
- (2) Curriculum for junior and senior students:
 - (a) Theory and related theory class, 500 hours.
 - (b) Professional practices, life sciences (general anatomy), physical sciences (chemistry and treatment), hair designing [or sculpturing], safety measures, Kentucky Cosmetology Laws and rules and regulations adopted thereunder.
 - (c) Clinical class, 1,000 hours:
 1. Hair conditioning treatments.
 2. Scalp treatments.
 3. Hair shaping.
 4. Shampoos.
 5. Cold waves.

6. Chemical hair relaxing (permanent wave).
7. Complete "S" formation and complete fingerwaves.
8. Pincurl techniques.
9. Hairstyles.
10. Iron curling.
11. Hair coloring and toning.
12. Bleaches and frostings.
13. Facials and make up.
14. Manicuring.
15. Lash and brow tints.
16. Eyebrow arches.
17. Color rinses (certified color).
18. Wiggery.
19. Professional ethics and good grooming.
20. Salesmanship.
21. Reception desk and telephone answering.
22. Record keeping.
- [23. Federal and state tax records.]
- [24. Sales tax records.]
23. [25.] Dispensary (procedures for ordering supplies and retail merchandise).
24. [26.] Personality development.
25. [27.] Salon management.
26. [28.] Public relations.

Section 8. Schools are permitted to have one (1) lecture *and demonstration* per month [by a reputable manufacturer, or an authorized manufacturer's representative, to demonstrate their particular product].

Section 9. Any time not utilized in theory or clinic work must be used for study periods or library work.

Section 10. Each school shall furnish reference books for student's use. Any recognized textbook relevant to the art of science of cosmetology *and educational to the student* is acceptable to the board.

Section 11. Students of cosmetology shall not be permitted to work on the public until they have completed 300 hours of instruction.

Section 12. Students of cosmetology will be allowed eight (8) hours per day for two (2) out-of-school activities per 1800 hours pertaining to the profession of cosmetology if reported to the board office on a standard form supplied by the board.

Section 13. Students of cosmetology will be permitted to attend two (2) educational programs within their 1,800-hour course for eight (8) hours credit per day, [exclusive of Sundays] if reported to the board office on a standard form supplied by the board.

[Section 14. Recommended textbooks:]

[(1) "Standard Textbook of Cosmetology", 1938, revised edition, 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10476.]

[(2) "Physics of Hair", Wallat, 1960, Milady Publishing Corp, 3837-3839 White Plains Road, Bronx, New York 10467.]

[(3) "The Van Dean Manual", 1940, revised edition, 1962, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(4) "Sullivan Beauty Manual", 1963, E. M. Sullivan, revised edition, 1967, E. M. Sullivan, Publisher, P. O. Box 823, Orange, California 92669.]

[(5) "Chemistry for Cosmetology Students", 1969, Intron, Inc., P. O. Box 477, Downey, California 90241.]

[(6) "The Principles and Practices of Beauty Culture", Florence Wall, 1941, revised edition, 1961, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(7) "Hair Structure and Chemistry", 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(8) "Cosmetology, the Keystone Guide to Beauty Culture", 1970 edition, Keystone Publications, 1657 Broadway, New York, New York 10019.]

[(9) At least one (1) copy of a standard dictionary of the English language.]

[(10) At least one (1) copy of a standard medical dictionary.]

[(11) At least one (1) copy per student of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations.]

[(12) At least five (5) copies of the rules of the school. The most recent printing of each textbook is preferred.]

[(13) "The Prentice-Hall Textbook of Cosmetology", 1976 by Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 07632. The most recent printing of each textbook is preferred.]

[(14) "The Professional Cosmetologist", 1976, John W. Dalton, West Publishing Company.]

Section 14. Copies of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations shall be made available to all students.

Section 15. Manicurist curriculum shall include the following:

- (1) Science and theory; 100 hours:
 - (a) Equipment, sterilization, sanitation, public and personal hygiene safety measures, Kentucky Cosmetology Law and all rules and regulations adopted thereunder.
 - (b) Nail condition and manicure techniques.
 - (c) Hand and arm massage.
 - (d) Science pertaining to areas of hands and arms.
 - (e) Personality, grooming, salon management, professional ethics, and cosmetic theory laws.
- (2) Clinical; 200 hours:
 - (a) Oil and plain manicure.
 - (b) Nail polish changes, moons, half-moons, and tips.
 - (c) Hand and arm massage.
 - (d) Safety measures.
 - (e) Care of equipment.
 - (f) Removal of stains.
 - (g) Repair work.
 - (h) Buffing.
 - (i) Application of lacquer.
 - (j) Application of artificial nails.

Section 16. The course of study and curriculum for an apprentice instructor shall include as minimums, with a total of 1,000 hours the following:

- (1) Orientation, fifteen (15) hours.
- (2) Psychology of student training, fifty (50) hours.
- (3) Introduction to teaching, thirty (30) hours.
- (4) Good grooming and personality development, fifty (50) hours.
- (5) Course outlining and development, forty (40) hours.
- (6) Lesson planning, forty-five (45) hours.
- (7) Teaching techniques (methods), eighty (80) hours.
- (8) Teaching aids, audio-visual techniques, eighty (80) hours.

- (9) Demonstration techniques, fifty-five (55) hours.
- (10) Examinations and analysis, sixty (60) hours.
- (11) Classroom management, forty-five (45) hours.
- (12) Record keeping, twenty-five (25) hours.
- (13) Teaching observation, sixty-five (65) hours.
- (14) Teacher assistant, ninety (90) hours.
- (15) Pupil teaching (practice teaching), 270 hours.

[Section 17. Recommended Textbooks: (1) "Psychology in Teaching," H. P. Smith.]

[(2) "Milady Course of Study for Student Teachers."]

[(3) "325 Teaching Hints."]

Section 17. [18.] All student instructors must be under the immediate supervision and instruction of a licensed instructor at all times during the school day. No student instructor shall ever assume any of the duties and responsibilities of a licensed supervising instructor.

Section 18. [19.] All records of apprentice instructors' hours earned shall be recorded on a standard form supplied by the board office on or before the tenth (10th) day of each month.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED BY LRC: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, Kentucky State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE Board of Hairdressers and Cosmetologists (Proposed Amendment)

201 KAR 12:085. School advertising.

RELATES TO: KRS 317A.060 [317A.050]

PURSUANT TO: KRS 317A.060 [317A.050]

NECESSITY AND FUNCTION: Schools advertise for student enrollments and services rendered.

Section 1. Schools shall not advertise or use deceptive statements and false promises which act as inducements in an effort to get students to enroll in said schools.

Section 2. No prices for services rendered to patrons shall be advertised in any newspapers or any other form outside the school.

Section 3. A school of cosmetology must display in the reception room, clinic room, or any other area in which the public receives services a sign to read: ["School of Cosmetology—] "Work Done by Students Only." The sign must be large enough to be read the length of the room in which sign is posted.

Section 4. No school is permitted to advertise professional work or guarantee students' work.

Section 5. All school advertisements must include the following statement: "All Services Rendered by Students Only." ["A Cosmetology School Operating for Teaching Purposes Only".]

Section 6. Schools are forbidden to advertise positions or guarantee future employment to students.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED BY LRC: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:105. School districts.

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: The seven (7) Congressional Districts provide an equal division for the location of beauty schools. The number of eight (8) per Congressional District would allow all districts to have an equal number of schools.

Section 1. To protect the public and implement the provisions of KRS Chapter 317A, the state is hereby divided into seven (7) districts the same as the United States Congressional Districts and shall change when the Congressional Districts are properly changed. At all times these districts shall remain in conformity with these Congressional Districts:

(1) District 1. Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Crittenden, Lyon, Trigg, Caldwell, Union, Webster, Hopkins, Christian, Henderson, McLean, Muhlenberg, Todd, Logan, Butler and that portion of Ohio not in District 2.

(2) District 2. Daviess, Warren, Simpson, Allen, Barren, Edmonson, Hart, Grayson, Hancock, Breckinridge, Meade, Hardin, Larue, Marion, Washington, Nelson, Bullitt, Spencer, Anderson, and that portion of Ohio not in District 1.

(3) District 3. Louisville and Jefferson County precincts presently constituting United States Third Congressional District of Kentucky.

(4) District 4. Jefferson County exclusive of District 3, Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, exclusive of that portion in District 6.

(5) District 5. Taylor, Greene, Metcalfe, Monroe, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, Wayne, Rockcastle, McCreary, Estill, Lee, Jackson, Laurel, Whitley, Owsley, Clay, Knox, Bell, Leslie, Harlan, Garrard, Madison, and that portion of Jessamine not in District 6.

(6) District 6. Henry, Shelby, Owen, Franklin, Scott, Woodford, Mercer, Boyle, Harrison, Bourbon, Fayette, Jessamine, Clark, Grant, Pendleton, Kenton, and Campbell.

(7) District 7. Fleming, Bath, Menifee, Wolfe, Lewis, Rowan, Morgan, Breathitt, Perry, Greenup, Carter, Elliott, Magoffin, Knott, Letcher, Boyd, Lawrence, Johnson, Floyd, Martin, Pike, Bracken, Mason, Robertson, Nicholas, Montgomery, Powell.

[Section 2. For the protection of the public good and welfare, for the public's protection against misrepresentation, deceit or fraud in the teaching of beauty culture, no new license for a school of cosmetology shall be issued which would cause any district, as defined in Section 1, to have more than eight (8) such schools of cosmetology.]

Section 2. [3.] (1) No school of cosmetology presently existing and licensed or hereafter licensed, shall be permitted to move or transfer from one district to another district, as defined in Section 1, without application being made to, and approval received from the board.

(2) No school of cosmetology presently existing and licensed, or hereafter licensed, shall be permitted to move or transfer from one district to another district, as defined in Section 1, if such move or transfer would cause such district to have more than eight (8) such schools of cosmetology. [as provided in Section 2.]

Section 3. [4.] Nothing in the above sections shall be construed to prevent the issuance or the re-issuance of license to an existing beauty school.

Section 4. [5.] This regulation controls the location of private schools only.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED BY LRC: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:110. School license.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Each school owner must submit an application to operate a school of cosmetology, furnish proof of financial responsibility, meet all city, county, and state zoning, building, and plumbing codes.

Section 1. Each person, firm or corporation applying for a license to operate a school of cosmetology must submit an application provided by the board.

Section 2. Each person as an individual owner or *each member* [all members] of the firm or corporation must submit *financial statements indicating financial assets in the amount of \$10,000 for twenty (20) students enrolled and \$1,000 for each additional student enrolled.* [proof of bond in the amount of \$10,000 for thirty (30) students to be enrolled and \$20,000 for more than thirty-one (31) students to be enrolled.]

Section 3. A person having any interest in operating a school must submit a minimum of two (2) character references, proposed copy of student contract indicating all financial charges to enrolling students, and term of lease for location, if applicable.

Section 4. Application for license to operate a school of cosmetology must be accompanied by an architect's or draftsman's plan of proposed premises drawn to scale, showing the arrangements of the classroom, clinic area, mannequin area, dispensary, reception area, shampoo area, office and any other area of the school, entrance and exits, and placement of equipment [and location of gas and electric outlets].

Section 5. A license to operate a cosmetology school carries the approval of this board and is valid only for the location and person, firm, or corporation named on application and license issued by this board. A school of cosmetology license is never transferable from one location to another or from one person, firm or corporation to another.

Section 6. The owners, firm or corporation operating a school of cosmetology must notify the board in writing twenty (20) days prior to selling, transferring, or changing of ownership and management of a school. Prospective ownership must meet all qualifications of owning a school and have the approval of the board.

Section 7. Following approval of the application to operate a school of cosmetology by the board, the site shall be inspected by a quorum of the board or by at least one (1) member of the board and the board administrator. A final inspection of the premises shall be conducted by the members of the board prior to issuing of license. All schools must comply with city, county, and state zoning laws, plumbing and building codes.

Section 8. Any cosmetology school owner, manager, or instructor who misrepresents facts to the board, to the students, or to the general public concerning any information regarding the school or any student enrolled therein, or in any way violates regulations adopted by this board, will be served notice to show cause before this board, why the school's license and the instructor's license should not be revoked.

Section 9. Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons any branch or subjects of cosmetology as defined in KRS 317A.010 shall be classified as a school and will be required to comply with all the provisions of law and the rules and regulations of this board.

Section 10. The board will not license a correspondence school, nor will the board license any school of cosmetology in an establishment that teaches any other trade, profession or business, excluding vocational training schools.

Section 11. No person who is an owner, partner, stockholder, corporate officer or who has any financial or other interest in the management and control of the school, shall be enrolled in said school as a student.

Section 12. No school of cosmetology shall permit or require students to be in attendance at school more than forty (40) hours in any one (1) week.

Section 13. Any school of cosmetology desiring night classes must, by proper application, be granted permission from the board to operate such classes. Under no condition shall the school operate past 10 p.m. local time.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

DEPARTMENT OF FINANCE Board of Hairdressers and Cosmetologists (Proposed Amendment)

201 KAR 12:125. Schools' student regulations.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 13.082, 317A.062

NECESSITY AND FUNCTION: To protect the health and safety of the public and to protect the general public and students enrolled in schools of cosmetology against misrepresentation, deceit, or fraud while seeking services or enrolled therein.

Section 1. No student enrolled in a school of cosmetology is permitted to receive a salary or commission from the school while enrolled as a student in said school.

Section 2. Students shall not be permitted to smoke while providing services to patrons.

Section 3. No student shall be allowed to remain in the school to work on patrons upon completion of the required hours for the appropriate course of enrollment.

Section 4. No student, after he or she has graduated from a school, shall be allowed to return to that school or any other school for further practice and work in the pay departments without permission of the board.

Section 5. Schools must, at all times, display in a centralized conspicuous place the enrollment permits of all students enrolled therein.

Section 6. Schools must require students to wear some kind of insignia, badge, cap, or marking of their uniforms to indicate that he or she is a student in the school.

Section 7. Schools must require students to, at all times, wear a clean washable uniform, coat, or smock.

Section 8. Students must be on time for all class studies and work.

Section 9. No student shall be permitted to leave during school hours without special permission from the manager.

Section 10. No student shall be permitted to leave a class during a lecture or demonstration.

Section 11. Students are not permitted to operate any equipment in which there is known an operating hazard.

Section 12. All student kits containing all equipment, tools, and implements must remain on school premises until completion of the course of enrollment or withdrawal from the school.

Section 13. A student desiring to change from one school to another must notify the school in which the student is presently enrolled of their withdrawal and complete an application for enrollment when entering another school.

Section 14. Students are required to comply with the rules of their school, as long as they do not conflict with KRS Chapter 317A or the regulations of the board.

Section 15. Owners of schools must include the schools' refund policy in school-student contracts.

Section 16. Each student in a school is permitted to file a complaint with this board concerning the school in which they are enrolled, provided the information is clearly and concisely given and the complaint must at all times be signed by the complainant.

Section 17. Student Dismissal and Appeals:

(1) Schools may dismiss students for law violations, rule violations, insubordination, or for any reason for which the board could deny, refuse to renew or revoke a license if the students were licensed pursuant to KRS Chapter 317A.

(2) Schools may dismiss students for violations of any of KRS Chapter 317A or for the violation of any rule of the board adopted pursuant thereto or for violation of any school rule not in conflict with said chapter or the board rules.

(3) Any student aggrieved by dismissal from a school may appeal to the board by writing the board and requesting that an appeal be granted, but such appeal shall be taken within ten (10) days after the date of dismissal and such appeal shall be docketed by the board for a hearing within *thirty (30)* [fifteen (15)] days after the appeal request is received. The hearing day shall be set for as early a day as possible. The hearing and production of evidence shall be in conformity with that provided for board hearings in KRS Chapter 317A.

(a) Upon hearing the appeal, the board shall determine: Whether or not the school acted in scope of its power; and whether or not there is sufficient evidence to support the order of dismissal appeal from said school.

(b) After the hearing the board shall enter an order sustaining or setting aside the school's order of dismissal. If the order of dismissal is overruled and set aside by the board, then the school shall reinstate the student.

Section 18. Within ten (10) working days from a student's withdrawal, a cosmetology school shall report the

name of the withdrawing student and send the permit card and a notarized certification of the total number of hours that the withdrawing student has acquired in their cosmetology school to the board's office.

Section 19. In the event that the school after receiving request for the information outlined in Section 18 does not forward same to the board within *ten (10)* [twenty (20)] days after receiving requests, a verified affidavit from the student as to the number of hours received shall be accepted by the board and entered on their records as the appropriate number of hours earned.

Section 20. A training period for students is as follows: eight (8) hours per day, forty (40) hours per week (maximum). A student of cosmetology must have a minimum of 225 days of school attendance under instruction. A student of manicuring must have a minimum of thirty-seven and one-half (37½) days of school attendance under instruction.

Section 21. All students shall be allowed thirty (30) minutes toward the middle of any eight (8) hour day for eating or taking a rest break. Students shall not be given credit for the one-half (½) hour break toward meeting the 1,800 hour requirement.

Section 22. An informational copy of the statutes and regulations of the Kentucky Board of Hairdressers and Cosmetologists must be provided to each student enrolled in a school of cosmetology. Copies may be obtained from the board's office.

Section 23. Persons completing hours in a school of cosmetology within a period of five (5) years from date of enrollment shall be given credit by the board for hours completed. Any hours received beyond this five (5) year period shall be null, void, and held for naught.

Section 24. No student shall be in attendance in a school of cosmetology more than eight (8) hours in one (1) day and no more than five (5) days in one (1) week.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED: November 16, 1978 at 4. p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

**DEPARTMENT OF FINANCE
Board of Hairdressers and Cosmetologists
(Proposed Amendment)**

201 KAR 12:130. School fees for services.

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Schools are considered establishments of teaching and learning and should not operate as a beauty salon or charge the public or students enrolled additional fees.

Section 1. A school is not permitted to operate as a beauty salon. Prices for service rendered the public shall cover *only the costs of material*. [operational costs only.] A price list may be submitted to the board for approval. The board reserves the right to approve the said price list.

Section 2. All schools not submitting a price list in compliance with this regulation shall be governed by the most recent price list supplied to all schools by this board. The board's list shall be the maximum price that may be charged for the services so indicated.

Section 3. A copy of such prices must be posted on a card in each room of the school where work is done on the public. Price list must be printed in type large enough to be read at a distance of ten (10) feet.

Section 4. Schools shall not be permitted to charge students additional fees for demonstrations, nor shall any supply house or manufacturer be permitted to charge students fees for such demonstrations.

CARROLL ROBERTS, Administrator

ADOPTED: September 11, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED BY LRC: November 16, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Ky. 40202.

**CABINET FOR DEVELOPMENT
Department of Parks
(Proposed Amendment)**

304 KAR 1:040. Campgrounds.

RELATES TO: KRS 148.021

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Because of the great number of patrons visiting the state park campgrounds, the Department of Parks finds it necessary to establish a regulation governing the use of its campgrounds. This regulation will allow the department to operate an efficient, orderly campground for the benefit of all the camping public.

Section 1. At all state park campgrounds the following rules shall be observed: (1) All camping sites shall be

assigned on a "first come, first served" basis with no reservations accepted.

(2) Check-out time shall be 2:00 [4:00] p.m.

(3) All campers must register at the entrance to the campground and have a site assigned to them by the attendant. They shall remain on this site unless moved by the park superintendent.

(4) *No single camper or group of campers shall continuously occupy an assigned campsite for more than fourteen (14) days.*

(5) [(4)] Camping shall be restricted to the campground only unless *otherwise* authorized by the *park superintendent* [superintendent].

(6) [(5)] No permanent or semi-permanent installations are permitted *in the camping area*.

(7) [(6)] The central service buildings and all other facilities in the camping area are for the campers and their guests only.

(8) [(7)] No tent, camper, recreational vehicle, or camping equipment shall be left unattended longer than twenty-four (24) hours without written permission from the park superintendent.

(9) [(8)] Dogs and other pets must be kept on a leash at all times. All pets must have current inoculations [as required] for rabies as prescribed by *the camper's* state of residence.

(10) [(9)] No sewage from tents, campers, or [and] recreational vehicles shall be disposed of on the premises of the campground except at the sewage disposal *site* [dump].

(11) [(10)] Fire shall be restricted to designated concrete fire pads in campsite areas and attended at all times.

(12) [(11)] Buses and other transportation vehicles shall be parked at campsite parking spaces and parking lots.

(13) [(12)] Campers shall observe quiet hours after 11:00 p.m.

(14) [(13)] Campers shall refrain from hanging lanterns on trees and shrubs.

(15) [(14)] The use of motorbikes, motorcycles and motor scooters in *the* campground is restricted to regular roadways, for use in entering and exiting only.

BRUCE MONTGOMERY, Commissioner

ADOPTED: November 29, 1978

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: November 30, 1978 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Ben Birchfield, Director, Division of Boat Docks and Camping, Department of Parks, 10th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION
Bureau of Highways
(Proposed Amendment)**

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify those portions of the highway system affected and indicate their classification.

Section 1. The weight and dimension limits set forth in 603 KAR 5:066 and 603 KAR 5:070 for truckway classifications shall apply on all highways in the State Primary Road System as indicated herewithin, unless bridge postings prohibit such weights on any particular segment.

Section 2. The maximum weight limits for the three (3) classifications of highways are as follows: "AAA" System, 80,000 pounds gross weight; "AA" System, 62,000 pounds gross weight; "A" System, 44,000 pounds gross weight. There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on the Interstate and National Defense Highway System only.

Section 3. The classifications for each highway* in the State Primary Road system are as follows:

KY 176

AAA—From jct. US 62 in Greenville, via Drakesboro to dead end at Paradise near the Green River (Muhlenberg Co.).

[AA—From jct. US 431 at Drakesboro to Paradise near Green River in eastern Muhlenberg Co.]

[A—From jct. US 62 in Greenville to jct. US 431 in Drakesboro.]

KY 545

A—From jct. KY 408, 0.27 mile east of KY 121 to jct. KY 849 at Zoar Church (Carlisle Co.).

KY 548

A—From jct. KY 307 near Kirbyton in Carlisle Co. to jct. county road, 1.74 miles east of beginning [extends east and north to jct. KY 849 at Zoar Church].

KY 676

AAA—From jct. US 127 near the swcl of Frankfort to jct. KY 420 (Franklin Co.).

[KY 1074

A—From jct. KY 185, 0.3 mile south of Ready in Grayson Co. to the Edmonson Co. Line.]

KY 1275

AAA—From jct. KY 3106 in Monticello to jct. KY 90, a distance of 0.115 mile (Wayne Co.).

A—From a point 200 feet west of Broiles Hollow Rd. at Spann in Wayne Co. to jct. KY 3106 in Monticello; and from jct. KY 90 in Monticello to jct. KY 90 near Touristville.

KY 1584

A—From Main St. (US 150) in Springfield, via Walnut St. to jct. KY 555 near Spalding Lane (Washington Co.).

[KY 1603

A—From jct. KY 52, 3.5 miles e. of ECL of Danville to jct. US 150, 0.8 mile n. of the Lincoln Co. Line (Boyle Co.).]

KY 1808

AAA—From jct. KY 3106 near Steubenville to jct. KY 90, a distance of 0.14 mile (Wayne Co.).

A—From jct. KY 3106 near [90 at] Steubenville to a point 0.9 [1.1] mile s.e. of the beginning (Wayne Co.).

KY 2118

A—From jct. [KY 56, and] KY 81, 1,000 feet w. of US 60 Bypass via Airport Road to Administration Building (Davies Co.).

KY 2183

A—From jct. KY 259 in Brownsville via Cedar [Center] St. to Dogwood St. (Edmonson Co.).

[KY 2228

A—From jct. KY 245, se. of Deatsville to jct. KY 523 in Deatsville (Nelson Co.).]

[KY 2232

A—From jct. 7th. St. in Louisville along River Road to the east curb line of Preston St. (Jefferson Co.).]

[KY 2264

A—From jct. US 127 just south of I-64 via Twilight Drive to Old Harrodsburg Road (Franklin Co.).]

KY 2332

A—From jct. KY 169 in Nicholasville via North Third St. to jct. KY 29 [129] (Jessamine Co.).

KY 2337

AAA—(Access Road C) From jct. KY 305 near east side of I-24 extending southeast 0.224 mile (McCracken Co.).

KY 2515

AAA—From jct. US 68 near the ncl of Washington to a point 0.463 mile west of US 68 (Mason Co.).

A—From jct. US 68 south of [in] Washington via Main St. to US 68 near the ncl of Washington (Mason Co.).

KY 3067

A—From jct. US 60 west of Owensboro to jct. Medley Road at the entrance to Hawes State Park (Davies Co.).

KY 3068

A—From jct. KY 1812 at Main and Washington Streets in Jackson to jct. KY 15 at Miller Branch (Breathitt Co.).

KY 3069

AAA—From jct. KY 864 (Poplar Level Rd.), 0.2 mile south of I-264 in Louisville to District 5 Highway Garage (Jefferson Co.).

KY 3070

AA—From jct. KY 355 in Gratz, via Brown St. to jct. KY 22 (Owen Co.).

KY 3071

A—From jct. KY 7, 2.9 miles east of Colson to a point 0.346 miles southwest of beginning (Letcher Co.).

KY 3072

AAA—From jct. KY 15 in Whitesburg via Webb St. to Bentley St. (Letcher Co.).

KY 3073

AA—From jct. KY 28 at se corner of Court House in Booneville to jct. KY 30 at ne corner of Court House (Owsley Co.).

KY 3074

A—From jct. US 45, south of I-24, via the Bleich Road to jct. KY 994, south of I-24 (McCracken Co.).

KY 3075

A—From jct. KY 450, 0.7 mile south of I-24, via the Sheehan Bridge Road to jct. KY 131 near Reidland (McCracken Co.).

KY 3076

A—From near south side of I-275 via Mineola Pike to near north side of I-275, a distance of 0.331 mile (Boone Co.).

KY 3077

AAA—From 7th Street along River Road to Preston Street in Louisville (Jefferson Co.).

KY 3078

AAA—From north side of KY 1065, 800 feet east of National Turnpike to a point 100 feet west of L & N R.R. (Jefferson Co.).

KY 3079

AAA—From south side of KY 1065, 800 feet east of National Turnpike to a point 0.129 mile east of beginning (Jefferson Co.).

KY 3080

AAA—From a point 0.072 mile southwest of KY 3078 to KY 3078, 800 feet west of L & N R.R. (Jefferson Co.).

KY 3081

AAA—From the south end of K & I T bridge via Montgomery St., 29th St., and Northwestern Parkway in Louisville to 22nd St. (Jefferson Co.).

KY 3082

AAA—From 38th Street in Louisville, via Bank Street and 37th Street to Northwestern Parkway (Jefferson Co.).

KY 3083

AAA—Beginning at the new construction, west of 33rd St. in Louisville, via Bank St. to end of new construction, east of 33rd St. (Jefferson Co.).

KY 3084

A—From a point 290 feet northwest of Dry Creek in Kenton Co. to the Mineola Pike (KY 3076) in Boone Co., 300 feet n of I-275.

KY 3085

A—From a point 0.08 mile southwest of I-275 via Point Pleasant Road to a point 0.23 mile northeast of I-275 (Boone Co.).

KY 3086

A—From jct. Point Pleasant Road (KY 3085) via Ellis Road to a point 0.132 mile north of KY 3085 (Boone Co.).

KY 3087

A—From a point 0.398 mile west of KY 20 to jct. KY 20, 0.06 mile north of I-275 (Boone Co.).

KY 3088

A—From a point 0.1 mile south of I-275 via Elijahs Creek Road to a point 0.14 mile north of I-275 (Boone Co.).

KY 3089

A—From a point 0.142 mile southeast of KY 237 via the

KY 237 Frontage Road to jct. KY 237, 0.33 mile north of I-275 (Boone Co.).

KY 3090

AAA—From jct. KY 2374 westbound, via Philadelphia St., to jct. KY 8 at Third St. in Covington (Kenton Co.).

KY 3091

A—From jct. US 31W, 200 feet south of KY 447 overpass in Radcliff, to jct. KY 447, 300 feet east of US 31W (Hardin Co.).

KY 3092

AAA—From jct. KY 271 near Petri, extending north and northeast to jct. KY 334 (Hancock Co.).

KY 3093

A—From jct. Bethel Lane near south side of I-64, extending westerly 0.522 mile (Fayette-Scott Cos.).

KY 3094

AAA—From jct. KY 30 west of Jackson to Broadway in Jackson (Breathitt Co.).

KY 3095

A—From jct. US 60, 0.25 mile east of Tygarts Creek Bridge, to a point 0.149 mile south of US 60 (Carter Co.).

KY 3096

AAA—From jct. KY 1849, 0.9 mile west of US 31W, via Lower River Road to a point near Watson Lane (Jefferson Co.).

KY 3097

A—From jct. KY 2487 in Stanton via Adkins Ave. to jct. KY 2486 (Powell Co.).

KY 3098

A—From jct. KY 208, 0.3 mile north of Hatcher in Taylor Co., to jct. with a county road at Roachville in Green Co.

KY 3100

A—From jct. KY 690 near Mook to a point 0.057 mile east of the beginning (Breckinridge Co.).

KY 3101

AAA—From jct. US 60 west of Hawesville, via Harrison and Main Sts. in Hawesville to jct. KY 69 (Hancock Co.).

KY 3102

A—From jct. US 421, 0.19 mile north of Benson Creek to jct. Benson Ave. in Bellepoint (Franklin Co.).

KY 3103

A—From jct. Cedar St. (KY 2183) in Brownsville via Pine St. to Ferguson St., a distance of 0.03 mile (Edmonson Co.).

KY 3104

A—From jct. US 23 near the ncl of Pikeville to jct. Airport Road near C & O Railroad (Pike Co.).

KY 3106

AAA—From jct. KY 1275 in Monticello to jct. KY 1808 near Steubenville (Wayne Co.).

KY 3107

A—From jct. KY 1653, 0.2 mile northwest of KY 191 in Campton, to the Wolfe County Elementary School (Wolfe Co.).

DEPARTMENT OF PARKS

8042 (Daviess Co.)

A—Main Entrance to Hawes State Park and KY 3067.

OTHER FACILITIES

8409 (Harlan Co.)

A—Main Entrance to Harlan State Police Post and US 421.

8410 (Henderson Co.)

A—Main Entrance to Henderson State Police Post and US 41.

8411 (Mason Co.)

A—Main Entrance to Human Resources Building in Maysville.

8412 (Hardin Co.)

A—Main Entrance to National Guard Armory and Warfield St. in Elizabethtown.

COMPILER'S NOTE: Only those particular highways affected by the proposed amendment are shown here. 603 KAR 5:096 is printed in full in Volume 2, "Kentucky Administrative Regulations Service."

CALVIN G. GRAYSON, Secretary

ADOPTED: November 14, 1978

RECEIVED BY LRC: November 16, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ed W. Hancock, Deputy Secretary for Legal Affairs, Department of Transportation, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Education Bureau of Administration and Finance (Proposed Amendment)

702 KAR 3:170. Educational television equipment purchases.

RELATES TO: KRS 156.074

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160, 156.074

NECESSITY AND FUNCTION: To establish terms and means by which the school districts may purchase educational television receivers, stands, and related equipment cooperatively.

Section 1. The Division of Pupil Transportation, State Department of Education, shall prepare Kentucky minimum specifications for educational television receivers and stands for approval by the State Board of Education and shall keep said specifications up to date by revision

whenever experience, manufacturing techniques, and product improvement indicate that revision and updating is necessary.

Section 2. The State Board of Education for Elementary and Secondary Education shall approve the Kentucky minimum specifications for educational television receivers and stands as a separate document. Copies of this document containing the detailed specifications for educational television receivers and stands shall be kept on file in the Division of Pupil Transportation, State Department of Education, Frankfort, Kentucky. This document shall be made available in reasonable numbers to those persons and business firms that have need for same.

Section 3. All manufacturers, their agents or representatives that propose to sell educational television receivers and stands to the school districts of the Commonwealth of Kentucky shall provide the Division of Pupil Transportation current detailed specifications, test results, certifications, and advertising brochures on the television receivers and stands that they propose to offer for sale as meeting the current Kentucky minimum specifications for educational television receivers and stands.

Section 4. The Director of the Division of Pupil Transportation shall have the authority for approval of the types, makes, and models of educational television receivers and stands that meet the Kentucky minimum specifications for educational television sets and stands. Said director shall have the authority for approvals of "as equals," and shall have the authority to waive minor formalities.

Section 5. The Division of Pupil Transportation shall prepare, at least annually, a list of those educational television receivers and stands that are approved as meeting the current Kentucky minimum specifications for educational television receivers and stands. Said lists shall be made available in reasonable numbers to those persons or business firms that have need of same.

[Section 6. The Division of Pupil Transportation shall develop the specifications and coordinate the districts' cooperative purchase of educational television equipment such as video tape records, playback units, and other items related to the expansion and improvement of the districts' educational television system capabilities when the number of requests for the cooperative purchase of a specific item would make it practical to establish a price contract.]

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board of Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 5:040. District board's responsibilities.

RELATES TO: KRS 156.160, 189.540

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: To assist district boards of education in meeting their necessary obligations in the operation of the district's school buses.

Section 1. The board shall be responsible for the safe operation of the district's pupil transportation system.

Section 2. The board shall provide the driver of each board-owned school bus and special type vehicle with a written contract each school year in which the terms of employment are clearly defined.

Section 3. The board shall provide the owner of any school bus or special type vehicle that is contracted to the board for the transportation of the district's pupils to and from school with a written contract each school year in which the responsibilities of the contractor are clearly defined.

Section 4. The board shall require the owner of any school bus or special type vehicle contracted to the board to provide a performance bond each school year in the amount that the board deems necessary.

Section 5. The board shall make provision for the mechanical maintenance of the district's school buses and shall maintain these buses in safe operating condition.

Section 6. In route planning and purchasing or contracting for school buses, the board shall work toward providing the pupil transportation vehicles necessary to keep the number of pupils required to be transported by any one (1) vehicle at one (1) time within reasonable proximity of the seating capability of the vehicle.

Section 7. The board shall be responsible for the removal of all the district identification from all places where it appears on a board-owned school bus before title to the school bus is transferred to another party. All contracts issued by the board to a school bus contractor shall contain a clause requiring the school bus contractor to remove all district identification lettering from the school bus when it is no longer under contract to the board.

Section 8. Before the board transfers title to a school bus to another party other than a Kentucky school district, the board shall be responsible for making the stop signal arm and the red flashing warning lights inoperable by disconnection or removal.

Section 9. The board shall be responsible for the development of a plan whereby all pupils that ride the school buses will receive instruction in school bus pupil safety each school year. The board shall also provide for practice in the emergency evacuation of each school bus under school supervision at least semi-annually, once during each half of the school year.

Section 10. *Any radio, tape, or communication system that the board shall permit to be installed on the school bus shall be under the control of the bus driver. The board shall not permit a radio, tape, or communication system to be operated on the school bus that is not under the direct control of the bus driver.* [The board shall not permit any radio or communication system that the board might permit to be installed on board-owned buses or buses contracted to the board to be used for other than receiving and sending messages concerning safety of the pupils, messages concerning bus mechanical problems, messages to expedite the transportation of the pupils to and from school, messages concerning severe weather alerts, or messages dealing with a catastrophe or emergency. This regulation shall not preclude the installation of a public announcement system on the bus that is under the control of the driver, or a radio, tape, or other type system whereby pupils might listen to educational or non-advertising programs by use of individual head sets.]

Section 11. The board shall designate the physician or physicians that shall perform the physical examination required for all school bus drivers. The board shall keep a current physical examination record or physical fitness certificate for each school bus driver on file.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 5:050. Supervision and discipline of pupils.

RELATES TO: KRS 156.160, 189.540

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: To provide guidelines to assist boards of education in providing the supervision and discipline essential to the safe operation of the school buses.

Section 1. The principal or the person or persons designated by the board of education shall be responsible for the organization and operation of a system of adequate supervision of the pupils as they unload from the school buses and load onto the school buses at the school.

Section 2. The principal or the person or persons designated by the board of education shall be responsible for the discipline of the pupils that ride the school buses to and from school and shall assist the school bus driver with discipline problems that arise on the bus when the school bus driver shall have made the proper report on the discipline problem either in person or in writing.

Section 3. Should a pupil create a serious safety or discipline problem on the school bus or persist in creating discipline problems on the school bus after having been reported by the school bus driver to the principal or to the person or persons designated by the board of education and warned or disciplined, the principal or the person or persons designated by the board of education shall forbid the pupil to ride the school bus until written permission for the pupil to again ride the school bus has been given to the school bus driver by the person or persons designated by the board of education to grant such permission.

Section 4. The principal or the person or persons designated by the board of education *may* [shall] cause a list to be made of the names and addresses of the pupils in each of the district's schools that are served by school buses that are assigned to ride each particular school bus on each particular trip, and *may* [shall] keep these lists current. A copy of the list of pupils that are assigned to ride a particular school bus on a particular trip *may* [shall] be provided for the school bus driver to keep in a secure place on the school bus to use for pupil identification purposes and for use in case of an emergency or disaster.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for
Elementary and Secondary Education, 17th Floor, Capital
Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 3:180. Criteria for the unit of school psychometrist.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of [school psychologist or] school psychometrist. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. [(1) A school psychologist holding a valid teaching certificate and currently employed shall be approved for a special service unit in 1959-60, and until such time as criteria including certificate standards are adopted by the State Board for Elementary and Secondary Education.] [(2)] The position of school psychometrist is defined as a skilled technician employed by the school district to assist principals, supervisors, guidance counselors, and

teachers in the measurement of abilities, achievements, progress and other characteristics of school pupils.

Section 2. A person qualified to serve in an approved unit of school psychometrist shall have a certificate valid for the position of school psychometrist.

Section 3. (1) The school psychometrist employs his/her specialized knowledge and skills in the measurement of pupil characteristics and abilities in the schools under the direction of the school's administrative and supervisory officers. While the school psychometrist has specialized in the evaluation and measurement of the psychological and educational traits of young persons, and in the statistical treatment of numerical data obtained by evaluative methods, he/she is neither a psychologist nor an instructional supervisor.

(2) The purpose of the services rendered by the school psychometrist to members of the school's staff is to provide more accurate data than would otherwise be available regarding individual pupils and groups of pupils in the school. The school psychometrist's chief responsibility is to recommend and to direct the application of those measuring instruments which will provide most accurately the information about pupils desired by other staff members. The school psychometrist discharges these responsibilities by:

(a) Selecting and recommending the measuring devices that are the most valid and reliable indicators of the pupil characteristics to be considered.

(b) Planning, organizing and directing the administration of the tests or other devices chosen by the school staff member or members.

(c) Planning, organizing and directing the scoring of the measures administered.

(d) Converting the raw scores into such terms as are desired by the staff.

(e) Making such statistical calculations as are needed by the staff.

(f) Preparing charts, graphs and other interpretative materials for the use of the staff.

(g) Keeping and filing for later reference the important data obtained.

(h) Selecting, training and supervising clerical workers employed to score tests, collect data, and carry out statistical tasks in his/her office.

(i) Conducting minor research studies of groups of school pupils for administrative, supervisory or guidance counselors.

(j) Assisting guidance counselors in obtaining and organizing pertinent data needed regarding individual students.

(k) Making diagnostic studies of the individual child.

(3) The purpose of the services rendered by the school psychometrist to other individuals and groups is to conserve the time of the school's teachers, guidance counselor(s) and administrative and supervisory personnel in supplying recorded data regarding students to agencies or individuals not directly involved in the school's educational programs.

(4) The work of the school psychometrist supplements the work of the guidance counselor. Therefore, the position of guidance counselor shall be established in the school or school district before that of the school psychometrist.

Section 4. Provision of office space, financial support and clerical assistance shall be provided.

JAMES B. GRAHAM
Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for
Elementary and Secondary Education, 17th Floor, Capital
Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings
and Construction
(Proposed Amendment)

815 KAR 35:010. Electrical inspector's certification.

RELATES TO: KRS Chapter[s] 227 [,278]

PURSUANT TO: KRS 13.082, 227.489 [278.045]

NECESSITY AND FUNCTION: *The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification. [KRS 227.045 transfers and vests in the Public Service Commission all functions, powers and duties, funds, personnel, equipment and supplies relating to electrical inspection (KRS 227.450 to 227.500).]*

Section 1. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commissioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code as provided in the Uniform State Building Code and the standards of safety prescribed by the department.

(2) The commissioner shall establish qualification requirements for electrical inspectors, and schedule examinations at regular intervals.

(3) It shall be the duty of the commissioner to investigate alleged misconduct of any electrical inspector as certified under this act when, in the opinion of the commissioner, there is sufficient evidence to suggest that such misconduct exists. Any party may seek redress from the department when alleged misconduct of an electrical inspector is deemed to have worked an undue hardship on the party.

(4) The commissioner shall review the conduct of any electrical inspector who shall have attempted to supplant, overrule or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the original inspector.

(5) Upon a finding by the commissioner that such an action as stated in subsections (3) or (4) of this section has occurred, the commissioner may suspend the certificate of the offending inspector for a period not to exceed one (1) year from the date of the commissioner's ruling.

(6) The commissioner may take other appropriate action as may be warranted by any given offense.

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:

(1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Commissioner" means the Commissioner of Housing, Buildings and Construction.

(3) "Certified electrical inspector" means an applicant who has met the criteria established by the commissioner for examination, has satisfactorily passed that examination, and has received a certificate attesting thereto.

(4) "Employee" means one who is employed on a full-time, part-time, or contractual basis.

(5) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(6) "Electrical industry" pertains to those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, alteration or repair of electrical wiring facilities and apparatus for the utilization of electricity.

(7) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.

(8) "Code" means the National Electrical Code and any amendments thereto which are adopted by the department.

(9) "Department" means the Department of Housing, Buildings and Construction.

Section 4. Qualifications for Residential Electrical Inspectors. Prior to being examined by the commissioner for certification as a residential inspector the applicant shall meet the following requirements:

(1) (a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of residential [, commercial, and industrial electrical light and power] wiring systems, installed in accordance with the National Electrical Code; or

(b) Applicant shall have had not less than five (5) years of experience in the installation and/or design, of all types of residential [, commercial, and industrial light and power] wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Applicant shall not be engaged in any other activity in the electrical industry or have pecuniary [or associational] interests therein which might in any way constitute a conflict of interest. Electrical contractors, or any person employed by an electrical contractor and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department [commissioner] upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department [commissioner] at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five (25) [ten (10)] dollars shall accompany the application, consisting of a check or money

order made payable to the Treasurer, Commonwealth of Kentucky.

(6) In order to receive residential certification, the applicant must pass the examination required by the department; except that, one who is a certified electrical inspector on the effective date of this regulation, shall not be required to be examined.

Section 5. Qualifications for Commercial Electrical Inspectors: (1) Prior to being examined by the commissioner for certification as a commercial inspector, the applicant shall meet the following requirements:

(a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(b) The applicant shall have had not less than five (5) years experience in the installation and/or design of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have had been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Applicant shall not be engaged in any other activity in the electrical industry or have pecuniary interests therein which might in any way constitute a conflict of interest. Electrical contractors, or any person employed by an electrical contractor, and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five (\$25) dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) Applicant shall successfully pass the departmental examination; except that, one who is a certified electrical inspector on the effective date of this regulation shall be deemed qualified as a residential inspector and need not take the examination.

(7) Applicant who is a certified electrical inspector on the effective date of this regulation may be certified as a commercial inspector, without examination, upon proper submission to the department of applicant's knowledge and experience of commercial light and power wiring systems.

Section 6. [5.] Examinations. (1) Examinations for qualified applicants shall be administered within sixty (60) days after receipt and approval of application [beginning at 1:00 p.m. on the first Tuesday of the months of February, May, August and November] unless otherwise scheduled by the department [commissioner].

(2) Examinations will be administered at the department's [commissioner's] offices, the 127 Building, U.S. 127 S., Frankfort, Kentucky, 40601, unless another location is specifically designated.

(3) Examinations will be based on the National Electrical Code and will be open book. The code book and all necessary supplies will be provided by the department [commissioner].

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for re-examination at the next examination date without the paying of additional fees.

(5) Those persons who were previously certified as electrical inspectors and/or those persons who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code for three (3) or more years, may be certified without examination, under the terms and conditions as stated in Section 4(6) and Section 5(6) and (7). An applicant shall so state on his application form if he claims entitlement to and desires to be certified without examination, and shall submit proof of prior certification or of meeting the experience requirements. After the effective date of this regulation [This provision will be in effect for applications received until December 31, 1977. After this date] all applicants will be required to take the examination prior to certification.

Section 7. [6.] Certification. (1) Certificates will be issued to individuals and not to corporations, partnerships, companies or any other entities [and will be valid for a period of two (2) years from the date of issuance].

(2) Certificates will be reissued upon request after a presentation of proof by the electrical inspector that he has successfully completed a continuing education course conducted or approved by the department prior to expiration. The fee for renewal shall be ten (10) [two (2)] dollars, payable to the Treasurer, Commonwealth of Kentucky.

(3) All electrical inspector certifications shall expire on November 30, every two (2) years, beginning November 30, 1979. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the inspector shall be recertified subject to the terms and conditions of this regulation.

Section 8. [7.] Revocation of Certificates. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the commissioner, after a departmental hearing, to have [be guilty of]:

(1) Engaged in fraud [Fraud], deceit or misrepresentation in obtaining certification.

(2) Been guilty of negligence [Negligence], incompetence, or misconduct in the field of electrical inspection.

(3) Affixed [Affixing] or caused [causing] to be affixed to any electrical installation subject to his inspection a seal of approval, where he has not personally inspected such installation and found it to be satisfactory.

(4) Operated [Operating] as an electrical inspector in localities or jurisdictions in conflict with state or local laws, ordinances, or regulations.

(5) Improperly overruled [overruling] the findings of another electrical inspector.

Section 9. [8.] Complaints and Grievances. (1) Any person who believes that any act or omission of any electrical inspector certified by the commissioner has worked an undue hardship on him or who believes that an electrical inspector is guilty of misconduct in the performance of his duties, may seek redress from the commissioner.

(2) Any complaints or allegations of misconduct should be submitted in writing to the Commissioner, Department of Housing, Buildings and Construction and set forth the nature of the complaint or alleged misconduct and the action desired on the part of the *commissioner* [Commission] to alleviate same.

(3) After any investigation the commissioner may, at his discretion, cause the matter to be set for public hearing or take any other appropriate action to resolve or correct the matter [complained of].

Section 10. [9.] Retention of Records. (1) Each electrical inspector shall make and retain for a minimum time of three (3) years a complete record of each inspection. Such record shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure, whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size and complexity of the structure, any deficiencies in meeting code requirements and action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(2) Such records shall be available for examination by any authorized representative of the commissioner upon request.

Section 11. Duties and Responsibilities of a Certified Electrical Inspector. (1) All inspections shall be made in compliance with the National Electrical Code and any amendments as adopted by the department.

(2) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the areas where he performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(3) The electrical inspector shall make two (2) inspections.

(a) When an electrical inspector makes a rough inspection, he shall attach a sticker with his signature and certification number on the main service entrance equipment.

(b) When an electrical inspector makes a final inspection he shall attach a sticker to same, with his signature and certification number, stating that the system is in full compliance with the National Electrical Code. He shall also provide the owner of the installation or his authorized agent with a certificate of approval.

(4) In order to insure uniformity throughout the state, all stickers and certificates to be issued by the electrical inspector shall be approved or furnished by the department.

(5) Upon request by the owner of the inspected facility, the electrical inspector shall immediately furnish a copy of the certificate of compliance to the department. Copies of all other certificates issued by the inspector shall be sent to the department on a semi-annual basis.

Section 12. Electrical Inspections of State Properties. All buildings constructed by the state under the authority of the Department of Finance may be inspected by a certified commercial inspector who is an employee of the State Fire Marshal's Office.

Section 13. Supply Electricity. No electric utility company shall supply electricity to a facility unless the facility

has been inspected by a certified electrical inspector and a certificate issued.

JAMES S. BIRD, Commissioner

ADOPTED: November 28, 1978

APPROVED: DON RHODY, Secretary

RECEIVED BY LRC: November 29, 1978 at 10 a.m.

PUBLIC HEARING: A public hearing will be held at 10 a.m. EST, Tuesday, January 30, 1979 in the Auditorium of Capital Plaza Tower, Room G-2, Frankfort, Kentucky.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Administrative Services (Proposed Amendment)

901 KAR 1:025. Schedule III substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 13.082, 194.050, 211.090 [211.990]

NECESSITY AND FUNCTION: KRS 218A.080 provides that the Department for Human Resources shall place a substance in Schedule III under the Kentucky Controlled Substances Act if: (1) the substance has a potential for abuse less than the substances listed in Schedules I and II; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. The Department for Human Resources hereby finds that the substances in this regulation meets this criteria.

Section 1. Amphetamine and Methamphetamine Combination Products. The Department for Human Resources hereby designates the following amphetamine and methamphetamine combination products as "Schedule III Controlled Substances" and any other drug of the quantitative composition shown below or which is the same except that it contains a lesser quantity of controlled substances, to wit:

(1) Edrisal; Tablet: Amphetamine sulfate 2.5 mg.; aspirin, 162 mg.; phenacetin 162 mg.

(2) Genegesis Capsules; Capsule: Methamphetamine hydrochloride, 1.2 mg.; chlorpheniramine maleate, 3.8 mg.; phenacetin, 120.0 mg.; salicylamide, 180.0 mg.; caffeine, 30.0 mg.; ascorbic acid, 50.0 mg.

(3) Hovizyme; Tablet: Methamphetamine hydrochloride, 0.5 mg.; conjugated estrogens-equine, 0.125 mg.; methyl testosterone, 1.25 mg.; amylase, 10.0 mg.; protease, 5.0 mg.; cellulase, 2.0 mg.; nicotinyl alcohol tartrate, 7.5 mg.; dehydrocholic acid, 50.0 mg.; ferrous fumarate, 6.0 mg.

(4) Mediatric; Tablet or capsule: Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyl testosterone, 2.5 mg.

(5) Mediatric Liquid; Solution (15 cc.): Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyl testosterone, 2.5 mg.

(6) Special Formula 711; Tablet: d-Amphetamine sulfate, 2.5 mg.; mephensin, 500 mg.; salicylamine, 300 mg.

(7) Thora-Dex No. 1; Tablet: Dextroamphetamine sulfate, 2 mg.; chlorpromazine hydrochloride, 10 mg.

(8) Thora-Dex No. 2; Tablet: Dextroamphetamine sulfate, 5 mg.; Chlorpromazine hydrochloride, 25 mg.

[Section 2. Certain Narcotic Drug Products Containing Non-Narcotics Active Medicinal Ingredients. The Department for Human Resources hereby designates the following narcotic drug products containing non-narcotic active medicinal ingredients as "Schedule III Controlled Substance," and any other drug of the quantitative composition shown in the list below or which is the same except that it contains a lesser quantity of controlled substances, to wit: Lomotil tablet/liquid: Not more than 2.5 milligrams of diphenoxylate hydrochloride and not less than 25 micrograms of atropine sulfate per dosage unit.]

Section 2. [3.] Certain Amobarbital, Secobarbital and Pentobarbital Preparations in Combination with a Non-Controlled Substance. The Department for Human Resources hereby designates as "Schedule III" controlled substances the following: Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which is not a controlled substance.

Section 3. [4.] Suppository Dosage Forms Containing Amobarbital, Secobarbital and Pentobarbital. The Department for Human Resources hereby designates as

"Schedule III" controlled substances the following: Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository.

Section 4. [5.] Stimulants: New Anorectic Drugs. The Department for Human Resources hereby designates as "Schedule III" controlled substances any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers (whether optical position or geometric), and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Benzphetamine;
- (2) Chlorphentermine;
- (3) Chlortermine;
- (4) Mazindol; and
- (5) Phendimetrazine.

ROBERT SLATON, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 15, 1978

RECEIVED BY LRC: November 29, 1978 at 11:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, 275 East Main
Street, Frankfort, Kentucky 40601.

Proposed Regulations

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY Grant Programs Division

11 KAR 5:035. Application by recipients of AFDC.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

PURSUANT TO: KRS 13.082, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth procedures by which recipients of Aid To Families With Dependent Children payments may apply for KHEAA grant assistance and the award determination procedures for such applicants.

Section 1. The student application prescribed in 11 KAR 5:050 shall be used.

Section 2. To properly complete the KHEAA grant application procedure, each parent or child whose parents receive payments under the program known as "Aid To Families With Dependent Children (AFDC)" administered

by the Kentucky Department for Human Resources, Bureau for Social Insurance (DHR, BSI) must indicate in the designated place on the application that the family receives these benefits.

Section 3. KHEAA will request data from the DHR, BSI to verify that the family is a current bona fide recipient of payments under the AFDC program.

Section 4. Each verified applicant who meets all of the student eligibility requirements in 11 KAR 5:030, except Section 1(4), will be awarded a KHEAA grant in the maximum amount available to students at the educational institution where the student is or will be enrolled for the period covered by the application, so long as funds are available.

PAUL P. BORDEN, Director

ADOPTED: November 30, 1978

RECEIVED BY LRC: December 5, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Executive Director, Kentucky Higher Education
Assistance Authority, 691 Teton Trail, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Military Affairs
Division of Disaster and Emergency Services

106 KAR 1:030. Rescue organizations.

RELATES TO: Executive Order 78-356

PURSUANT TO: Executive Order 78-356, KRS 13.082

NECESSITY AND FUNCTION: Executive Order 78-356 directed that all responsibilities, functions, and funds relating to rescue organizations, both voluntary and professional, be assumed by the Division of Disaster and Emergency Services (DES). It further authorized the Division to establish eligibility criteria for funding. This regulation provides policy, procedure, and qualification requirements for implementation of the Executive Order.

Section 1. Purpose. The rescue aid program is designed to:

- (1) Reduce and prevent the loss of life by creating a better equipped, trained, and coordinated rescue force throughout the Commonwealth;
- (2) Upgrade the capabilities of local rescue squads by providing financial assistance to be used to purchase equipment and obtain training;
- (3) Encourage the development of rescue squads where none exist.

Section 2. Responsibilities. (1) The Adjutant General, as Director of the Division of Disaster and Emergency Services, shall have overall responsibility for the program policy, administration and implementation.

(2) The executive director, DES, shall insure proper utilization of funds and shall serve as the principal advisor to the Adjutant General.

(3) The review board shall be responsible for reviewing applications for funds and, with the concurrence of the Adjutant General, shall allocate available funds. The board shall be composed of the DES executive director, assistant director, director of operations, director of support services, administrative officer, and search and rescue coordinator.

(4) DES area coordinators shall provide liaison between local rescue squads and the review board, ensuring compliance with this regulation, continuity with other emergency preparedness programs, and accuracy of submitted documentation.

(5) Local DES civil defense (DES/CD) coordinators shall insure coordination of rescue programs at the local level and process all applications for assistance for squads within his jurisdiction.

(6) The chief officer of the rescue squad shall initiate project applications for funds and shall insure that all funds are expended for items or services as approved.

Section 3. Definition. "Rescue Squad" means an organization composed of twelve (12) or more individuals who provide emergency rescue service to the public in the form of search, rescue from peril, and victim recovery, either on land or water. The group will operate by assisting, extricating, or otherwise removing persons trapped, lost, injured, incapacitated or deceased from buildings, vehicles, aircraft, bodies of water, and other emergency situations.

Section 4. Eligibility. To be eligible to receive rescue funds allocated under the provisions of this regulation, a

squad must meet all of the following requirements:

(1) It must be organized to conduct search, rescue and victim recovery;

(2) It must operate a vehicle dedicated to rescue activities and equipped to meet the minimum equipment requirements for a light duty squad;

(3) It must be formally affiliated with the county DES or Civil Defense organization through one of the following means:

(a) Execution of a county resolution/ordinance, or written agreement signed by the County Judge/Executive, DES/CD coordinator, and chief rescue officer, outlining a specific working agreement. This document will include, as a minimum, chain of command and responsibilities of each concerned party;

(b) Incorporation of the responsibilities of the rescue squad into the county emergency operations plan. This plan must have the concurrence of the County Judge/Executive, County DES/CD coordinator, and chief rescue officer.

(4) When a rescue squad is not independent, but is incorporated within other emergency service departments, such as a fire department, the squad members must be available for and capable of performing rescue services not incidental to their primary mission. For example, a rescue squad within a fire department must perform rescue missions other than those associated with fires.

(5) No individual may be counted as a squad member more than once for the purposes of grant application, though he may normally be available to serve with more than one (1) squad;

(6) Squads which specialize in certain facets of rescue, such as water and/or under water recovery, shall maintain at least a light duty rescue capability to be eligible for funding;

(7) Squads may not assess fees for services rendered;

(8) In order to encourage the development of new rescue squads where a need is verified, funding may be provided to groups under the following conditions:

(a) A minimum of twelve (12) persons must be identified as active members;

(b) Formal guidelines or by-laws must be written to define administrative and operational procedures for the squad;

(c) Section 4(3) must be fully complied with.

Section 5. Application Procedures. (1) A rescue squad aid project application (DES Form 11, filed herein by reference) will be initiated by the chief rescue officer and forwarded to the local DES/CD coordinator for review and consolidation. In the absence of a local coordinator, the County Judge/Executive will fill this role.

(2) The local coordinator will forward all applications to the DES area coordinator, who will review them and forward documentation to the review board.

(3) The review board will convene three (3) times during the year to assess applications and allocate funds. Reviews will begin on or about October 15, February 15, and June 1 of each year. All applications on file will be reviewed during each session.

(4) The review board will notify the local organization of grant awards and the DES administrative officer will insure payment.

(5) The local DES/CD coordinator will retain copies of all applications on file.

Section 6. Expenditures. The rescue squad must expend

all grant money within sixty (60) days of receipt of grant funds and must provide a copy of the invoice, as well as proof of payment to the DES area coordinator within ninety (90) days of receipt of the award. Funds not expended must be returned to DES.

Section 7. Equipment. (1) All equipment purchased with rescue aid funds will be selected from the required equipment list attached unless otherwise approved by the review board. Optional items will not be approved until all items on the required list have been purchased.

(2) The rescue squad shall be accountable to the Commonwealth of Kentucky for all equipment purchased in whole or in part with these funds, providing that the unit purchase price is \$300 or more. After five (5) years from the date of the grant award, the equipment shall become the property of the squad. All such accountable property will be marked in accordance with guidance provided by the DES administrative officer.

(3) Permission to dispose of unserviceable, obsolete, or damaged items purchased with these funds may be granted by the DES director or executive director. Requests for such action must be submitted through the local DES/CD coordinator and the DES area coordinator.

(4) Equipment personally owned by members of a rescue squad may not be used to fulfill requirements of the minimum equipment list.

(5) When a squad is disbanded, loses its local charter to operate, or otherwise becomes incapable of performing duties outlined in Section 3, all equipment purchased with these funds will revert to DES for re-allocation. In cases in which local funds paid for a portion of the equipment or the equipment has depreciated, the squad may return the equipment to DES or repay an amount determined appropriate by the review board.

Section 8. Waivers. Requests for waiver of any section or subsection of this regulation may be submitted with appropriate justification to the DES executive director. Waivers approved will apply only to the specific request.

Section 9. Inspection/Audit. (1) Equipment purchased with these funds shall be subject to inspection, with twenty-four (24) notice, by the local DES/CD coordinator, DES area coordinator, or any member of the review board.

(2) An inspection will be made when items are reported damaged, in need of replacement, or when there is evidence of misuse. Inspections may also be required upon request of any member of the review board.

(3) An annual inspection of equipment purchased under this regulation will be conducted by the DES area coordinator. Such review will be made for purposes of accountability, maintenance and proper utilization.

(4) All funds are subject to state audit and local squads shall cooperate fully to provide necessary documentation.

Section 10. Reports. (1) A report to the DES area coordinator must be made within twenty-four (24) hours when:

(a) Accountable equipment purchased with these funds is lost, stolen, or damaged;

(b) The squad is disbanded or otherwise rendered incapable of performing duties as outlined in Section 3.

(2) Local DES/CD coordinators must maintain a cumulative list of equipment owned by each squad, denoting those items purchased with these funds. An updated list must be made available to the DES area coordinator at the time of each application.

(3) Rescue squads must submit DES Form 29 (Search and Rescue Activity Report, filed herein by reference) monthly to the local DES/CD coordinator, who must forward the report to the DES area coordinator. Negative reports shall not be required.

BILLY G. WELLMAN, The Adjutant General
ADOPTED: September 19, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 4, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Billy G. Wellman, The Adjutant General, Department of Military Affairs, Frankfort, Kentucky 40601.

DEPARTMENT FOR FINANCE
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:075. Continuing education requirements.

RELATES TO: KRS 334.150

PURSUANT TO: KRS 13.082, 334.150

NECESSITY AND FUNCTION: To establish a continuing education program for licensed hearing aid dealers and fitters; to set forth the basic requirements, methods of accreditation, and manner of reporting.

Section 1. A continuing education unit (CEU) is defined as ten (10) contact hours of participation in a board accredited continuing education program under responsible sponsorship, capable direction, and qualified instruction. The annual course of study year shall be from January 1 through December 31. Each licensee shall be required to complete a minimum of 1.0 CEU (ten (10) contact hours) in order to renew his/her license for the year 1980, and each subsequent year thereafter. Continuing education hours for hearing aid dealers and fitters, or units in excess of the number required at the time of renewal of license may not be transferred or applied to future requirements.

Section 2. A unit is defined as a measurement of value applied to a particular continuing hearing aid dealers and fitters education activity and is the estimate by the board of the benefit it may contribute to competence in the practice of hearing testing and fitting of hearing aids.

Section 3. (1) Hearing aid dealers' and fitters' continuing education hours for credit may be compiled in the following areas if the sponsor grants the participant a certificate of completion:

(a) Recorder and audio-visual presentation;

(b) In-company professional seminars;

(c) Accredited schools participating in continuing education programs;

(d) Correspondence courses;

(e) Programs granted continuing education credit by other states;

(f) Programs sponsored by the National Hearing Aid Society;

(g) Continuing education television series;

(h) Programs sponsored by allied professional groups; and

(i) Professional society- and association-sponsored programs.

(2) The board approval of each program shall expire at the end of three (3) years.

Section 4. Sponsors of continuing education programs are responsible for obtaining from the board accreditation for their respective continuing education programs.

(1) A sponsor shall be any person, school, association, company, corporation, or group who wishes to develop a continuing education program.

(2) Programs should be submitted to the board at least sixty (60) days prior to planned participation so the participants can know the value of such an experience prior to actual participation.

(3) Requests for program changes must be made to and accredited by the board, or the evaluation and accreditation of the program becomes null and void.

(4) Repetitious completion of a program will not entitle the participant to additional continuing education credit.

(5) Sponsors shall maintain for three (3) years records of the name of those participants who complete a program.

Section 5. Sponsors and licensees requesting approval of continuing education for hearing aid dealers and fitters shall submit an application containing such information as the board may require on forms provided by the board. Licensees must keep valid records, receipts, and certifications of continuing education programs completed for three (3) years and submit such certification to the board on request.

Section 6. Submission of fraudulent statements or certificates concerning continuing education will subject licensee to revocation or suspension of license as provided in KRS Chapter 334.

Section 7. Each licensee shall submit, with the annual renewal, on forms provided by the board, a list of accredited continuing education programs completed by the licensee during the previous license year. In the event any licensee shall fail to submit a list of continuing education programs by the first of February, the board secretary shall notify the licensee at his/her last known address that his/her license is subject to suspension. Upon proper application to the board a licensee may be granted a deferral on a year to year basis at the discretion of the board for such reasons as illness, incapacity, or other similar extenuating circumstances. A licensee is exempt from the continuing education provisions for the calendar year during which his license is first issued by the board.

Section 8. Each hearing aid licensee shall keep the board informed of his correct address.

Section 9. CEU may be transferred from another state to Kentucky if the transfer state recognizes Kentucky CEU.

ROBERT C. STOCKLER, Chairman

ADOPTED: April 1, 1978

APPROVED:

ROY STEVENS, Secretary

RECEIVED BY LRC: November 27, 1978 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Occupations and Professions,
P.O. Box 456, Frankfort, Kentucky 40602.

EDUCATION AND ARTS CABINET
Department of Elementary and Secondary Education
Bureau of Instruction

704 KAR 20:207. Special education diagnosticians.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: Teachers and other professional school personnel must hold certificates of legal qualifications for their respective positions. This regulation establishes an appropriate certificate for the recognition of a special education diagnostician.

Section 1. (1) The endorsement for special education diagnostician shall be issued in accordance with the pertinent Kentucky statutes and State Board for Elementary and Secondary Education regulations to an applicant who holds a provisional certificate for any category of special education or teacher of exceptional children; who has completed at least three (3) years of experience as a special education teacher, teacher consultant, or diagnostician; and who in addition thereto has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel, TEC 69.3, filed herein by reference. The approved program shall consist of forty-five (45) semester hours credit above the bachelor's degree level and shall include a master's degree or Planned Fifth Year Program in Special Education.

(2) The endorsement for special education diagnostician shall have the same duration period as the base certificate.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: October 25, 1978

RECEIVED BY LRC: November 16, 1978 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. Fred Schultz, Secretary, Kentucky State Board
for Elementary and Secondary Education, 17th Floor,
Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Administrative Services

901 KAR 1:032. Schedule V substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS 218A.120 authorizes the Department for Human Resources to place a substance in Schedule V under the Kentucky Controlled Substances Act if it finds that: (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV; (2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

Section 1. Schedule V Controlled Substances. The Department for Human Resources hereby designates as "Schedule V" controlled substances, in addition to those specified by KRS 218A.130, the following:

(1) Not more than 2.5 milligrams of diphenoxylate hydrochloride and not less than 25 micrograms of atropine sulfate per dosage unit; and

(2) Loperamide.

ROBERT SLATON, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 15, 1978

RECEIVED BY LRC: November 29, 1978 at 11:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 2:008. Program for emergency assistance.

RELATES TO: KRS 205.215

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.215 to provide short term assistance to families with children in crisis situations as provided for in Title IV-A of the Social Security Act. This regulation sets forth the criteria for eligibility and type and amounts of assistance granted under the Emergency Assistance Program, hereinafter referred to as EAP, as administered in accordance with 45 C.F.R. § 233.120.

Section 1. Eligibility Conditions for Receipt of Emergency Assistance. (1) The Emergency Assistance Program provides assistance to families with dependent children who are destitute or facing destitution if such destitution did not arise because:

(a) Such child who is eighteen (18) years or older or the specified relative of such child refused to accept employment, or training for employment, or terminated such without good cause;

(b) The family voluntarily created the situation for the purpose of receiving emergency assistance;

(c) The family created the situation through money mismanagement; or

(d) The situation is related solely to lack of employment due to normal vacation or layoff periods if there is a job to which to return, and return can be anticipated at the end of the normal vacation or layoff period; or the destitute situation is related solely to lack of work due to weather conditions, if return can be anticipated within thirty (30) days.

(2) Assistance may be provided only after a signed application has been made on behalf of an eligible group as specified in Section 3. Such application may be made by the specified relative, child or an interested party acting on

behalf of a child. In the event the application is made by other than the specified relative, and the specified relative states prior to processing of the application that he/she does not wish assistance to be provided at that time in order to conserve family eligibility, the application shall be denied due to lack of proper authority by the applicant.

Section 2. Definitions. Terms used in the EAP program are defined as follows:

(1) Destitution shall be considered to exist when a child is deprived of adequate shelter including utilities, necessary clothing, or sufficient food; and the liquid assets, plus continuing monthly income of the family, are less than limitations prescribed by the department.

(2) A natural disaster is a fire, flood, storm or earthquake or other occurrences designated as such by the department.

(3) Good cause must always be established in regard to an applicant for emergency assistance if lack of employment has caused the destitution and the responsible relative or child (if age eighteen (18) or over) refused to accept employment or training for employment or terminated employment within the prior six (6) months. Good cause shall not exist if destitution is due solely to direct participation in a labor dispute. ("Direct participation" exists if the individual is: on strike, whether or not such strike is legal; or not working as a result of honoring or refusing to cross picket lines set up by those who are on strike; or not working due to lack of work resulting from a strike situation if employed in a managerial or supervisory position by the firm/organization whose workers are on strike). Good cause for refusal to accept or continue in an employment situation or training for employment exists only when:

(a) A definite bona fide offer of employment was not made at a minimum wage customary for such work in that community;

(b) The child or responsible relative is unable to engage in such employment or training for mental or physical health reasons;

(c) The child or responsible relative has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours daily; or

(d) Working conditions at such job or training would be a risk to the health or safety of the child or responsible relative.

(4) Gross income is income from all sources before any deductions. Self-employed persons' and farmers' gross income is to be considered as gross profit less business expenses. Any special allowance made in an AFDC case is to be disregarded in computing gross income. In determining destitution of an applicant for AFDC, the AFDC payment is not to be considered as income until actually received by the client and the EAP application is to be processed independently of the AFDC application.

(5) Liquid assets include, but are not limited to, cash on hand, checking accounts, savings accounts, stocks, bonds, certificates of deposit, and similar assets readily convertible to cash. Excluded for purposes of this program are prepaid burial contracts or burial policies, the cash surrender value of life insurance policies, equity in real or personal property, or home insurance settlements received or to be received.

(6) Net income is gross income less mandatory deductions and work related expenses, which include transportation and child care; any special allowance made in an AFDC case is to be disregarded in determining net income.

(7) Specified relative is any relative acting as the person responsible for the child and who is within the degree of relationship shown in Section 406(a)(1) of the Social Security Act.

Section 3. Eligible Groups. Any family which includes a child under twenty-one (21) or an unborn child may qualify for EAP if all other eligibility conditions are met. In addition, a child who, within six (6) months, did reside with a specified relative as defined in Section 406(a)(1) of the Social Security Act may qualify. Specifically excluded is any family who voluntarily creates the destitution or whose need resulted because of refusal without good cause of the child or responsible relative to accept employment or training for employment or termination of such without good cause as specified above.

Section 4. Limitations for Receipt of Emergency Assistance. (1) Any family which is potentially eligible for any federal assistance program (such as disaster relief, emergency assistance, etc., but not including income transfer programs such as Supplemental Security Income, Social Security benefits, etc.) must apply for those benefits and provide verification of entitlement or award.

(2) Emergency assistance is limited to one (1) period of thirty (30) consecutive days in any twelve (12) consecutive months.

(3) All liquid assets and gross monthly income will be totaled and compared to the financial eligibility scale for the family size. If the amount exceeds that specified, the family is ineligible. If the amount is less than that specified, financial eligibility exists.

Financial Eligibility Scale

Family Size	Income Limitation
1	\$150
2	183
3	250
4	317
5	367
6	417
7 or more	467

(4) When an application is made by or on behalf of a child who voluntarily establishes a living arrangement independent from his family group, the parent's income and liquid assets must be considered in determining financial eligibility. If a child has not lived with his/her parents during the prior six (6) months, but meets the criteria for inclusion as shown in Section 3, only that amount of income available to the child is to be considered. A child absent from the home for the purpose of attending a school or training course is considered to be a member of the family group remaining in the home, and when application is made under proper authority the income, resources and needs of all family members must be taken into consideration.

Section 5. Needs Which Can Be Met. The emergency assistance program provides for the following needs: food, clothing, shelter, utilities and/or heating fuel, home repairs, home furnishings, transportation, and child care; the stranded or destitute transient or migrant family is assisted to reach its destination through provisions of the following as needed: voucher for groceries or prepared meals, overnight lodging, public transportation, car

repairs, gas, oil, and information and referral services. Community resources may be utilized to supplement payments provided by the program.

Section 6. Method and Amount of Payment. Emergency assistance payments are made indirectly to vendors by means of locally authorized voucher or by check drawn in favor of the recipient or recipient and vendor, not to exceed the amounts payable in accordance with Section 7.

Section 7. Payment limitations in the Emergency Assistance Program. (1) All liquid assets and net monthly income will be totaled and compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. (The protected amount is never applied to the amount of need.) A home insurance settlement is to be applied to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the separate maximum amounts set forth in subsections (2), (3), (4)(d) and (6) below, for those items.

Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 75	1	\$ 75
135	2	135
185	3	185
235	4	235
275	5	275
310	6	310
345	7 or more	345

(2) Payment for limited repairs necessary to make a home owned by the family habitable may in no instance exceed \$1,500, and the need for such repairs must be the result of a natural disaster.

(3) Payment for the repair or replacement of minimum home furnishings determined necessary by the department may in no instance exceed \$1,500, and such need for repair or replacement must be the result of a natural disaster.

(4) A stranded or destitute family (transient or migrant) may be assisted to reach its destination through provision of:

- (a) Voucher for groceries or prepared meals;
- (b) Overnight lodging;
- (c) Public transportation; or
- (d) Car repairs, if needed, not to exceed \$300, and/or voucher for gas/oil.

(5) Food may be provided up to the value of one (1) month's equivalent food stamp allotment for the eligible family members.

(6) Clothing may be provided to eligible family members to ensure a minimum supply of basic apparel in quantities determined necessary by the department, and such need for clothing must be the result of a natural disaster. The total maximum payment amounts for clothing needs may not exceed the payment maximums shown in subsection (1) above, and these amounts shall be in addition to any other needs (such as food and shelter) met pursuant to that payment limitation scale.

(7) Shelter needs may be met as necessary to obtain or

retain a home or to secure temporary lodging for the destitute family. The department shall make payments for shelter costs in excess of one (1) month's rent or mortgage payment only when such is determined necessary.

(8) Payment for utilities and heating fuels may be authorized as necessary to obtain or retain service. Payment for installation and the base service cost of a telephone may be reimbursed when medically necessary as verified by a physician or a nurse practitioner.

(9) Child care may be provided on a temporary basis if required due to the imprisonment or hospitalization of the specified relative. Payment for such must be reasonable and may not exceed eight (8) weeks of care.

Section 8. 904 KAR 2:009E is hereby repealed.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 16, 1978

RECEIVED BY LRC: November 22, 1978 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 2:085. Energy cost assistance program.

RELATES TO: KRS 205.400

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.400 to provide assistance payments to the citizens of the Commonwealth for the purpose of purchasing or supplementing the cost of energy for household use. This regulation sets forth the criteria for eligibility and amounts of assistance available under the Energy Cost Assistance Program, and the method whereby available funds shall be allocated to Area Development Districts to assure that all citizens of the Commonwealth shall have an opportunity to participate in the program.

Section 1. Application. Each household requesting assistance will be required to complete an application and provide such information as may be deemed necessary to determine eligibility, in accordance with the procedural requirements prescribed by the department.

Section 2. Definitions. Terms used in the energy cost assistance program, hereinafter referred to as ECAP, are defined as follows: (1) Principal residence is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place when absent, he/she intends to return; and such place is identifiable from other residences or commercial establishments.

(2) Aged person is that individual sixty-two (62) years of age or older.

(3) Blind or disabled person is that individual meeting the supplemental security income program's criteria for blindness or permanent and total disability.

(4) Energy is defined as electricity, gas, and any other heating, lighting and cooking fuel such as coal, wood, oil, bottled gas, etc., that is used to sustain reasonable living conditions.

(5) Winter months for purposes of this program are defined as December, January, February, and March.

(6) Household is defined as one or more persons who share common living arrangements in a principal residence.

Section 3. Period of Assistance. Assistance will be approved to cover the defined winter months, except as specified in Section 6.

Section 4. Consideration of Income and Resources. (1) For purposes of determining eligibility and amount of assistance, continuing earned and unearned gross income anticipated to be received by the household in the month of approval will be considered available. The Supplemental Medical Insurance premium, and any federal, state, or local benefit which is specifically designated for a special purpose or need will be deducted as applicable from gross income. Non-continuing income is considered available during the month received or anticipated to be received.

(2) In addition to income, liquid resources of the household will be considered in determining eligibility. Liquid resources include savings accounts, checking accounts, stocks, bonds, certificates, and cash on hand.

Section 5. Eligibility and Benefit Schedule. (1) Total monthly adjusted gross income of the household is compared to the eligibility and benefit schedule to determine eligibility and the benefit payment.

Household Income Eligibility and Benefit Schedule

No. in Household	Income Range to Receive \$80.00	Income Range to Receive \$60.00	Income Range to Receive \$40.00	Maximum Allowable Resource
1	\$0-197	\$198-262	\$263-328	\$1,500
2	\$0-260	\$261-347	\$348-434	\$3,000
3	\$0-324	\$325-432	\$433-540	\$3,050
4	\$0-388	\$389-517	\$518-646	\$3,100
5	\$0-452	\$453-602	\$603-753	\$3,150
6	\$0-515	\$516-687	\$688-859	\$3,200
7	\$0-579	\$580-772	\$773-965	\$3,250
8	\$0-643	\$644-857	\$858-1,071	\$3,300
9	\$0-707	\$708-942	\$943-1,178	\$3,350
10 or more	\$0-770	\$771-1,027	\$1,208-1,284	\$3,400

(2) the secretary may make such supplemental payments as deemed appropriate at the conclusion of the program for each fiscal year to expend the remaining appropriation.

Section 6. Payment Limitations. (1) Households who meet eligibility criteria but have not resided in the state for the defined winter months, shall have their benefit payment prorated.

(2) Any individual who has had the benefit of an ECAP payment during that fiscal year shall not be considered a member of any other household during that same fiscal year.

(3) Payments to eligible individuals will be limited to once during each fiscal year.

Section 7. Payment Methods. Payment may be authorized to one (1) or more providers, at the discretion of the recipient.

(1) If the recipient utilizes a utility provider who has a continuous billing cycle, payment is authorized by a two (2) party check made payable to the provider and recipient; except as specified in subsection (2), below.

(2) A recipient who utilizes energy from suppliers on an irregular or one (1) time basis has the option of authorizing payment utilizing a two (2) party check or receiving a check made payable to the recipient only.

Section 8. Participation Requirements. Any provider who accepts a payment authorized under this program shall:

(1) Reduce the outstanding bill of the appropriate customer by the amount of the payment;

(2) Apply the remaining balance, if any, to future charges; and

(3) Refund to the customer the remaining balance, if any, should the service be terminated.

Section 9. Time Standards. The department shall make an eligibility determination within thirty (30) days of receipt of a completed and signed application.

Section 10. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 11. Effective Dates. Applications will be accepted from December 1 through April 30 of each fiscal year of program operation.

Section 12. Program Termination. The program may be terminated by the secretary when actual and projected pro-

gram expenditures will deplete the appropriation for that fiscal year.

Section 13. Protection Against Rental or Utility Services Rate Increases. No provider of housing or utility services shall raise the cost to the ECAP recipient, of such housing or utility service solely as a result of the ECAP payment made to or on behalf of the ECAP recipient; except that in the instance of publicly funded housing where the rent and/or utility payment is variable based on income, the appropriate required increase may be made.

Section 14. Method of Allocation. The fiscal year appropriation shall be allocated in the following manner:

(1) A base fund of eighty (80) percent of the appropriation shall be allocated to the fifteen (15) area development districts based on the percentage of persons age sixty-five (65) and over in each district when compared to the total state population over age sixty-five (65).

(2) The balance of available funds shall be retained for sixty (60) days as reserve against which any district shall draw in the event the district's expenditures exceed its base allocation; and

(3) After sixty (60) days of program operation, all unexpended funds shall be available on a statewide basis.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: November 15, 1978

RECEIVED BY LRC: November 16, 1978 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of December 6, 1978 Meeting

(Subject to subcommittee approval at its next meeting on January 3, 1979.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, December 6, 1978, at 10 a.m., in Room 327 of the Capitol. The minutes of the November 1 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson, and Representative Albert Robinson.

Guests: Betsy Crawford and Elizabeth S. Gattis, Department of Library and Archives; Charles Henry, Department of Transportation; Ed Fossett, Billie R. Downing, Carlene F. Gobert, Lee Tyler, Gayle B. Bowen, Fred Johnson and Sidney Simandle, Department of Education; Ray Kring, Department of Revenue; Joe Moore, Department of Finance; Bill Cownie, Homebuilders Association of Kentucky; Mark L. Miller and James C. Rogers, Department of Labor; Russell Groves, Judith Walden and James R. Smith, Department of Housing; Ked Fitzpatrick, John Cubine, Kenneth B. Fiser, and Joyce Bell, Department for Human Resources; Damon Harrison, David Drake and John M. Stapleton, Department of Energy; Virginia P. Fisk, David L. Chervenak, Bernard W. Gratzner, Joseph

Ardery and Martin Glazer, Board of Accountancy; Robert Warren and James Chadwell, Office of Auditor of Public Accounts; Gaynelle Trevino and Ronald L. Cooper, Association of Government Accountants; Tom Cooper, Kentucky Society of CPA's; Ann Holt Moffatt, Certified Public Accountant.

LRC Staff: Mabel D. Robertson, Garnett Evins, Deborah Herd, Joe Hood and Steve Armbrust.

Press: Maria Braden, AP.; James P. Dady, Kentucky Post; Dan Adkins and Susan Stewart, Department of Public Information.

The following regulations were deferred until the January 3, 1979 meeting:

DEPARTMENT OF JUSTICE Bureau of State Police

Polygraph

502 KAR 20:030. Trainees. (Deferred from November meeting.)

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

Division of Water Enforcement

601 KAR 25:030. Registration decal. (Deferred from September, October and November meetings.)

At the request of the issuing agency the following regulation was deferred:

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**

Energy Conservation and Efficiency

815 KAR 50:010. New building construction energy code.

The following regulations were rejected by unanimous vote of the subcommittee:

DEPARTMENT OF FINANCE

Division of Occupations and Professions

Board of Accountancy

201 KAR 1:060. Granting certificates. (On motion of Senator Johnson, seconded by Representative Robinson, the regulation was rejected because the supervision provision subjects a particular group of applicants to a standard more restrictive than that to which other applicants are subjected, and is unreasonable and discriminatory. The regulation is overly restrictive and did not conform to statutory authority and legislative intent.)

DEPARTMENT OF TRANSPORTATION

Bureau of Highways

Maintenance

603 KAR 3:051. Recyclers. (On motion of Senator Johnson, seconded by Representative Robinson, the regulation was rejected because it was not the intent of the legislature to require that dumpster dumpsters be screened. The regulation exceeded statutory authority and did not conform to legislative intent.)

DEPARTMENT OF EDUCATION

Bureau of Pupil Personnel Services

School Terms, Attendance and Operation

703 KAR 2:070. Redshirting prohibited. (On motion of Representative Robinson, seconded by Senator Johnson, the regulation was rejected because the regulation was overly broad, not in the best interest of students, and did not conform to legislative intent.)

DEPARTMENT OF LABOR

Elevator Safety

803 KAR 4:010. Elevators, dumbwaiters, escalators and moving walks standards. (On motion of Senator Johnson, seconded by Representative Robinson, the regulation was rejected because "elevator" was not clearly defined; therefore, the regulation was overly inclusive and did not conform to legislative intent.)

On motion of Senator Johnson, seconded by Representative Robinson, the following regulations were approved and ordered filed:

DEPARTMENT OF FINANCE

Division of Occupations and Professions

Board of Accountancy

201 KAR 1:045. Subjects of examination; grading; re-examination.

DEPARTMENT OF TRANSPORTATION

Bureau of Highways

Traffic

603 KAR 5:096. Highway classifications.

DEPARTMENT OF EDUCATION

Office of Superintendent

701 KAR 5:020. Elementary and secondary education hearing officer.

Bureau of Administration and Finance

School District Finance

702 KAR 3:060. Teachers' salaries payment plan.

Bureau of Pupil Personnel Services

School Terms, Attendance and Operation

703 KAR 2:050. Attendance; resident, non-resident.

Bureau of Instruction

Instructional Services

704 KAR 3:175. Criteria for unit of school psychologist. (Amended after hearing.)

Teacher Education

704 KAR 15:015. Approval of teacher preparation programs. (Amended after hearing.)

Bureau of Education for Exceptional Children

Exceptional and Handicapped Programs

707 KAR 1:005. Experimental programs utilizing para-professionals and teacher aides. (Not amended after hearing.)

707 KAR 1:040. Tuition and support programs for deaf-blind children. (Not amended after hearing.)

707 KAR 1:041. Programs for deaf-blind children. (Not amended after hearing.)

The following regulations were approved and ordered filed on motion of Representative Robinson, seconded by Chairman Brinkley. Senator Johnson passed:

707 KAR 1:051. Exceptional children's programs. (Amended after hearing.)

707 KAR 1:052. Programs for children with communication disorders. (Not amended after hearing.)

707 KAR 1:053. Programs for crippled and other health impaired children. (Not amended after hearing.)

707 KAR 1:054. Programs for emotionally disturbed, behavior disordered. (Amended after hearing.)

707 KAR 1:055. Programs for home, hospital instruction; and combined home and hospital instruction. (Not amended after hearing.)

707 KAR 1:056. Programs for children with specific learning disabilities. (Amended after hearing.)

707 KAR 1:057. Programs for mentally handicapped children. (Not amended after hearing.)

707 KAR 1:058. Programs for multiple handicapped children. (Amended after hearing.)

707 KAR 1:059. Programs for visually handicapped children. (Not amended after hearing.)

The following regulations were approved and ordered filed on motion of Senator Johnson, seconded by Representative Robinson:

707 KAR 1:060. Identification, evaluation and placement policy and procedure. (Not amended after hearing.)

707 KAR 1:070. Non-public school program approval. (Not amended after hearing.)

707 KAR 1:080. Appeals board. (Not amended after hearing.)

DEPARTMENT OF LIBRARIES AND ARCHIVES

Libraries

725 KAR 2:050. Textbooks for non-public schools. (As amended.)

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services**

Regional Mental Health-Mental Retardation Boards
902 KAR 6:050. Formula for allocation of funds.

The following regulation was approved and ordered filed on motion of Senator Johnson, seconded by Representative Robinson. Chairman Brinkley passed:

Bureau for Social Insurance**Medical Assistance**

904 KAR 1:045. Payments for mental health center services.

The meeting was adjourned at 1:45 p.m., to meet again on January 3, 1979, in Room 327 of the Capitol.

