

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Amendments to 704 KAR 3:440, Primary school program guidelines

**Date:** August 7, 2025

**Action Requested:**  Review  Action/Consent  Action/Discussion

**Held In:**  Full Board  State Schools  United We Learn

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on amendments to 704 KAR 3:440, Primary school program guidelines.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the board approve amendments to 704 KAR 3:440.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070, KRS 156.160(1), KRS 158.030(2), KRS 158.031, KRS 158.305, KRS 158.791, KRS 158.6451, KRS 158.840, KRS 158.8402

### BACKGROUND:

#### *Existing Policy:*

KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 158.031(2) requires the KBE to promulgate administrative regulation addressing the methods for verifying successful completion of the primary school program in carrying out the goals of education as described in KRS 158.6451.

704 KAR 3:440 assists schools and districts by providing guidelines and methods for verifying successful completion of the primary school program for students prior to entrance into fourth grade.

#### *Summary of Issue:*

To avoid expiration, KRS 13A.3104(1)(a) requires a review of the regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation. Upon review of 704 KAR 3:440, amendments were identified in order to conform to current statutory requirements which impact students enrolled in the primary school program.

Amendments to Section 1 provide updated definitions to conform to current statute governing instruction for students prior to entrance into fourth grade in addition to drafting requirements provided under KRS Chapter 13A. Amendments to Section 3 are non-substantive in nature and align to KRS 158.031. Amendments to Section 4 align to current statutory requirements for reading and mathematics instruction as provided in KRS 158.305, KRS 158.791, KRS 158.840 and KRS 158.8402. Amendments to Section 5 remove outdated burdensome reporting for schools and districts that is not statutorily required.

#### *Budget Impact:*

The proposed amendments have no anticipated fiscal impact on the Kentucky Department of

Education (KDE) except in cases where technical assistance is requested to support ongoing implementation of the primary school program in local schools and districts.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The Office of Teaching and Learning consulted with the Office of Legal Services (OLS) on the proposed technical amendments.

The regulation will go before the Local Superintendents Advisory Council (LSAC) at its July 29, 2025, meeting. A summary of the feedback received by the council will be provided to the KBE prior to its August 2025 meeting.

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**Commissioner of Education**

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