

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Wayne D. Lewis, Ph.D.  
Interim Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Milton Seymore, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on [date], at [time], in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through [date]. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Todd G. Allen, Interim General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 8:050  
Contact Person: Todd Allen  
Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation fulfills the requirements of KRS 158.6453 and sets forth the minimum content requirements to be met by a student per the Kentucky Academic Standards for Physical Education.

(b) The necessity of this administrative regulation: KRS 158.6453 required the Kentucky Department of Education (KDE) to implement a comprehensive process for the review of academic standards and assessment. This regulation fulfills the requirements of KRS 158.6453.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453 as it implements a process for the review Kentucky's academic standards and the alignment of corresponding assessments.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation conforms to KRS 158.6453 and will assist in its administration as it implements a process for the review Kentucky's academic standards and the alignment of corresponding assessments.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: N/A
- (b) The necessity of the amendment to this administrative regulation: N/A
- (c) How the amendment conforms to the content of the authorizing statutes: N/A
- (d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation include: all public schools, school districts, school councils and the KDE as it will be responding to questions related to this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:050 are the revised standards for physical education. As this regulation also includes the minimum content requirements for graduation in physical education, all public schools, school districts and school councils are required to follow the standards outlined in the document

incorporated by reference in 704 KAR 8:050. Curriculum and content decisions are made at the local level and will be expected to follow these outlined standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Schools and Districts: A 2008 study published by LRC called *The Costs of College and High School Textbooks in Kentucky* indicated an *average* text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

KDE: In the revisionary process of physical education standards required by statute, the Department spent \$23,923 as of date of filing in the development of the standards in addition to staff time. Additional staff time will be needed as the regulation moves through the legislative and implementation processes.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of public schools, school districts and school councils will ensure that each student will be qualified for graduation as they will have met the minimum content requirements for physical education. Graduation rates are used as part of each school's accountability model and are also reported on each school's report card.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: In the revisionary process of physical education standards required by statute, the Department spent \$23,923 as of date of filing in the development of the standards in addition to staff time. Additional staff time will be needed as the regulation moves through the legislative and implementation processes.

(b) On a continuing basis: Additional staff time will be needed as the regulation moves through the legislative and implementation process.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State funds have been used to develop these standards.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The implementation of 704 KAR 8:050 will not require any increase in fees. Some of the state funds cut from the 2018-20 budget were used in the past by KDE to implement new standards using the research-based model of leadership networks and provide support to districts as they implement new standards. However, without those funds, much of the implementation support provided in the past will not be available.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: 704 KAR 8:050 does not establish any fee directly nor indirectly increased any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and local education agencies.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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Contact Person: Todd Allen  
Phone Number: 502-564-4474

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local education agencies and the Department of Education (KDE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453 required the Kentucky Department of Education (KDE) to implement a comprehensive process for the review of academic standards and assessment. This regulation fulfills the requirements of KRS 158.6453.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? Schools and Districts: A 2008 study published by LRC called *The Costs of College and High School Textbooks in Kentucky* indicated an *average* text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

KDE: In the revisionary process of physical education standards required by statute, the Department spent \$23,923 as of date of filing in the development of the standards in addition to staff time. Additional staff time will be needed as the regulation moves through the legislative and implementation processes.

(d) How much will it cost to administer this program for subsequent years? Additional staff time will be needed as the regulation moves through the legislative and implementation process. Once schools and districts have their curriculum revised, costs will decrease.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):

Other Explanation: