

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 704 KAR 8:130. Required Kentucky Academic Standards for Visual and Performing Arts

6 RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, 158.6453, 160.290

7 STATUTORY AUTHORITY: 156.070(1), 156.160(1)(a), 158.6453(18)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a) requires the Kentucky

9 Board of Education to establish courses of study for the different grades and kinds of common

10 schools with the courses of study to comply with the expected goals, outcomes, and assessments

11 developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) requires the Kentucky

12 Board of Education to manage and control the common schools and all programs operated in the

13 schools. KRS 158.6453(18)(a) requires the Kentucky Department of Education to implement a

14 comprehensive process for reviewing and revising the academic standards in visual and

15 performing arts for all levels. This administrative regulation incorporates by reference the

16 Kentucky Academic Standards for Visual and Performing Arts, which contain the general courses

17 of study and academic content standards of visual and performing arts, for use in Kentucky's

18 common schools.

19 Section 1. Before graduating from a Kentucky public high school, a student shall meet the

20 minimum content requirements established in the Kentucky Academic Standards for Visual and

21 Performing Arts.

1 Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for Visual and  
2 Performing Arts" June 2024, is incorporated by reference.

3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
4 the Department of Education, 5<sup>th</sup> floor, 300 Sower Boulevard, Frankfort, Kentucky 40601,  
5 Monday through Friday, 8 a.m. to 4:30 p.m. This material may be viewed at:

6 <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

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).

APPROVED:

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Robin Fields Kinney  
Interim Commissioner of Education

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Date

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Sharon Porter Robinson, Ed.D., Chairperson  
Kentucky Board of Education

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Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held **XXXX** at 10:00 am, 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 five 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 **XXXX**. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Todd G. Allen, 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

704 KAR 8:130

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: [todd.allen@education.ky.gov](mailto:todd.allen@education.ky.gov)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference the *Kentucky Academic Standards (KAS) for Visual and Performing Arts (VPA)*, which contain the general courses of study and academic content standards of visual and performing arts, for use in Kentucky's common schools.

(b) The necessity of this administrative regulation: KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the *Kentucky Academic Standards (KAS) for Visual and Performing Arts (VPA)*, which contain the general courses of study and academic content standards of visual and performing arts, for use in Kentucky's common schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(18)(a) which requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts for all levels with the advice of a review committee assigned to focus on visual and performing arts. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the *Kentucky Academic Standards (KAS) for Visual and Performing Arts (VPA)*, which contain the general courses of study and academic content standards of visual and performing arts, for use in Kentucky's common schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the *Kentucky Academic Standards (KAS) for Visual and Performing Arts (VPA)*, which contain the general courses of study and academic content standards of visual and performing arts, for use in Kentucky's common schools. KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This regulation also conforms to KRS 158.6453(18)(a) which requires the Kentucky Department of Education to implement a comprehensive process for reviewing and revising academic standards in visual and performing arts for all levels.

(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: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new

regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local schools and districts are affected by 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 8:130 are the standards for visual and performing arts. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to local schools and districts during the first year is unknown and dependent upon the size, needs and materials available which varies among the 171 school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of local schools and school districts will ensure that each student will be qualified for graduation as they will have met the minimum content requirements for visual and performing arts as provided in 704 KAR 3:305.

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

(a) Initially: The Kentucky Department of Education (KDE) spent approximately \$248,500.00 in administrative costs for the development of the visual and performing arts standards that are incorporated by reference in 704 KAR 8:130, in addition to staff time to oversee its administration. KDE anticipates spending approximately \$150,000 in the first year on staff costs to support schools and districts in the implementation of the *KAS for VPA*.

(b) On a continuing basis: KDE anticipates spending approximately \$150,000 each year on staff costs to support schools and districts in the implementation of the *KAS for VPA*.

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

(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 KDE will not be able to use the research-based model of leadership networks to provide support to districts as they implement new standards without an increase in funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase 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 districts.

## FISCAL IMPACT STATEMENT

704 KAR 8:130

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: [todd.allen@education.ky.gov](mailto:todd.allen@education.ky.gov)

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE is the promulgating agency. The Kentucky Department of Education (KDE) will support local schools and districts in implementing the *Kentucky Academic Standards (KAS) for Visual and Performing Arts (VPA)* incorporated by reference in 704 KAR 8:130.

- (a) Estimate the following for the first year:

Expenditures: The KDE spent approximately \$248,500.00 in administrative costs for the development of the visual and performing arts standards that are incorporated by reference in 704 KAR 8:130, in addition to staff time to oversee its administration. KDE anticipates spending approximately \$150,000 in the first year on staff costs to support schools and districts in the implementation of the *KAS for VPA*.

Revenues: No revenue in the first year.

Cost Savings: The administrative regulation will not generate cost savings in the first year.

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

KDE anticipates spending approximately \$150,000 each year on staff costs to support schools and districts in implementing the *KAS for VPA*. There is no revenue or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local schools and districts

- (a) Estimate the following for the first year:

Expenditures: The cost to local schools and districts during the first year is unknown and dependent upon the size, needs and materials available which varies among the 171 school districts.

Revenues: No revenue.

Cost Savings: The administrative regulation will not generate cost savings for the affected local entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Once curriculum documents are revised, the cost for local schools and districts in subsequent years will decrease. There is no revenue or cost savings in subsequent years.

- (a) Identify additional regulated entities not listed in questions (2) or (3): No additional regulated entities.



- (a) Estimate the following for the first year:  
Expenditures: Not applicable as no additional regulated entities have been identified.  
Revenues: Not applicable as no additional regulated entities have been identified.  
Cost Savings: Not applicable as no additional regulated entities have been identified.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable as no additional regulated entities have been identified.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The fiscal impact to local schools and districts is unknown and depends on the size, needs, and materials available to individual schools and districts. The KDE spent approximately \$248,500.00 in administrative costs for the development of the visual and performing arts standards that are incorporated by reference in 704 KAR 8:130, in addition to staff time to oversee its administration. KDE anticipates spending approximately \$150,000 each year on staff costs to support schools and districts in the implementation of the *KAS for VPA*.

(b) Methodology and resources used to determine the fiscal impact: The KDE has already spent approximately \$248,500.00 in administrative costs for the development of the visual and performing arts standards that are incorporated by reference in 704 KAR 8:130, in addition to staff time to oversee its administration. The average cost for contracted staff is \$150,000. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies making the fiscal impact difficult to estimate.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) – (4). (\$500,000 or more, in aggregate)  
It is unknown whether this administrative regulation will have a major economic impact to the entities identified in questions (2) – (4).

(b) The methodology and resources used to reach this conclusion: The KDE spent approximately \$248,500.00 in administrative costs for the development of the visual and performing arts standards that are incorporated by reference in 704 KAR 8:130, in addition to staff time to oversee its administration. KDE anticipates spending approximately \$150,000, which is the average cost for contracted staff, each year on staff costs to support schools and districts in the implementation of the *KAS for VPA*. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies making the cost to schools and districts difficult to estimate.

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

704 KAR 8:130 “Kentucky Academic Standards for Visual and Performing Arts” provided as the document incorporated by reference contains a total of 377 pages on the required academic standards for visual and performing arts. KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. The material incorporated by reference also conforms to KRS 158.6453(18)(a) which requires the Kentucky Department of Education to implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts for all levels.