

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 704 KAR 8:050. Required Academic Standards for Physical Education.

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), 158.6453(18)

8 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies  
9 with the requirements of 2025 RS HB 6, Section 8.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a) [~~KRS 156.070~~] requires  
11 the Kentucky Board of Education to establish courses of study for the different grades and  
12 kinds of common schools, with the courses of study to comply with the expected goals,  
13 outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and  
14 158.6453. KRS 156.160(1)(h) requires the Kentucky Board of Education to adopt  
15 administrative regulations governing medical inspection, physical and health education and  
16 recreation, and other regulations necessary or advisable for the protection of the physical  
17 welfare and safety of the public school children. KRS 156.070(1) requires the Kentucky Board  
18 of Education to manage and control the common schools and all programs operated in the  
19 schools. KRS 160.290 authorizes local boards of education to provide for courses and other  
20 services for students consistent with the administrative regulations of the Kentucky Board of  
21 Education. KRS 158.6453(18)(a) requires the Kentucky Department of Education to implement

1 a comprehensive process for reviewing and revising the academic standards in practical living  
2 skills for all levels. [~~KRS 158.6453(2)(a) requires the Kentucky Department of Education to~~  
3 ~~implement a process for the review of academic standards and the alignment of corresponding~~  
4 ~~assessments.~~] This administrative regulation incorporates by reference the Kentucky Academic  
5 Standards for Physical Education, which contain the general courses of study and academic  
6 content standards of physical education for use in Kentucky's common schools.

7 Section 1. Before graduating from a Kentucky public high school, a student shall meet the  
8 minimum content requirements established in the Kentucky Academic Standards for Physical  
9 Education.

10 Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for Physical  
11 Education", June 2025 [~~October 2018~~], is incorporated by reference.

12 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
13 the Department of Education, 5<sup>th</sup> floor, 300 Sower Boulevard, Frankfort, Kentucky 40601,  
14 Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at:  
15 <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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Dr. Robbie Fletcher  
Commissioner of Education

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Date

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Dr. Sharon Porter Robinson, 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 8:050

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 Physical Education (PE)*, which contain the general courses of study and academic content standards of physical education, 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 *KAS for PE*, which contain the general courses of study and academic content standards of physical education, 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 practical living skills for all levels. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the 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 156.160(1)(h) requires the KBE to adopt administrative regulations governing medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. This administrative regulation incorporates by reference the *KAS for PE*, which contain the general courses of study and academic content standards of physical education, 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 *KAS for PE*, which contain the general courses of study and academic content standards of physical education, for use in Kentucky's common schools. KRS 156.160(1)(a) requires the 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 156.160(1)(h) further requires the KBE to adopt administrative regulations governing medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. This regulation also 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 practical living skills 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: Regulatory amendments conform to current statutory language and provide an updated version of the *KAS for PE* as the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: 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 practical living skills for all levels every six years. The *KAS for PE* was last approved in October 2018. Therefore, in order to conform to statutory requirements, the KDE implemented the standards review process for physical education which resulted in a new material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: 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 practical living skills for all levels every six years. The *KAS for PE* was last approved in October 2018. Therefore, in order to conform to statutory requirements, the KDE implemented the standards review process for physical education which resulted in a new material incorporated by reference.

(d) How the amendment will assist in the effective administration of the statutes: The amendments allow schools and districts to access and implement the most current *KAS for PE* following the completion of the required standards review process provided in KRS 158.6453(18).

(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 8:050 are the standards for physical education. 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 Kentucky's 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 ensure that each student is qualified for graduation as they will have met the minimum content requirements for physical education 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 KDE spent approximately \$51,594.00 in administrative costs for the development of both the physical education and health education standards that are incorporated by reference in 704 KAR 8:050 and 704 KAR 8:030, respectively, in addition to staff time to oversee its administration. KDE anticipates some initial staff costs to support schools and districts in the implementation of the *KAS for PE*.

(b) On a continuing basis: KDE anticipates some ongoing staff costs to support schools and districts in the implementation of the *KAS for PE*.

(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? Tiering was not appropriate as the administrative regulation applies equally to all schools and districts.

## FISCAL IMPACT STATEMENT

704 KAR 8:050

Contact Person: Todd G. Allen

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(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) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. KRS 156.160 establishes authority of the KBE to promulgate regulations and was recodified in 1942 in Ky Acts ch. 208, sec. 1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Education (KDE) will support local schools and districts in implementing the *Kentucky Academic Standards (KAS) for Physical Education (PE)* incorporated by reference in 704 KAR 8:050.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The KDE spent approximately \$51,594.00 in administrative costs for the development of both the physical education and health education standards that are incorporated by reference in 704 KAR 8:050 and 704 KAR 8:030, respectively, in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year to support schools and districts in the implementation of the *KAS for PE*.

For subsequent years: The KDE anticipates some staff administrative costs in subsequent years to support schools and districts in implementing the *KAS for PE*.

2. Revenues:

For the first year: No revenue in the first year.

For subsequent years: No revenue in subsequent years.

3. Cost Savings:

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

For subsequent years: The administrative regulation will not generate cost savings in subsequent years.

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

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: 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 Kentucky's 171 school districts.



For subsequent years: Once curriculum documents are revised, the cost for local schools and districts in subsequent years will decrease.

2. Revenues:

For the first year: No revenue in the first year.

For subsequent years: No revenue in subsequent years.

3. Cost Savings:

For the first year: No cost savings in the first year.

For subsequent years: No cost savings in subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: Not applicable as no additional regulated entities have been identified.

For subsequent years: Not applicable as no additional regulated entities have been identified.

2. Revenues:

For the first year: Not applicable as no additional regulated entities have been identified.

For subsequent years: Not applicable as no additional regulated entities have been identified.

3. Cost Savings:

For the first year: Not applicable as no additional regulated entities have been identified.

For subsequent years: Not applicable as no additional regulated entities have been identified.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(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 \$51,594.00 in administrative costs for the development of both the physical education and health education standards that are incorporated by reference in 704 KAR 8:050 and 704 KAR 8:030, respectively, in addition to staff time to oversee its administration. The KDE anticipates some administrative staff costs in the first year and subsequent years to support schools and districts in the implementation of the *KAS for PE*.

(b) Methodology and resources used to reach this conclusion: The KDE has already spent approximately \$51,594.00 in administrative costs for the development of both the physical education and health education standards that are incorporated by reference in 704 KAR 8:050 and 704 KAR 8:030, respectively, in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the *KAS for PE*. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): It is unknown whether this administrative regulation will have a major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: The KDE spent approximately \$51,594.00 in administrative costs for the development of both the physical education and health education standards that are incorporated by reference in 704 KAR 8:050 and 704 KAR 8:030, respectively, in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the *KAS for PE*. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the cost to schools and districts difficult to estimate.

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

704 KAR 8:050 "Kentucky Academic Standards for Physical Education" provided as the document incorporated by reference contains a total of 40 pages on the required academic standards for physical education. KRS 156.160(1)(a) 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. The material incorporated by reference also conforms to KRS 158.6453(18)(a) which requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing and revising academic standards in physical education for all levels.

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