

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Amendments to 704 KAR 4:010, Physical education

**Date:** June 4-5, 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 technical amendments to 704 KAR 4:010, Physical education.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the board approve amendments to 704 KAR 4:010.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070, KRS 156.160 and 704 KAR 4:010

### BACKGROUND:

#### *Existing Policy:*

KRS 156.160(1)(h) requires the Kentucky Board of Education (KBE) to promulgate an administrative regulation establishing standards and governing medical inspection, physical and health education and recreation, and for the protection of the physical welfare and safety of the public school children.

704 KAR 4:010 provides requirements for local boards of education in authorizing substitutions or exemptions to the requirements provided in 704 KAR 8:050, Kentucky Academic Standards for Physical Education and the half-credit physical education requirement for high school graduation pursuant to 704 KAR 3:305 in cases of physical conditions or religious objection.

#### *Summary of Issue:*

704 KAR 4:010 requires technical amendments to conform to current statutory language provided in KRS 156.160(1). Amendments to Section 1 removes an outdated reference to 704 KAR 3:304 "Program of Studies for Kentucky Schools, Grades K-12," which is no longer in law. Language under Section 1 has been updated to reference current regulatory requirements provided in 704 KAR 8:050, Kentucky Academic Standards for Physical Education.

All proposed amendments to 704 KAR 4:010 are non-substantive in nature and provide technical changes to reflect accurate statutory and regulatory language and references as currently provided in law.

#### *Budget Impact:*

The proposed amendments have no anticipated fiscal impact on the Kentucky Department of Education (KDE) except in cases where assistance is requested to support voluntary revisions to local policies.

## 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 May 27, 2025 meeting. A summary of the feedback received by the council will be provided to the KBE prior to its June 2025 meeting.

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Commissioner of Education

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