

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Certification of 704 KAR 3:455, Instructional resource adoption process

Date: August 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 the recertification of 704 KAR 3:455, Instructional resource adoption process.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the recertification of 704 KAR 3:455.

APPLICABLE STATUTE OR REGULATION:

KRS 156.433 and KRS 156.439

BACKGROUND:

Existing Policy:

KRS 156.433 authorizes the Kentucky Board of Education (KBE) to promulgate an administrative regulation identifying instructional materials eligible for purchase, establishing a procedure for review, and developing a process for adding materials to the recommended list. KRS 156.439 further requires the KBE to promulgate an administrative regulation establishing methods for calculating and distributing a district's textbook and instructional materials allocation. 704 KAR 3:455 establishes those processes and criteria.

Summary of Issue:

To avoid expiration, KRS 13A.3104(1)(a) requires the review of 704 KAR 3:455 in its entirety for compliance with current law governing the subject matter of the administrative regulation. Upon review of 704 KAR 3:455, no amendments were identified. However, requirements provided in Sections 11-29 of Senate Bill (SB) 207 (2025), which do not take effect until July 1, 2026, amended outdated statutes provided in KRS Chapter 156 related to textbooks and the State Textbook Commission to reflect the current needs of local school districts in selecting and implementing K-12 high-quality instructional resources (HQIRs). Once effective, the Kentucky Department of Education (KDE) will bring forth amendments to 704 KAR 3:455 for consideration and approval by the KBE.

Budget Impact:

The proposed recertification of this regulation has no current fiscal impact on state funds. To date, no state funds have been allocated to support local school districts in purchasing and implementing HQIRs.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Office of Teaching and Learning reviewed the regulation for verification and determined that it is in compliance with current governing law and requires no amendments at this time.

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Commissioner of Education

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