

K-12 Curriculum Development and Instructional Material Selection Process Review



Legislative Oversight and Investigations Committee

November 16, 2023

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Understanding Instructional Materials



- Curriculum – The overarching framework
 - District Superintendents
 - School-Based Decision-Making Councils
- Instructional materials – How to implement the framework
 - District Superintendents
 - School-Based Decision-Making Councils
- Standards – What the framework is designed to accomplish
 - Kentucky Board of Education
 - Kentucky Department of Education

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Who Is Responsible For Instructional Material Selection?

- Authority over:
 - School-Based Decision-Making Councils (1990 – 2022)
 - Kentucky Education Reform Act (1990)
 - District Superintendents (2022 – Present)
 - SB 1 amendment to KRS 160.345 (2022)
- Provides guidance and oversight
 - Kentucky Board of Education (1838 – Present)
 - Kentucky Department of Education (1838 – Present)
 - Kentucky State Textbook Commission (1952 – 2015)

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Role Of The State Textbook Commission

- Review and approve instructional materials
- Maintain lists of approved instructional materials
- Consist of 10 appointed members, convene by May 1 of each year, and meet quarterly
- Publish and distribute consumer guides to districts and schools
- Conduct public hearings
- Provide vendor oversight
- Maintain and approve evaluation criteria for the district Off-List Notification Process

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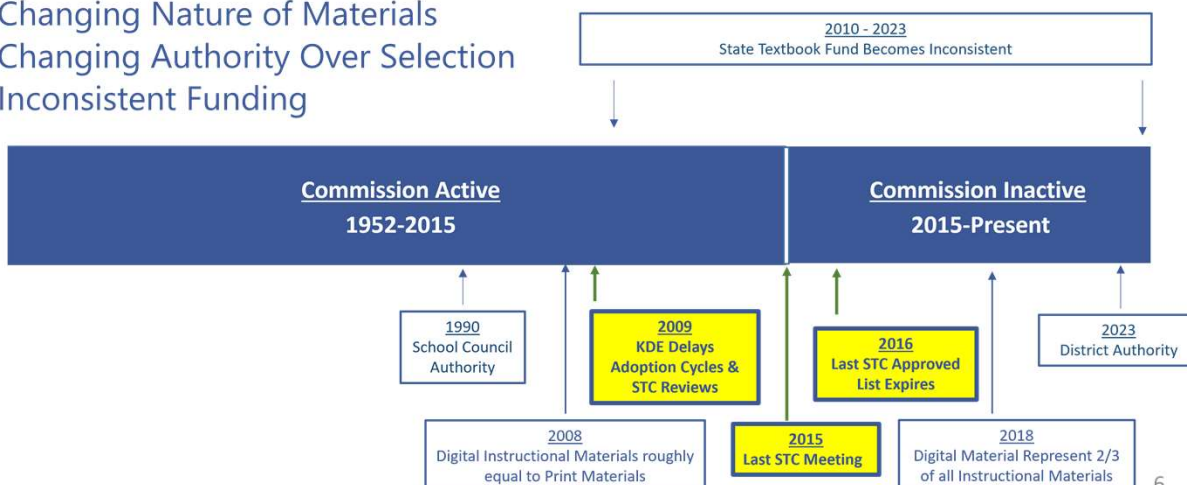
Finding Area 1: State Textbook Commission Inactivity

- Primary purpose of the commission:
 - Review K-12 instructional materials
 - Provide lists of approved instructional materials
 - Vet all materials used in K-12 schools
- Current status of commission responsibilities:
 - Quality curriculum task force
 - EdReports instructional materials ratings
 - Consumer guides

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Finding Area 1: State Textbook Commission Inactivity

- Changing Nature of Materials
- Changing Authority Over Selection
- Inconsistent Funding

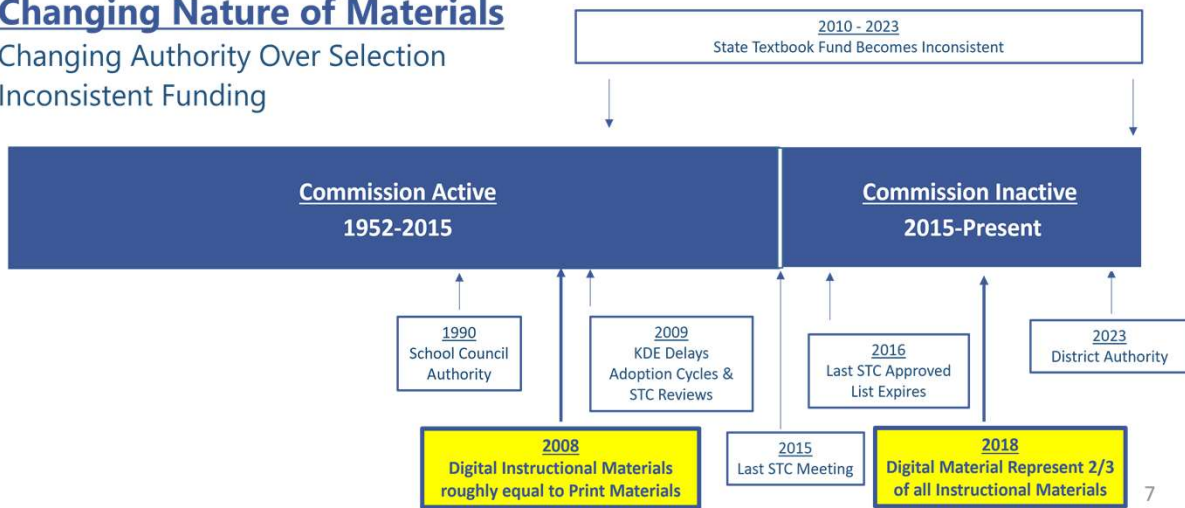


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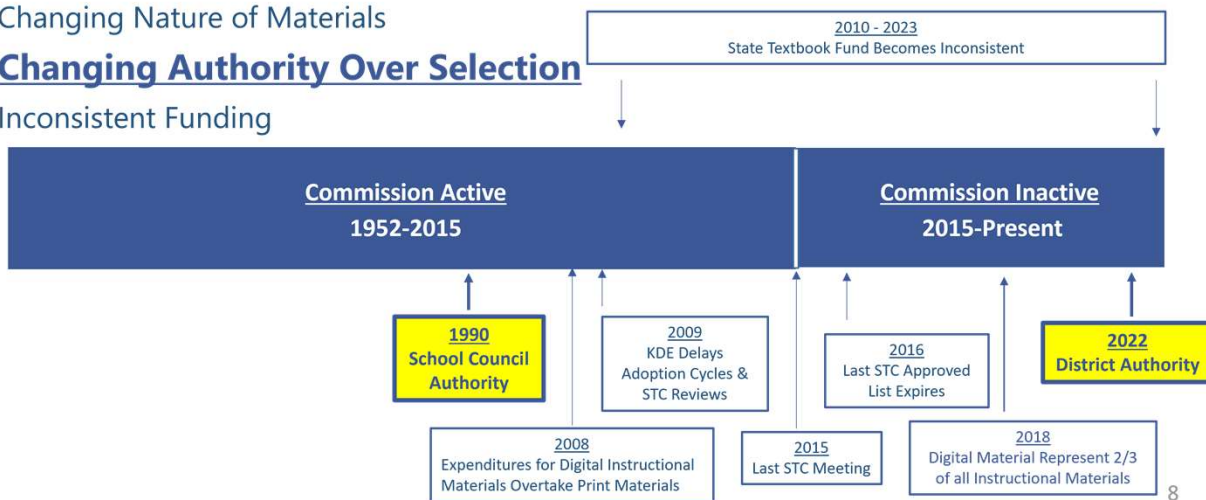
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- **Changing Nature of Materials**
- Changing Authority Over Selection
- Inconsistent Funding



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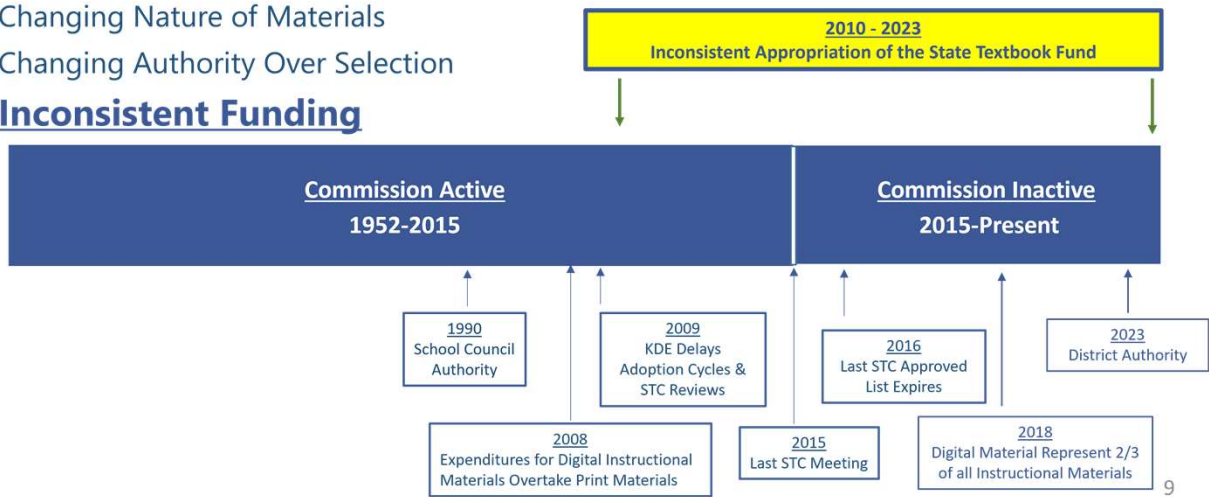
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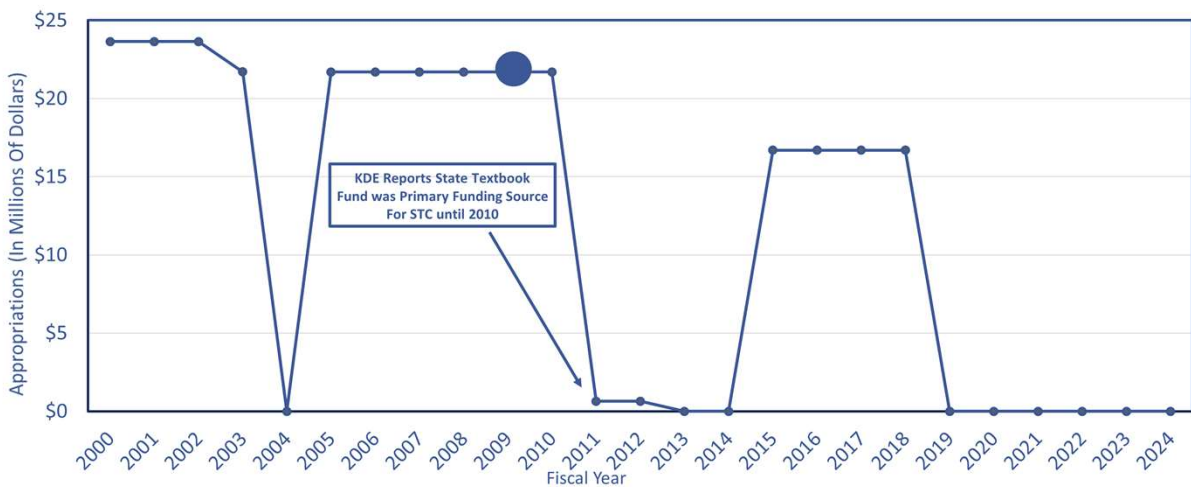
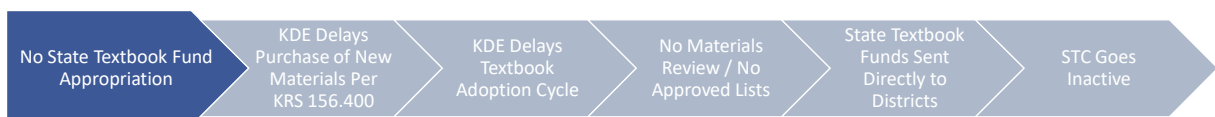


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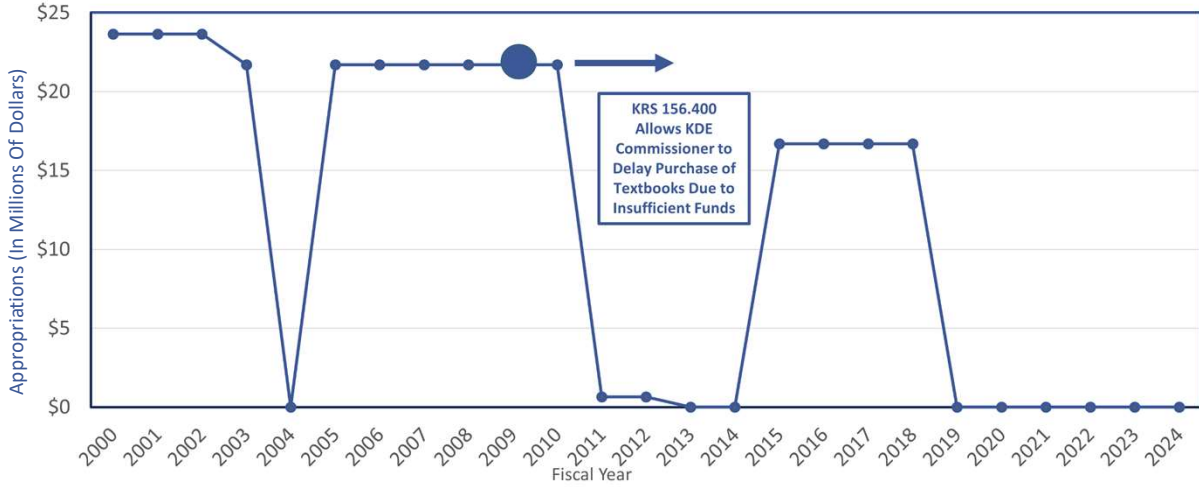
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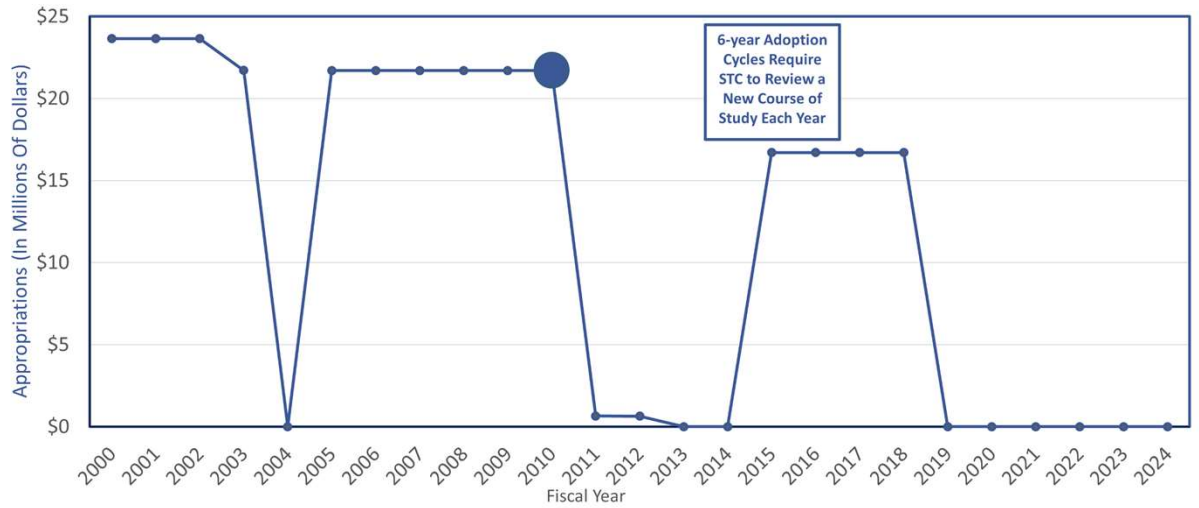
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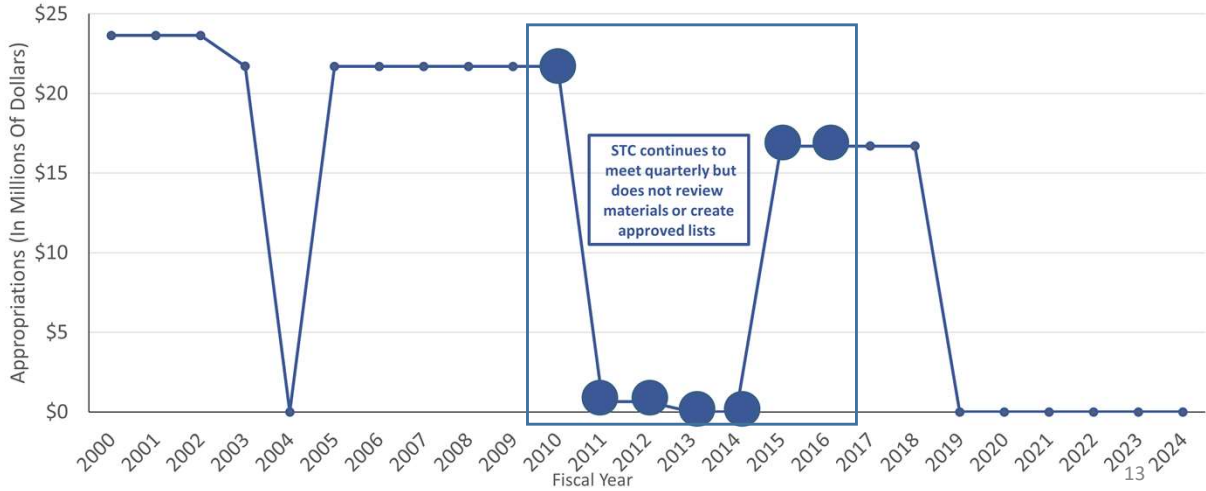
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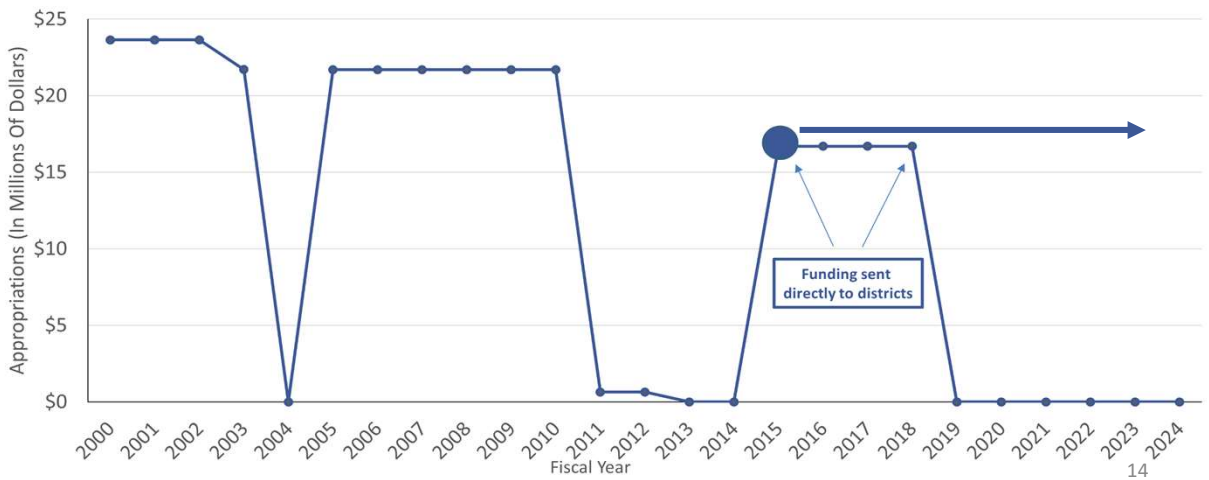
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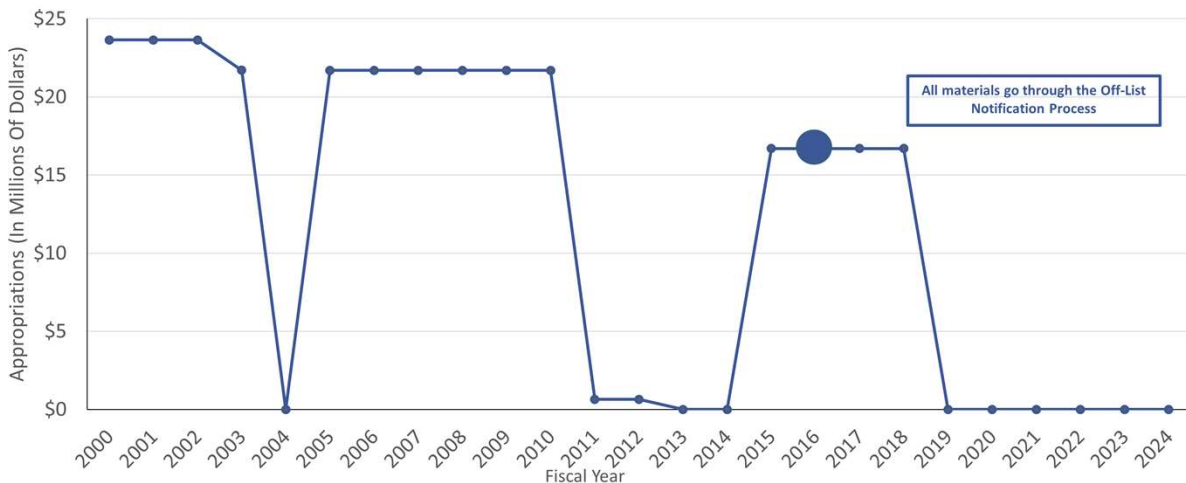
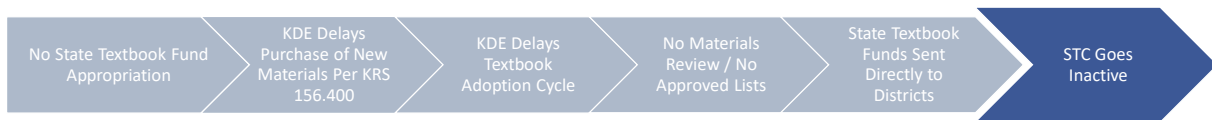
Finding Area 1: State Textbook Commission Inactivity



Finding Area 1: State Textbook Commission Inactivity



Finding Area 1: State Textbook Commission Inactivity



Finding Area 1: State Textbook Commission Inactivity



- Unclear if absence of the fund is sufficient for delay of adoption cycle or material purchases
 - State textbook fund is not the only funding mechanism for the commission
 - Statute allows for delay of instructional material purchases, but does not speak to the delay of commission operations
 - The state textbook fund is not the only funding source available to districts for purchasing instructional materials
 - State textbook funds have never been available for grades 9-12



Finding Area 1: State Textbook Commission Inactivity

- Commission is not currently complying with statute but the solution is complex
- Options for commission future role:
 - Eliminate statutory requirements for the commission
 - Revise the role of the commission
 - Reinstate the commission as currently statutorily mandated

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Recommendation 3.1

The Kentucky Department of Education should provide the General Assembly with a justification for the inactivity of the State Textbook Commission since 2015 and the decision of the education commissioner to not convene the commission and fulfill its statutory responsibilities. This report should be provided to the Legislative Oversight and Investigations Committee, the Interim Joint Committee on Education, the Interim Joint Budget Review Subcommittee on Education, and the Legislative Research Commission by June 1, 2024.

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Recommendation 3.2

The Kentucky Department of Education should provide the General Assembly with an estimate of the budgetary requirements for operating the State Textbook Commission as well as a review of the funding mechanisms for the commission. The report should include a review of the commission's relationship to the state textbook fund and other potential funding sources. This report should be provided to the Legislative Oversight and Investigations Committee, the Interim Joint Committee on Education, the Interim Joint Budget Review Subcommittee on Education, and the Legislative Research Commission by June 1, 2024.

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Recommendation 3.3

The Kentucky Department of Education should provide the General Assembly with an evaluation of the best current use for the State Textbook Commission given budgetary constraints, the changing landscape of instructional materials, and the placing of authority over curriculum and instructional resources at the district level. This report should be provided to the Legislative Oversight and Investigations Committee, the Interim Joint Committee on Education, the Interim Joint Budget Review Subcommittee on Education, and the Legislative Research Commission by June 1, 2024.

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Recommendation 3.4

The Kentucky Department of Education should provide the General Assembly with a plan for operating the State Textbook Commission under current statutory requirements until the legislature has made a decision regarding Matter for Legislative Consideration 3.1. This report should be provided to the Legislative Oversight and Investigations Committee, the Interim Joint Committee on Education, the Interim Joint Budget Review Subcommittee on Education, and the Legislative Research Commission by June 1, 2024.



Matter For Legislative Consideration 3.1

The General Assembly may wish to consider either revising the State Textbook Commission statutes to eliminate its function or ensuring continued activity by adding oversight procedures. Alternatively, the General Assembly may consider defining a revised role for the commission that fits better with the changing landscape of curriculum development and instructional materials selection.



Matter For Legislative Consideration 3.2

If it is the desire of the General Assembly to prioritize an active State Textbook Commission that can fulfill either its current statutory obligations or a revised mandate, the General Assembly may wish to statutorily define the funding mechanisms for the commission and clarify that the commission should remain active regardless of whether textbook or instructional material purchases are delayed via KRS 156.400.



Finding Area 2: District-Adopted Materials List

District-Adopted List

- KDE could provide valuable information to districts by compiling and providing a list of the instructional materials that other districts have adopted
- 85 percent of superintendents reported that they would benefit from a state-wide list of instructional materials
- 64 percent of superintendents reported that a state-level entity should maintain the list
- KDE supports the proposed list but would require statutory authority

Advantages

- Other districts are the most common source consulted by district superintendents when selecting materials
- Less duplication of effort across districts.
- Reduces district burden
- Small districts can benefit from the resources available to large districts
- Little state-level overhead or cost
- Ratings of materials would come from real-world district and classroom experience



Recommendation 3.5

The Kentucky Department of Education should develop a policy to annually survey and compile information on the instructional resources used by Kentucky school districts. The resulting list should be made accessible to all school district personnel. This list should include information that the Kentucky Department of Education determines would aid districts in selecting instructional materials. The list should be updated at least once every year.

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Matter For Legislative Consideration 3.3

The General Assembly may wish to consider amending KRS 156.445 to provide the Kentucky Department of Education with authority to require district superintendents to annually report on the primary instructional materials adopted for K-12 coursework at the schools in their districts.

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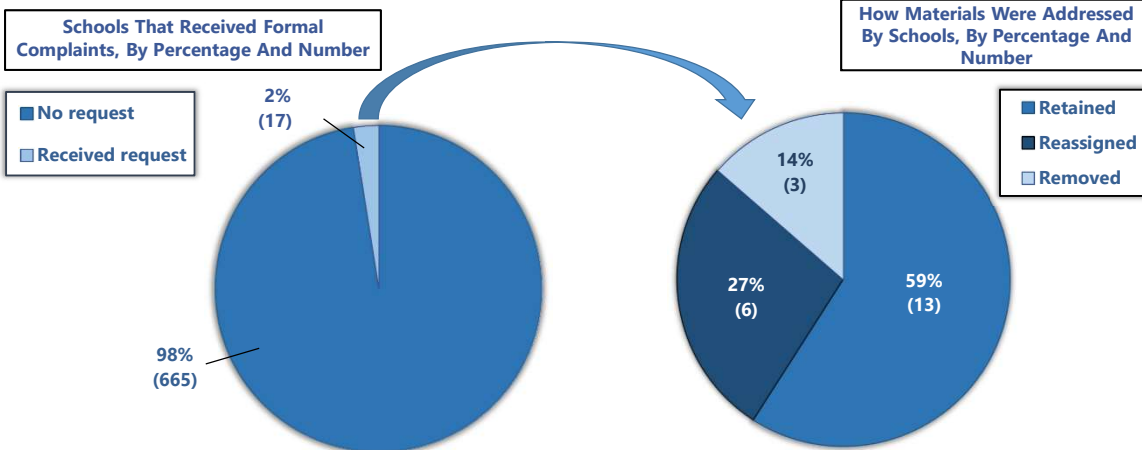
Finding Area 3: Formal Processes For Parental Objections To Instructional Materials

- Formal processes are available for all districts:
 - Request for Reconsideration (Model Policy 08.2322 AP.21)
 - Harmful to Minors Complaint Resolution (Model Policy 08.23 AP.21)
- Formal processes are rarely required:
 - 22 Requests for Reconsideration from 2020 – 2022
- Improvements to the Model Policies for Parental Complaint Resolution Processes
 - Inclusion of superintendents
 - Parental final say over child access to materials

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Districts Reporting Formal Parental Complaint Reviews



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Improvements To The Harmful To Minors Complaint Resolution Process

- Harmful to Minors Complaint Resolution process does not include a role for district superintendents
 - Conflicts with SB 1 (2022) superintendent mandate
 - Removes important input for decision-making
- Harmful to Minors Complaint Resolution model policy does not include a provision for parental overrule of final appeal decisions for their child

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Matter For Legislative Consideration 3.4

The General Assembly may wish to amend the Harmful to Minors Complaint Resolution process, as established in KRS 158.192, to include a role for school district superintendents.

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Recommendation 3.6

The Kentucky Department of Education should revise model policy 08.23 and procedure 08.23 AP.21 to include the full process for the Harmful to Minors Complaint Resolution process as outlined in KRS 158.192, by including the provision that parents can request that their child not have access to a material retained following appeal to local school boards.

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Questions?

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