

Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

Robin Fields Kinney
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

November 3, 2023

Senator Brandon J. Storm, Chair
Representative Adam Bowling, Chair
Legislative Oversight and Investigations Committee
Legislative Research Commission
700 Capital Ave.
Frankfort, KY 40601

Dear Chairs Storm and Bowling:

This letter is in response to the “K-12 Curriculum Development and Instructional Materials Selection” report provided to the Legislative Oversight and Investigations Committee. The KDE response will be included in the final committee draft.

Per the report findings, the Kentucky Department of Education (KDE) agrees that the State Textbook Commission (STC) has not met since 2015 due to insufficient funding. KRS 156.400(3) establishes, “The chief state school officer may delay the purchase of books due to insufficient funds...” Yet, despite a lack of sustainable funding, the agency has worked to ensure many of the key responsibilities of the STC have continued to be accomplished.

Despite the delay in convening the STC due to insufficient funding, school districts must still review, select, procure and manage instructional resources. District staff are needed to coordinate this process regardless of whether the STC meets. Therefore, local high-quality instructional resource (HQIR) coordinators continue to carry on their functions. The KDE supports HQIR coordinators with numerous resources, including the statutorily required consumer guides for the evaluation of instructional resources, per KRS 156.405. The Model Curriculum Framework (MCF), required in KRS 158.6451, also establishes a curriculum development process, including the selection of HQIRs, and instructional resource alignment rubrics are published for reading and writing, mathematics, science and social studies as well.

In fall 2019, the KDE further established the Quality Curriculum Task Force (QCT) to review guidance and provide feedback on the tools and resources needed for local HQIR evaluation and selection. The taskforce is a 21-member group of educators that includes district leaders, teachers, library specialists, educational cooperative representatives, and university faculty. Members provide annual feedback on the MCF, the curriculum development processes of districts, consumer guides and any new resources developed.

The KDE also meets with members of the content specific Advisory Panels and Review Committee established in KRS 158.6453 who review and revise the Kentucky Academic Standards (KAS). The standards writers serve as instructional resource reviewers by providing feedback on the alignment to the KAS and the gateways established in the consumer guides. Thus, they are the first to inform and provide feedback on the gateways and characteristics of high-quality as it relates to the KAS. After the instructional resource reviewers provide feedback, the KDE meets with the QCT for feedback on the consumer guide prior to statewide publication. The consumer guide is also field tested with “Developing High-Quality Local Curriculum” pilot districts prior to statewide publication.

The KDE contends that the processes with the standards writers and the QCT better meet the needs of educators than the STC. No longer are instructional resources merely textbooks; this space in the education field has undergone much change. National independent, non-profit providers, such as EdReports, do the complex work of vetting materials on behalf of state and local education agencies. These providers function as a sort of “consumer reports” clearinghouse on instructional materials. As stated in the report, “EdReports works with Kentucky teachers to align their review tools with the [Kentucky Academic Standards], and KDE works with EdReports to verify alignment” (16). The KDE encourages superintendents, district leaders and all of those serving on local teams to begin their selection process with the green-rating resources. These allow for a baseline of high-quality with the flexibility needed for local control.

The STC would require the committee to vet its own resources duplicating the efforts that providers, such as EdReports, do all year round but on a much tighter schedule for the committee. It also may lead to a shorter list of approved resources simply due to time and capacity constraints. The KDE would need to convene the STC and conduct the process for ELA, math, science and social studies at a minimum. Resource vetting takes great expertise and experience, and most educator preparation programs are just now starting to train pre-service teachers in resource selection.

Also, there are many more components to instructional resources now that did not exist in more traditional textbook adoptions. There are digital components; resources for differentiation; aligned assessments, etc. Part of what makes the resources high quality is the extensiveness of the resources themselves, which are intended to support teachers in meeting the diverse needs of their students. This adds to the time and review that is already done by partners, such as EdReports.

The KDE also can no longer envision state-level vendor contracts for these resources since superintendents now have the authority to develop curriculum and select all instructional resources across districts per KRS 160.345. Moreover, if superintendents can continue to make off-list selections, the KDE argues the focus of the instructional resource reviewers and the QCT should be the curation of the best evaluation tools possible. Ultimately, the KDE would not recommend reconstituting the STC without sustainable funding and significant changes to the statutory requirements governing the STC.

The KDE can provide 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, a report detailing the justification for the inactivity of the State Textbook Commission since 2015 and the decision of the KDE Commissioner to not convene the commission and fulfill its statutory responsibilities. However, such report would primarily consist of the information contained herein and therefore may not be necessary. In addition, the KDE

addressed this in the formal response to the Office of Education Accountability (OEA) 2018 draft report “Textbooks and Instructional Materials.” The KDE position has not changed since the previously established response.

By June 1, 2024, the KDE can also provide 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 with the following:

- An estimate of the budgetary requirements for operating the STC as well as a review of the funding mechanisms for the Commission; and
- An evaluation of the best current use for the STC given budgetary constraints, the changing landscape of instructional materials, and the placing of authority over curriculum and instructional resources at the district level.

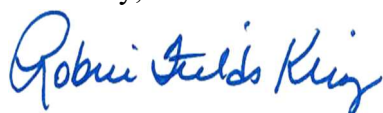
The KDE disagrees with Recommendation 3.4. The KDE would not recommend reconstituting the STC without sustainable funding and significant changes to the statutory requirements governing the STC. As stated herein, the KDE is utilizing standards writers as instructional resource reviewers and the QCT to fulfill key requirements of the STC. The KDE’s current activities outlined herein serve as the plan and will be shared as part of the report on Recommendation 3.3. Therefore, KDE does not believe an additional report is necessary.

The KDE agrees with report findings that pursuant to its current legal authority it could only compile and maintain a list of district-adopted primary instructional materials based upon voluntary information provided by school districts. The KDE does not currently have the authority to require school districts to provide KDE information on the instructional materials that they have adopted. However, KDE will consider whether the Kentucky Board of Education has the authority to promulgate a regulation regarding this. The KDE further agrees that the Legislature may wish to consider adding language to KRS 156.445 to provide KDE with this authority by requiring that local school district superintendents annually report to KDE the primary instructional materials they have adopted for K-12 courses. The KDE agrees to conducting an annual voluntary survey of school districts to compile information on the different instructional resources used. The KDE also agrees to include on the list information that KDE determines would aid districts in the selection of instructional materials and to update the list at least once every school year.

The KDE also agrees that model policy 08.23 and procedure 08.23 AP.21 do not specifically address KRS 158.192(3) and agrees to revise the model policy and procedure accordingly.

The KDE appreciates the collaboration with the research analysts for the Legislative Oversight and Investigations Committee, and we also thank the district leaders who participated in surveys and conversations to help inform the report findings and recommendations.

Sincerely,



Robin Fields Kinney
Interim Commissioner of Education