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May 20, 2024

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

Senator Stephen West, Chair  
Representative James Tipton, Chair  
Interim Joint Committee on Education  
Legislative Research Commission  
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Senator Matthew Deneen, Chair  
Representative Kim Banta, Chair  
Interim Joint Budget Review Subcommittee on Education  
Legislative Research Commission  
702 Capital Ave.  
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Jay D. Hartz, Director  
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RE: Response to the Legislative Oversight and Investigations Committee (LOIC) Research Report No. 484 "K-12 Curriculum Development And Instructional Materials Selection" – Adopted November 16, 2023

Dear All:

On November 16, 2023, the Legislative Oversight and Investigations Committee (LOIC) adopted research report No. 484 "K-12 Curriculum Development And Instructional Materials Selection" which requests the

Kentucky Department of Education (KDE) to submit a report in response to four recommendations by June 1, 2024, 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.

The responses to the recommendations are provided below.

### **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.*

### **KDE Response:**

The Kentucky Department of Education (KDE) provided a response to Research Report No. 484 on November 3, 2023, to the Chairs of the Legislative Oversight and Investigations Committee. This letter is included in the Appendix of Research Report No. 484. KDE believes the following information taken from the November 3, 2023, letter addresses this recommendation:

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 still review, select, procure and manage instructional resources. District staff 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 serving on local teams to begin their selection process with green-rated 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 does not recommend reconstituting the STC without sustainable funding and significant changes to the statutory requirements governing the STC.

### **Recommendation 3.2**

*The Kentucky Department of Education should provide the General Assembly with an estimate of the current 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. The 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.*

### **KDE Response:**

The State Textbook Commission is established under KRS 156.405 and requires a total of ten members. The funding mechanism for operating the commission was previously received through general funds and

allotted to the operating budget of KDE's former Office of New Generation Learners. No other potential funding sources have been identified.

KRS 156.405(9) requires that a State Textbook Commission meeting be held at least once every quarter. Costs provided below, including lodging, substitute reimbursement, mileage, etc. are from 2012 financial records and do not reflect increased expenses representative of the current-day economic trends for 2024.

KDE financial records from 2012 show that costs for one content area to meet on four occasions per year was approximately \$14,000 and included the following:

- Members: 10 @ \$50/mtg x 4 meetings = \$2,000
- Substitute reimbursement: 5 @ \$100 x 4 meetings = \$2,000
- Lodging: 10 @ \$100 x 4 meetings = \$4,000
- Mileage: \$1,000 / mtg x 4 meetings = \$4,000
- Meeting space: \$2,000

With the inclusion of seven content areas per the standards review cycle,  $\$14,000 \times 7 = \$98,000$  per year to address the quarterly meeting requirement provided under KRS 156.405(9).

Additionally, KRS 156.405 further requires a total of twelve textbook reviewers that "shall be paid one hundred dollars (\$100) per day, not to exceed one thousand dollars (\$1,000) annually" and "shall also receive reimbursement for actual expenses while attending reviewer or commission meetings." KRS 156.405(4) and (8). Utilizing costs from 2012, the estimated costs for 12 textbook reviewers for one content area per year is \$53,000 and includes the following:

- Textbook Reviewers: 12 @ \$100/mtg x 10 meetings = \$12,000
- Substitute reimbursement: 12 @ \$100 x 10 meetings = \$12,000
- Lodging: 12 @ \$100 x 10 meetings = \$12,000
- Mileage: \$1,200 / mtg x 10 meetings = \$12,000
- Meeting space: \$5,000

The total estimated costs for the textbook reviewers is  $\$53,000 \times$  seven content areas for an additional \$371,000 per year.

Therefore, the estimated costs for operating the requirements provided under KRS 156.405 is approximately  $\$98,000 + \$371,000$  for a total of \$469,000 per year.

However, due to the substantial increase in the number of resources now available to schools and districts compared to when the State Textbook Commission was last active, it is anticipated that more than quarterly meetings would be needed by the textbook reviewers to adequately examine the resources available for each content area.

### **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.*

**KDE Response:**

KDE does not believe that the STC should be reconstituted given current budgetary constraints, the changing landscape of instructional materials, and the placing of authority over curriculum and instructional resources at the district level. KDE believes the processes described above in response to Recommendation 3.1 better meet the needs of Kentucky educators than the historical role of the STC. KDE again states the following information from its November 3, 2023, letter, which is also included above in response to Recommendation 3.1, in response to Recommendation 3.3:

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 serving on local teams to begin their selection process with green-rated 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 does not recommend reconstituting the STC without sustainable funding and significant changes to the statutory requirements governing the STC.

**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, including estimated operating costs, 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.*

**KDE Response:**

As stated in response to Recommendations 3.1 and 3.3, the KDE does not recommend reconstituting the STC without sustainable funding and changes to statutory requirements governing the STC to best utilize the resources and expertise already in place, such as the use of academic standards writers as instructional resource reviewers and the QCT, in order to fulfill key responsibilities currently held by the STC.

In terms of estimating operating costs, as provided in response to Recommendation 3.2, the minimum anticipated costs for operating the requirements provided under KRS 156.405 is approximately \$469,000 per year. However, due to the substantial increase in the number of instructional resources now available to schools and districts compared to when the STC was last active, it is anticipated that quarterly meetings would not be sufficient to adequately examine the resources available for each content area. Therefore, the estimated costs would be in excess of \$469,000 per year. For this reason, in addition to those stated in response to Recommendation 3.1 and in KDE's November 3, 2023, letter, the KDE still contends that the STC would not be the most efficient use of time and funds to adequately address the changing landscape of instructional materials.

The following are possible statutory amendments to KRS 156.405:

1. Change commission name to denote the shifts in instructional resource adoption. For example, the State High-Quality Instructional Resources Commission or State Quality Curriculum Taskforce.
2. Repurpose the commission to promote equitable access to high-quality instructional resources (HQIR); support local schools and districts in the evaluation, selection and use of high-quality materials/instructional resources; provide a consumer guide to aid with the selection of HQIR; and provide for public participation in the process.
3. Add educational stakeholders as commission members. The current State Textbook Commission calls for 10 members whereas the QTC established by the KDE has 21 members with a variety of educational stakeholders represented.
4. Utilize the Kentucky Academic Standards (KAS) Advisory Panel and Review Committee members per KRS 158.6453 as the instructional resource reviewers. They are experts in the KAS for the content areas and can best speak to alignment.
5. Update commission responsibilities to:
  - (a) Select and direct the activities of the instructional resources reviewers who develop subject specific selection criteria and evaluation forms for the review of instructional resources;
  - (b) Develop general selection criteria and evaluation forms with the help of the instructional resources reviewers and Kentucky Department of Education staff to be used in the local level review process;
  - (c) Approve the selection criteria and evaluation forms used by the commission and instructional resources reviewers;
  - (d) Publish a consumer guide and make it available to Kentucky public schools.
6. Omit the responsibility of reviewing the materials: HQIR evaluation is not the textbook review of old. HQIRs are extensive and inclusive of numerous materials to better meet the diverse needs of students. Instead utilize national, independent, non-profit partners who do this work more effectively and efficiently. Utilize KY educators to provide feedback on gateways, selection criteria and evaluation tools to ensure alignment to the KAS.

7. Repurpose funds: If KY educators are not reviewing the materials themselves, members of the commission and instructional resources reviewers would not be pulled from classrooms, schools, and districts for extensive amounts of time. Funding can be directed toward local district use and purchase of HQIRs. Members of the commission and instructional resources reviewers would be reimbursed for travel and expenses; funds would also be provided to school districts to cover the cost of substitute teachers for those serving on the commission and as instructional resources reviewers.
8. Require districts to report to KDE on resource adoption.

If you have any questions, please contact KDE's Chief Academic Officer, Micki Ray, at [Micki.Ray@education.ky.gov](mailto:Micki.Ray@education.ky.gov).

Sincerely,



Robin Fields Kinney  
Interim Commissioner of Education

cc:

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