

EDUCATION AND LABOR CABINET

Kentucky Board of Education

Department of Education

(Amendment)

704 KAR 3:440. Primary school program guidelines.

RELATES TO: KRS 156.070, 156.160(1), 158.030(2), 158.031, 158.305, 158.791, 158.6451, 158.840, 158.8402

STATUTORY AUTHORITY: KRS 156.070, 156.160(1), 158.031(2)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the Kentucky Board of Education to establish by administrative regulation the standards that school districts shall meet in student, program service, and operational performance. KRS 158.030(2) establishes the age requirements for students who may enter the primary school program. KRS 158.031(2) requires the promulgation of administrative regulations to address methods for verifying successful completion of the primary school program in carrying out the goals of education as described in KRS 158.6451.

Section 1. Definitions.

(1) "Authentic assessment" means assessment that occurs continually in the context of the learning environment and reflects actual learning experiences that can be documented through observation, anecdotal records, journals, logs, actual work samples, conferences, and other methods.

(2) "Continuous progress" means a student's unique progression through the primary school program at his own rate without comparison to the rate of others or consideration of the number of years in school. Retention and promotion with the primary school program are not compatible with continuous progress.

(3) "Developmentally appropriate practices" means instructional practices that address the academic, physical, aesthetic, cognitive, emotional and social domains of children and that permit them to progress through an integrated curriculum according to their unique learning needs.

(4) "Evidence-based" has the same meaning as 20 U.S.C. section 7801(21).

(5) "Multiage and multiability classrooms" means flexible grouping and regrouping of children of different age, sex and ability who may be assigned to the same teacher(s) for more than one (1) year.

(6) "Positive parent involvement" means the establishment of productive relationships between the school and the home, individuals, or groups that enhance communication, promote understanding and increase opportunities for children to experience success in the primary school program.

(7) "Primary school program" has the same meaning as KRS 158.031(1).

(8) "Professional teamwork" means all professional staff in the primary school program communicate and plan on a regular basis and use a variety of instructional delivery systems such as team teaching and collaborative teaching.

(9) "Qualitative reporting methods" means progress is communicated through a variety of qualitative methods which address the growth and development of the whole child as the student progresses through the primary school program.

Section 2. Primary School Program Attributes. Each primary school program shall include all the following attributes:

- (1) Developmentally appropriate educational practices;
- (2) Multiage and multiability classrooms;
- (3) Continuous progress;
- (4) Authentic assessment;
- (5) Qualitative reporting methods;
- (6) Professional teamwork; and
- (7) Positive parent involvement.

Section 3. Students in the Primary School Program.

- (1) Eligible children, as defined in KRS 158.031(1), who attend the primary school program may advance through the program without regard to age or a specific grade level. Students who transfer from a school system that uses grade levels of kindergarten through third grade shall be enrolled in the primary school program and placed according to their developmental needs.
- (2) Each elementary school shall design the primary school program to address the learning needs of all children who meet the entry age for the primary school program and who are not ready to enter the fourth grade. Individual placement decisions for children who are eligible for special education and related services shall be determined by the appropriate admissions and release committee, pursuant to 707 KAR 1:320.

Section 4. Curriculum.

- (1) The curriculum of the primary school program shall address the goals of education and the model curriculum framework set forth in KRS 158.6451, meet the requirements set forth in KRS 158.791, and include evidence-based high-quality instructional resources for mathematics and reading that is determined by the Kentucky Department of Education to be reliable, valid, and aligned to the Kentucky academic standards as provided in 704 KAR Chapter 8 and required in KRS 158.305 and 158.8402.
- (2) Instructional practices in the primary school program shall motivate and nurture children of diverse cultures; shall address the academic, social, emotional, physical, aesthetic and cognitive needs of children; and shall be based upon evidence-based instruction, intervention, and supports and the following principles of how young children learn:
 - (a) Young children learn at different rates and through different styles;
 - (b) Young children learn as they develop a sense of self-confidence in a positive learning environment;
 - (c) Young children learn best with "hands on" experiences where they are encouraged to question, explore and discover;
 - (d) Young children learn best through an integrated curriculum by engaging in real-life activities and learning centers; and
 - (e) Young children learn best in a social environment where they can converse with others to expand their language and their thinking.
- (3) Students enrolled in the primary school program shall progress through the curriculum at their individual learning rates.
- (4) Methods for verifying successful completion of the primary school program shall be determined by using strategic data-based decision making within a comprehensive screening and assessment system.
- (5) Parents and legal guardians of children enrolled in the primary school program shall receive regular reports at a minimum of four (4) times per year regarding the children's individual progress in meeting the goals of education set forth in KRS 158.6451(1) and successful completion of the primary school program.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed.

Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: August 12, 2025

FILED WITH LRC: August 13, 2025 at 2:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held October 23, 2025 at 10:00 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov