



HB 8 State Instructional Materials Selection and Adoption

Proposed Amendments

The following revisions transform HB 8’s approach to instructional materials into an *opt-in* model. Rather than requiring districts to adopt the state’s recommended collections by default or to apply for a waiver to opt out, the legislation now makes these pre-approved sets voluntary. A district remains free to select its own materials—without additional paperwork—as long as it meets its ongoing obligation to teach Kentucky’s academic standards. This shift preserves the original goal of HB 8, which is to provide added capacity to districts (particularly those in need of robust, ready-to-use curriculum support) by offering high-quality state-vetted options, while simultaneously respecting and protecting local autonomy for districts that choose alternative instructional resources.

SECTION 7 – (KRS 156.433)

New Subsection (3) – (After the existing language on how the department compiles an eligible list):

(3) School districts may, at their discretion, adopt any of the approved instructional materials collections on the state list. Adoption of any approved collection shall require no additional steps. Nothing in this section shall preclude a district from selecting or developing alternative instructional materials not on the approved list, provided the district meets its obligation to address Kentucky’s academic standards.

(All other language in Section 7 remains unchanged.)

SECTION 13 – (KRS 156.435)

Subsection (5) – Revised

Original language references “The Department of Education shall publish a consumer guide...distribute it to superintendents...” etc.

Replace that paragraph with:

(5) The commissioner of education shall prepare a multiple list of approved instructional materials collections and publish the list along with a consumer guide, distributing the documents to each county and independent school district on or before November 15 following each adoption year. Districts may adopt from this list with no further requirement. Nothing in this section shall be interpreted to require a district to use a listed collection if the district prefers alternative materials.

New Subsection (6)



(6) Nothing in this section shall require any district to adopt instructional materials only from the approved list. Districts may select or develop other materials as long as they fulfill existing statutory requirements to teach the Kentucky academic standards.

(All other language in Section 13 remains unchanged.)

SECTION 14 — Minor Conforming Edit to KRS 156.437

Original Language of KRS 156.437 (Excerpted)

156.437 The Kentucky Board of Education, upon recommendation of the commissioner of education, shall have the authority to prescribe administrative regulations for the approved listing by the State Instructional Materials Council, adoption by local adoption units, and the purchase of subject programs for the pupils in public schools.

Added Sentence After "...by the State Instructional Materials Council..."

"No additional or separate state waiver or justification shall be required for a district to use non-approved materials."

SECTION 16 — Minor Conforming Edit to KRS 156.439(1)

Original Language of KRS 156.439(1)

- (1) The district's allocation shall be used by schools to purchase:
- (a) Instructional materials from the approved list;
 - (b) Instructional materials not on the approved list (with waiver); or
 - (c) Any combination of the above.

Amended Text of KRS 156.439(1)

- (1) The district's allocation may be used by schools to purchase:***
- (a) Instructional materials from the approved list;***
 - (b) Instructional materials not on the approved list; or***
 - (c) Any combination of the above.***

(No other changes in Sections 14 or 16 unless referencing waivers or the "recommended list.")

SECTION 18 – (KRS 156.445)

Delete the original text that stated "No textbook or program shall be used in any public school...unless listed or a waiver is granted..." and replace with:

(1) The state's approved list of instructional materials collections is made available for optional adoption by school districts. Nothing in this section shall be construed to require a district to adopt or "opt out" of these recommended materials.



(2) A district may select or develop any other instructional materials it deems suitable for its students, without further documentation or state approval, provided the district continues to meet all statutory obligations to teach the Kentucky academic standards.

(3) This provision does not apply to supplementary materials that a district may choose at any time; supplementary resources are left fully to district discretion.

(Remaining subsections in Section 18, if any, are deleted or merged into the above, removing all references to waivers.)