

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(New Administrative Regulation)**

5 **704 KAR 3:090. The Use of Response-to-Intervention in Kindergarten through Grade**

6 **Three (3).**

7 RELATES TO: KRS 157.200

8 STATUTORY AUTHORITY: KRS 156.160 (1)(g), 158.305

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 (1)(g) gives the Kentucky  
10 Board of Education the authority to promulgate administrative regulations and KRS 158.305  
11 requires the Kentucky Board of Education to promulgate administrative regulations for the  
12 district-wide use of a response to intervention system for students in kindergarten through grade  
13 three (3). This administrative regulation establishes the requirements for a district-wide response  
14 to intervention system for students in kindergarten through grade three (3).

15 Section 1. Definitions. (1) “Core instruction” means instruction, based on the state’s academic  
16 standards as set forth in 704 KAR 3:303, that is provided to all students.

17 (2) “Differentiated instruction” means the tailoring of curriculum, teaching environments, and  
18 practices to create appropriately different learning experiences for students ~~in order~~ to meet each  
19 student’s needs while recognizing each student’s learning differences, varying interests,  
20 readiness levels, and level of responsiveness to the standard core curriculum.

1 (3) “Evidence-based” means classroom practices for which there is strong evidence of success.

2 (4) “Fidelity of implementation” means the accurate and consistent provision or delivery of  
3 instruction ~~as in the manner in which~~ it was designed.

4 (5) “Intensive intervention” means that, in addition to core instruction and targeted intervention  
5 instruction, a student is provided additional intervention services that are tailored to more intense  
6 ~~and individualized for the student’s~~ individualized academic or behavioral ~~skill~~ needs. ~~with~~  
7 ~~frequent progress monitoring.~~

8 (6) “Intervention” means an educational or behavioral instruction, practice, strategy, or  
9 curriculum that is provided to meet a student’s academic and behavioral needs, in addition to  
10 core instruction.

11 (7) “Response-to-intervention” means a multi-level prevention system to maximize student  
12 achievement and ~~to maximize~~ social and behavioral competencies through an integration of  
13 assessment and intervention.

14 (8) “Targeted intervention” means the use of screening data to design instructional interventions  
15 ~~targeted or supplementary intervention~~ provided, in addition to core instruction, when a student’s  
16 universal screening and other data results indicate that the student has not mastered a benchmark  
17 skill or grade level expectation in mathematics, reading, writing, or behavior ~~has not been met.~~

18 (9) “Universal screening” means screening that uses ~~focuses on~~ specific criteria to ~~for~~  
19 ~~evaluating~~ the learning and achievement of all students in academics and related behaviors, that  
20 may include learning differences, class attendance, tardiness, and truancy, to determine which  
21 students need closer monitoring or an intervention.

22 Section 2. Local districts shall implement a comprehensive response-to-intervention system for  
23 kindergarten through grade three (3) that includes:

- 1 (a) Multi-tiered systems of support, including differentiated core academic and behavioral  
 2 instruction, ~~and~~-targeted and intensive academic and behavioral intervention, delivered by  
 3 educators most qualified to provide the intervention services, that maximizes student  
 4 achievement and reduces behavioral problems;
- 5 (b) Universal screening and ~~as well as~~ diagnostic assessments to determine individual student  
 6 needs and baseline performance;
- 7 (c) Interventions that:
- 8 1. Are evidence-based;
  - 9 2. Vary in intensity and duration based on student need;
  - 10 3. Meet the needs of the individual student;
  - 11 4. Are implemented with fidelity;
  - 12 5. Are delivered by educators most qualified to provide the intervention services; and
  - 13 6. Are monitored through a comparison of baseline data, collected prior to intervention,  
 14 compared to ongoing progress data.
- 15 (d) Support for early intervention to address academic and behavioral issues; and
- 16 (e) ~~Provide d~~Data-based documentation of:
- 17 1. Assessments or measures of behavior;
  - 18 2. Progress during instruction;
  - 19 3. Evaluation, at regular intervals, for continuous progress; and
  - 20 4. ~~Sharing of~~ Individual student reports, that summarize~~ing~~ the student's skills in mathematics,  
 21 reading, writing, , and the students' behavior, and any intervention plans and services being  
 22 delivered, shared with the parents of each student in kindergarten through grade three (3).  
 23 ~~summarizing the student's skills in reading, writing, mathematics, and behavior and the~~

1 Section 3. The response-to-intervention system for kindergarten through grade three (3) shall  
2 coordinate with ~~the~~ district-wide ~~system of~~ interventions required by KRS 148.792, KRS  
3 158.6453, KRS 158.6459, 704 KAR 3:305, 704 KAR 3:530, 704 KAR 3:285, and 707 KAR  
4 1:300, 707 1:310, and 707 1:320, .

5 Section 4. Local districts shall submit the data required by KRS 158.305 (10) to the Department  
6 through the kindergarten to grade three (3) program review required in 703 KAR 5:230.