

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

704 KAR 3:090, Response to Intervention, Kindergarten through Grade 3 (Second Reading)

Applicable Statute or Regulation:

KRS 157.200, KRS 158.305

Action Question:

Should the Kentucky Board of Education (KBE) approve 704 KAR 3:090?

History/Background:

Existing Policy. In the 2012 legislative session, HB 69 codified as KRS 157.200 and KRS 158.305 required:

“... the Kentucky Board of Education to promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3) that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to scientifically-based research and matched to individual student strengths and needs.”

The Kentucky Department of Education is also required to collect data on the number of school districts implementing response to intervention systems and scientifically-based research practices in reading, writing, mathematics and behavior; information on the types of scientifically-based research interventions implemented; and data on the effectiveness of interventions in improving student performance in Kentucky schools. The data to meet the mandates of this legislation will be collected through the kindergarten through grade three (3) program review.

The board reviewed this regulation in October and it is now back for approval. Changes in the regulation since October are reflected with underlining and strikethroughs.

Staff Recommendations(s) and Rationale(s):

Staff recommends that the Kentucky Board of Education approve 704 KAR 3:090. This regulation outlines the components for a district-wide response to intervention system in grades kindergarten through grade three. In order for early learning to occur to support college- and-career readiness for all students, structures and practices must be in place to provide quality core instruction that aligns with standards and instruction must be

delivered in a differentiated manner. Additionally, interventions that meet the needs of struggling students and help them reach proficiency must be readily available.

Groups Consulted and Brief Summary of Responses:

Since the October meeting, staff has solicited feedback from the following organizations on this regulation:

- Gifted and Talented Advisory Committee
- State Advisory Panel for Exceptional Children
- Council on Exceptional Children
- Kentucky Council of Administrators of Special Education
- Kentucky Council for the Teachers of Mathematics
- Kentucky Center for Mathematics
- Kentucky Reading Association
- Kentucky Education Association
- Kentucky International Dyslexia Association
- Education Professional Standards Board
- Council on Postsecondary Education
- Education Cooperatives, including Special Education Cooperatives
- Local Superintendents Advisory Council

A summary of feedback and KDE's responses appears as Attachment A. Also, the Local Superintendents Advisory Council will forward a letter to the board containing its feedback prior to the board meeting.

Impact on Getting to Proficiency:

The regulation supports a systematic approach to early intervention to respond to student needs; provides a focused learning plan for gap populations; and requires districts and schools to examine data to be used in a formative process to improve student learning outcomes in order to enhance levels of proficiency.

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Commissioner of Education

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