

EDUCATION AND LABOR CABINET  
Kentucky Board of Education  
Department of Education  
(Amended at ARRS Committee)

**704 KAR 3:095. The Use of a Multitiered System of Supports~~[Response-to-Intervention in Kindergarten through Grade 3]~~.**

RELATES TO: KRS ~~158.305,~~ 156.070, 156.160, 156.488, 158.070(7), 158.305, 158.645, ~~158.791,~~ 158.6451, 158.6453(17)(b), 158.6459, 158.791

STATUTORY AUTHORITY: KRS 156.070, 156.160, 156.488, 158.305(2), 158.6459, 158.791

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 promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 158.305(2) requires the Kentucky Board of Education to promulgate administrative regulations to further define a multitiered system of supports~~[for the district-wide use of a response-to-intervention system]~~ for individual students in K-3~~[Kindergarten through Grade 3]~~ that includes a tiered continuum of interventions, using evidence-based research, with varying levels of intensity and duration. KRS 158.6459 requires the Kentucky Department of Education to offer support and technical assistance to schools and school districts in developing accelerated learning opportunities to address academic deficiencies of high school students prior to high school graduation. KRS 156.488 requires the Kentucky Department of Education to develop enhanced courses in English, reading, and mathematics to be offered to~~for~~ students in grade 6, grade 9, grade 10, grade 11, and grade 12 who~~that~~ are academically behind. KRS 158.791 requires the Kentucky Department of Education to provide technical assistance to local~~support~~ school districts in the identification of professional development activities, including~~developing~~ teaching strategies to address academic deficiencies of students. This administrative regulation establishes the requirements for a district-wide multitiered system of supports~~[response-to-intervention system]~~ for students in K-12~~[Kindergarten through Grade 3]~~.

Section 1. Definitions.

- (1) "Diagnostic assessment" means a formal or informal student assessment, utilizing valid and reliable tools, given to guide instruction and tailor interventions based upon individual student academic and behavioral strengths and needs ~~in order~~ to accelerate progress toward proficiency. ~~;~~ ~~;~~ ["Core instruction" means instruction based on the state's academic standards as set forth in 704 KAR 3:303 and] [provided to all students.]
- (2) "Differentiated" ~~is~~ "Differentiation" means the tailoring of curriculum, teaching environments, and practices to create appropriately different learning experiences to meet individual student needs while recognizing each student's learning differences, varying interests, readiness levels, and level of responsiveness to Tier 1 universal instruction. ~~;~~ ~~;~~ ["Differentiated core academic and behavioral instruction" means the tailoring of curriculum, teaching environments, and practices to create appropriately different learning experiences for students to meet each student's needs while recognizing each student's learning differences, varying interests, readiness levels, and level of responsiveness to the standard core instruction.]
- (3) "Evidence-based" is defined by KRS 158.305(1)(f). ~~It has the same meaning as in 20 U.S.C. § 7801(21);~~ [means classroom practices for which there is strong evidence of success.]

(4) "Implemented with fidelity" means the accurate and consistent ~~provision or~~ delivery or application of instructional resources, interventions, and assessments~~instruction~~ as ~~it was~~they were designed to be used.

(5) "Intervention" means an academic or behavioral instruction, practice, strategy, or curriculum that is identified through data-based problem-solving and provided to meet a student's academic and behavioral needs, in addition to Tier 1 universal instruction. ~~f.;~~

~~[(5)] ["Intensive academic and behavioral intervention" means that, in addition to core instruction and targeted intervention instruction, a student is provided additional intervention services that are tailored to the student's individualized academic or behavioral needs.]~~

(6) "Multitiered system of supports" or "MTSS" means a multi-level prevention system designed to maximize student achievement and social and behavioral competencies through an integration of differentiated universal instruction, assessment, and intervention.

~~[(6)] ["Intervention" means an educational or behavioral instruction, practice, strategy, or curriculum that is provided to meet a student's academic and behavioral needs, in addition to core instruction.]~~

(7) "Tier 1 universal instruction" means instruction provided to all students based on the state's academic standards as set forth in 704 KAR 3:303 and 704 KAR Chapter 8, and is aligned with KRS 158.6451. ~~f.;~~

~~[(7)] ["Response to intervention" means a multi-level prevention system to maximize student achievement and social and behavioral competencies through an integration of assessment and intervention].]~~

(8) "Tier 2 targeted intervention" means supplemental evidence-based intervention, in addition to and in alignment with Tier 1 universal instruction, for students identified by universal screening and diagnostic assessment data as at-risk for not meeting grade-level academic or behavioral benchmarks. ~~f.;~~

~~[(8)] ["Targeted intervention" means] [the use of screening data to design appropriate interventions provided, in addition to core instruction, if a student's universal screening and other data results indicate that the student has not mastered a benchmark skill or grade level expectation in mathematics, reading, writing, or behavior.]~~

(9) "Tier 3 intensive intervention" means that, in addition to Tier 1 universal instruction and Tier 2 targeted intervention, a student is provided evidence-based intervention services, based on diagnostic assessment and progress monitoring data, with an intensity and duration matched to the student's individualized academic and behavioral needs. ~~f.;~~  
~~and/~~

(10) ~~[(9)]~~ "Universal screening" means a systematic process of analyzing students' performance at certain points during the academic year, utilizing valid and reliable tools to assess~~screening that uses specific criteria to evaluate~~ the learning and achievement of all students in academics and related behaviors, that may include validated indicators such as course performance, attendance, and behavior data to evaluate the effectiveness of Tier 1 universal instruction and determine which students need closer monitoring or intervention~~learning differences, class attendance, tardiness, and truancy, to determine which students need closer monitoring or an intervention~~.

Section 2. Each local school district shall implement a comprehensive MTSS for K-12~~response to intervention system for Kindergarten through Grade 3~~ that includes:

(1) A tiered delivery system with a continuum of ~~Multi-tiered systems of support, including~~ differentiated Tier 1 universal~~core academic and behavioral~~ instruction~~and targeted~~, Tier 2 targeted intervention, and Tier 3 intensive ~~academic and behavioral~~ intervention, delivered by individuals most qualified to provide the intervention services,

~~in order to~~ ~~to~~ ~~that~~ maximize each student's academic and behavioral outcomes ~~[student achievement and reduce behavioral problems]~~;

(2) Universal screening and diagnostic assessments to determine individual student needs and baseline performance;

(3) Interventions that:

(a) Are evidence-based;

(b) Vary in intensity and duration based on student need;

(c) Meet the needs of the individual student;

(d) Are implemented with fidelity;

(e) Are delivered by individuals most qualified to provide the intervention services; and

(f) Are monitored through a comparison of baseline data collected prior to intervention and ongoing progress data;

(4) Support for early intervention to address academic and behavioral issues; and

(5) Data-based documentation of:

(a) Assessments or measures of behavior;

(b) Progress during instruction;

(c) Evaluation, at regular intervals, for continuous progress; and

(d) Individual student progress reports shared with the parents of each student in K-12 ~~[Kindergarten through Grade 3]~~ that summarize the student's academic skills, ~~[in mathematics, reading, and writing; the student's]~~ behavior, ~~[;]~~ and any intervention plans and services being delivered.

~~[Section 3.] [The response to intervention system for Kindergarten through Grade 3 shall coordinate with district wide interventions required by KRS 158.792, 158.6453(11)(b), 158.6459(1), (2), (3), 704 KAR 3:305, Section 1(1)(b), (3)(d), 704 KAR 3:530, Section 2(1)(b), 704 KAR 3:285, Section 3(4), 707 KAR 1:300, Section 1, 707 KAR 1:310, Section 1(3)(a), and 707 KAR 1:320.]~~

Section 3. ~~[Section 4.]~~ Each local district shall submit to the Kentucky Department of Education by October 1 of each year evidence demonstrating district-wide ~~districtwide~~ implementation of a comprehensive MTSS. ~~[the data required by KRS 158.305(10) to the department through the Kindergarten to Grade 3 program review required in 703 KAR 5:230.]~~

(1) Evidence provided by the district shall address implementation requirements as provided in Section 2 of this administrative regulation for grades K-12.

(2) The district shall also submit evidence of implementation for K-3 required by KRS 158.305(2).

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