

704 KAR 3:095. The Use of Response-to-Intervention in Kindergarten through Grade 3.

RELATES TO: KRS 158.305

STATUTORY AUTHORITY: KRS 158.305(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.305(2) requires the Kentucky Board of Education to promulgate administrative regulations for the district-wide use of a response-to-intervention system for students in Kindergarten through Grade 3. This administrative regulation establishes the requirements for a district-wide response-to-intervention system for students in Kindergarten through Grade 3.

Section 1. Definitions.

- (1) "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 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" means classroom practices for which there is strong evidence of success.
- (4) "Implemented with fidelity" means the accurate and consistent provision or delivery of instruction as it was designed.
- (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) "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) "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) "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) "Universal screening" means screening that uses specific criteria to evaluate the learning and achievement of all students in academics and related behaviors, that may include learning differences, class attendance, tardiness, and truancy, to determine which students need closer monitoring or an intervention.

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

- (1) Multi-tiered systems of support, including differentiated core academic and behavioral instruction and targeted, intensive academic and behavioral intervention, delivered by individuals most qualified to provide the intervention services, that maximize 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 reports shared with the parents of each student in Kindergarten through Grade 3 that summarize the student's 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 4. Each local district shall submit 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.

(39 Ky.R. 1541; 1893; 2025; eff. 5-3-2013; Crt eff.12-9-2019.)