

**158.305 Response-to-intervention system to identify and assist students having difficulty in reading, writing, mathematics, or behavior -- District-wide use -- Department to provide technical assistance and training -- Annual report.**

- (1) As used in this section:
  - (a) "Aphasia" means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;
  - (b) "Dyscalculia" means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;
  - (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
  - (d) "Dyslexia" means a language processing disorder that is neurological in origin, impedes a person's ability to read, write, and spell, and is characterized by difficulties with accuracy or fluency in word recognition and by poor spelling and decoding abilities;
  - (e) "Phonemic awareness" means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking; and
  - (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec. 7801(37).
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall 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. At a minimum, evidence of implementation shall be submitted by the district to the department for:
  - (a) Reading and writing by August 1, 2013;
  - (b) Mathematics by August 1, 2014; and
  - (c) Behavior by August 1, 2015.
- (3) The Department of Education shall make available technical assistance and training to assist all local school districts in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior.

- (4) The technical assistance and training shall be designed to improve:
  - (a) The use of specific screening processes and programs to identify student strengths and needs;
  - (b) The use of screening data for designing instructional interventions;
  - (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by scientifically based research;
  - (d) Progress monitoring of student performance; and
  - (e) Accelerated, intensive, direct instruction that addresses students' individual differences and enables them to catch up with typically performing peers.
- (5) The department shall develop and maintain a Web-based resource providing teachers access to:
  - (a) Information on the use of specific screening processes and programs to identify student strengths and needs; and
  - (b) Current, scientifically based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
    - 1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
    - 2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
    - 3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
    - 4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students.
- (6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.
- (7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- (8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize scientifically based interventions in reading, writing, mathematics, and behavior.
- (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related

services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

- (10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes:
- (a) Data on the number of school districts implementing response-to-intervention systems and scientifically based research practices in reading, writing, mathematics, and behavior;
  - (b) Information on the types of scientifically based research interventions implemented; and
  - (c) Data on the effectiveness of interventions in improving student performance in Kentucky schools.

**Effective:** July 12, 2012

**History:** Created 2012 Ky. Acts ch. 45, sec. 1, effective July 12, 2012.