Considerations for Specially Designed Instruction

This document is intended to serve as *guidance* for IEP teams, administrators, educators and practitioners as they determine the need for, plan, and implement specially designed instruction (SDI) for students with disabilities who require an Individualized Education Program (IEP). *This document is not intended as a policy brief or a compliance tool.* The information below focuses on the practical aspects of designing and delivering SDI, to the end that high quality services and programs for students with disabilities are continuously offered and improved. This document is also intended to serve as guidance to the NC Department of Public Instruction (NCDPI) Exceptional Children Division for the provision of customized, tiered support to Local Education Agencies (LEAs) under the State Systemic Improvement Plan (SSIP), and to assist LEA Self-Assessment teams as they engage in problem solving and improvement planning specific to outcomes for students with disabilities.

The mission of the NCDPI Exceptional Children Division is to, "ensure that students with disabilities develop intellectually, physically, emotionally, socially, and vocationally through the provision of an appropriate individualized education program in the least restrictive environment."   The design and delivery of specially designed instruction is the core of special education. SDI is the vehicle by which we ensure students with disabilities receive high-quality instruction and services that will result in progress toward academic and functional standards, graduation, and meaningful post-secondary outcomes.

North Carolina's SSIP uses an LEA Self-Assessment to improve outcomes for students with disabilities. A number of the Core Elements in the LEA Self-Assessment directly address the design and delivery of specially designed instruction. These include:
- Core Element 3: IEP Development, Implementation and Guidance
- Core Element 4: Problem Solving for Improvement
- Core Element 5: Research-Based Instruction and Practices

The need for clarification and strengthening of our understanding of SDI is multi-faceted. The majority of students with disabilities spend 80% or more of the school day in general education settings where the delivery of SDI can become difficult to distinguish from regular instruction, especially as differentiated instruction and universal design for learning (UDL) approaches are more prevalent in general education settings. Furthermore, within the multi-tiered system of support (MTSS) framework, some supplemental and many intensive interventions may not be substantively different than specially designed instruction. In addition, the particular aspects of what SDI will look like for a given student are not required elements of the IEP; those details are more often found in special education teacher lesson plans and therapist treatment plans. Given these factors, many school and program administrators have asked for guidance in identifying and assessing SDI, particularly as they conduct program reviews and performance evaluations for special education staff. As such, clarification on the distinctive features of SDI—or what makes special education "special"—is offered to promote common language and understanding for all stakeholders. The following content is a synthesis of NC DPI Exceptional Children Division staff members' and local EC administrators' input, policy, and literature review.

Considerations for Specially Designed Instruction

WHAT IS THE DEFINITION OF SPECIALLY DESIGNED INSTRUCTION?	Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction-- (i) To address the unique needs of the child that result from the child's disability; and (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. *Individuals with Disabilities Education Improvement Act (IDEA) Part 300(A)300.39(b)(3); NC 1500-2.34(b)(3)*
WHY IS SPECIALLY DESIGNED INSTRUCTION PROVIDED TO STUDENTS WITH DISABILITIES?	• To meet the unique needs of students with disabilities as described in the IEP • To address gaps and/or accelerate academic, behavioral, and/or functional progress toward age- and grade-level standards • To ensure a free, appropriate, public education (FAPE) • To support graduation and meaningful post-secondary outcomes for students with disabilities • To ensure all school programs, activities, and environments are accessible
WHAT IS SPECIALLY DESIGNED INSTRUCTION?	• Responsive, systematic instruction in addition to and different from high quality differentiated instruction and universal design for learning (UDL) made available to all students • Customized, individualized instruction described in the IEP and lesson/treatment plans informed by: o Current/existing/ongoing student performance data o Evidence based instruction and intervention known to be effective with students with disabilities, to the extent practicable • Instruction addressing student academic, behavioral, and/or functional needs related to a student's disability(ies) that, in general education, inhibits proficient acquisition, retention, expression and/or application of knowledge and skills. • *The provision of accommodations alone does not suffice as SDI.* Accommodations, including changes to general education environment, pacing, materials, equipment, grading, assignments, and/or testing structure, do not constitute specially designed instruction. • Required, rather than merely beneficial, for student to meet educational standards

Considerations for Specially Designed Instruction

WHAT IS SPECIALLY DESIGNED INSTRUCTION WITHIN A MULTI-TIERED SYSTEM OF SUPPORT (MTSS)?	• All students, including students with disabilities, receive Core instruction and tiered interventions as needed; students with disabilities also receive specially designed instruction • SDI occurs within a multi-tiered system of support framework • SDI required under IDEA and only available to eligible students with identified disabilities with an IEP • The intent of special education is to accelerate student progress beyond that which is available in the provision of multi-tier supports in general education alone
WHO SHALL DESIGN AND MONITOR SPECIALLY DESIGNED INSTRUCTION?	• Highly qualified special education teachers, including BK certified teachers, and related service providers with specialized training and competency in the area of need (e.g., license, education, and/or credentials), in collaboration with regular education teachers
WHO CAN PROVIDE SPECIALLY DESIGNED INSTRUCTION?	• Highly qualified special education teachers, including BK certified teachers, and related service providers with specialized training and competency in the area of need (e.g., license, education, and/or credentials), in collaboration with regular education teachers • General education teachers, therapy assistants and paraprofessionals, under the supervision of the special education teacher or related service provider, may *assist* in the provision of specially designed instruction, but may not be the primary provider of SDI
WHERE AND WHEN IS SPECIALLY DESIGNED INSTRUCTION DELIVERED?	• Any place or time school-related activities occur, as defined in the student's IEP • To the maximum extent appropriate, with students who are not disabled, based on individual student need described in the IEP • Within intentionally selected settings most likely to result in student progress
HOW IS THE DELIVERY OF SPECIALLY DESIGNED INSTRUCTION VERIFIED?	• Classroom/therapy space walk-throughs and observations (See Appendix D) • Documentation of service provision/treatment notes • Completed data sheets/progress monitoring tools • IEP progress reports • Staff and student attendance records

HOW IS SPECIALLY DESIGNED INSTRUCTION DELIVERED?	• In an urgent, relentless, intense, precise, direct, highly structured and carefully monitored manner
	• Through customized changes to the content, methodology and/or delivery of instruction based on the student's disability, which may include alterations in:
	  o the purpose and appropriateness of the task
	  o the complexity of the task
	  o the size of the task

Considerations for Specially Designed Instruction

	o the time allotted o the pace of instruction o the environment o the order of learning o the instructional procedures and routines o the resources and materials o the application and demonstration of knowledge o the level of support/assistance from specialists o student independence, participation, and motivation

HOW IS SPECIALLY DESIGNED INSTRUCTION DOCUMENTED?	• The special education lesson plan or related service provider treatment/intervention plan serves as the primary artifact of special design; other relevant documentation of special design includes:
	  o the IEP
	  o progress monitoring plans (See Appendix C)
	  o documentation of service provision/treatment notes
	• The LEA representative is responsible for ensuring that the IEP is implemented as written
	• Adaptations to the *content* of SDI may be described in:
	  o Present Levels of Academic and Functional Performance (PLAAFP)
	  o Annual goals and objectives
	  o Supplemental aids and services
	  o The identified course of study
	  o Selected modifications
	  o Least Restrictive Environment (LRE) justification
	  o Lesson plan and/or treatment plan
	• Adaptations to the *methodology* of SDI may be described in:
	  o PLAAFP
	  o "Given" statement of goals and objectives
	  o Supplemental aids and services
	  o Selected accommodations and/or modifications
	  o LRE justification
	  o Lesson plan and/or treatment plan
	• Adaptations to the *delivery* of SDI may be described in:
	  o Service delivery description in the IEP; must document each area of SDI that aligns with IEP goals
	  o LRE justification
	  o Supplemental aids and services
	  o Lesson plan and/or treatment plan

Considerations for Specially Designed Instruction

HOW DO IEP TEAM MEMBERS MONITOR SPECIALLY DESIGNED INSTRUCTION FOR EFFECTIVENESS?	- Through a specially designed progress monitoring plan - Through analysis of data that may include, but is not limited to: - repeated, individual student assessment data - comparison of student rate of growth to IEP goals - comparison of student rate of growth to grade level standards - Through analysis of multiple data sources that include common formative assessments, interim/benchmark assessments, outcome assessments and universal screening that indicates: - Special education results in positive outcomes for the majority of students - Students in special education are experiencing reduced risk over time - Instruction is being delivered with fidelity, using curriculum and practices consistently, accurately, and as intended - Through collaborative, systematic data review, analysis, and problem solving by the IEP team to determine when/if: - SDI needs to be modified - Goals need to be advanced or adjusted - There is a lack of expected progress - SDI is no longer required - Through IEP team feedback - Through teacher/service provider progress monitoring data - The LEA representative is responsible for ensuring that the IEP is implemented as written
HOW IS SPECIALLY DESIGNED INSTRUCTION PROGRESS COMMUNICATED TO PARENTS?	- Through reports on the child's progress towards meeting each annual goal provided concurrently with the issuance of report cards, or more often as determined by the IEP Team. IDEA 300.320(a)(3)(ii) - By communicating objective measures of achievement that clearly indicates progress toward the IEP goal, benchmark and/or objective and whether progress is sufficient to achieve the goal by the end of the IEP term - Through informative and in parent-friendly language - By avoiding vague terms such as "adequate progress" - By utilizing data-informed (objective, not subjective) descriptions of performance - Through communication from all contributors to student progress, especially when progress varies by discipline focus/emphasis

Considerations for Specially Designed Instruction

APPENDIX A
Glossary of Terms

Accommodations - allows a student to complete the same assignment or test as other students, but with a change in the timing, formatting, setting, scheduling, response and/or presentation; the accommodation does not alter in any significant way what the test or assignment measures.

Acquisition - early stages of learning in which the learner is: explicitly taught a new knowledge or skill; receives close/frequent support and feedback on initial attempts to use the knowledge or skill; and, is not yet accurate or fluent with the new knowledge or skill

Application – use or transfer of knowledge or skill in new situations; taking what is learned during the acquisition phase into novel, more variable situations

Content- substance of the knowledge, skills and dispositions that is taught that is specific to the student with a disability; directly links to standards, and may be an underlying, prerequisite needed to meet the standards; answers *what* students will learn

Design – creation of an individualized education program (or some of its components) by the IEP team, including a specialist or group of specialists trained and qualified to synthesize student performance data, knowledge of how the student's disability affects learning and participation, and information about the instructional/school environment;

Delivery - the instructional context or conditions, specific to the student with a disability, that results in access to, participation in and progress in the curriculum ; answers **where and when** the learning will occur

Differentiated instruction - "... a process to teaching and learning for students of differing abilities in the same class. The intent of differentiating instruction is to maximize each student's growth and individual success by meeting each student where he or she is, and assist in the learning process." (NCAC Differentiated Instruction and Implications for UDL Implementation: Effective Classroom Practices Report)

Evidence-based Instruction and intervention - the integration of professional wisdom with the best available empirical evidence in making decisions about how to deliver instruction (Whitehurst, 2002)

NOTE: "For some students with the most intensive needs, evidence-based practices may be limited or unavailable. This is particularly true for students with disabilities. When no relevant EBPs can be found, we recommend that educators apply the same principles used to identify EBPs to locate practices supported as effective by the best available evidence (i.e. evidence-based reviews, practice guides,

Considerations for Specially Designed Instruction

meta-analyses, and narrative literature reviews). No practice, even an EBP or a promising practice supported by the best available evidence, is guaranteed to work for every individual learner. Educators should monitor the progress of each individual learner to gauge each learner's responsiveness to instruction and adjust instruction according to the data." (The Council for Exceptional Children, 2014)

Expression – student demonstration of knowledge, attitudes, skills, aspirations, and behaviors by whatever individualized means he/she is able to use (e.g., speech, written language, assistive technology, gestures, etc.)

Free, Appropriate Public Education (FAPE) - an individualized educational program that is designed to meet the student's unique needs and from which the student receives educational benefit, and prepares them for further education, employment, and independent living

LEA Self-Assessment – One component of NC's federally mandated Results Driven Accountability efforts to improve outcomes for students with disabilities, using customized, collaborative problem solving and improvement planning across local, state, and federal agencies; this tool identifies strengths and needs of EC structures and programming at the local level and drives the type/intensity of support the LEA will receive

Methodology - an adjustment to an assignment or a test that changes the standard or what the test or assignment is supposed to measure

Modifications - an adjustment to an assignment or a test that changes the standard or what the test or assignment is supposed to measure

Multi-tiered system of support (MTSS) - NC MTSS is a multi-tiered framework which promotes school improvement through engaging, research-based academic and behavioral practices. NC MTSS employs a systems approach using data-driven problem solving to maximize growth for all (http://mtss.ncdpi.wikispaces.net/)

> **Core instruction**- evidence-based practices and programs demonstrated to produce good academic and behavior outcomes for the majority of students; Core instruction includes all students

> **Supplemental instruction**- evidence-based practices and programs demonstrated to improve academic and behavior performance in Core; provided in addition to Core instruction

> **Intensive Instruction**- evidence-based practices and programs demonstrated to improve academic and behavior performance; provided in addition to Core and Supplemental instruction

Considerations for Specially Designed Instruction

Progress monitoring plan - a written plan developed by the IEP team that considers the following:
- Identifying and operationally defining the behavioral or functional knowledge, action/skill or ability that will be measured
- Identification and description of the data collection method/tool
- Description of how often, time of day and where student progress will be assessed
- Identification of team members responsible for data collection, fidelity checks, data interpretation and writing progress reports

Retention - student is fluent and accurate enabling ready access to acquired knowledge, attitudes, skills, aspirations, and/or behaviors over time

State Systemic Improvement Plan - an ambitious but achievable multi-year plan that each State must write describing how it will improve outcomes for children with disabilities served under; Indicator 17 in the OSEP State Performance Plan/Annual Performance Report; SSIP has three phases: analysis; improvement plan; and, evaluation

Universal Design for Learning - means a scientifically valid framework for guiding educational practice that:(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and
(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient. (National Center on Universal Design for Learning)

Considerations for Specially Designed Instruction

APPENDIX B
Funding for Specially Designed Instruction

Can coordinated early intervening services (CEIS) be used to provide intensive interventions to students who are not identified as students with disabilities in accordance with IDEA?

Yes. LEAs may use up to 15 percent of the IDEA Part B funds to develop and implement CEIS for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. CEIS funds (PRC 070) must not be used for prekindergarten children or students who have already been found eligible as students with disabilities. CEIS funds may be used to implement interventions that are aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA), as long as they supplement, and do not supplant, ESEA funds.

In addition to funds allocated to CEIS, 34CFR §300.208(a) addresses the issue of incidental benefit to nondisabled students by stating that IDEA Part B funds can be used for the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

Can personnel funded by IDEA provide intensive interventions or other supports to students who are not identified as students with disabilities in accordance with IDEA?

Possibly. First, verify the funding source(s) for the position in question because some special education teachers and other school personnel are not funded solely by IDEA Part B (non-CEIS) funds. School personnel, including special education teachers, may be split funded (i.e., there are multiple funding sources supporting the position), or fully funded from Federal IDEA Part B funds (PRC 060 or PRC 049) or State special education funds (PRC 032).

When school personnel are split-funded, school-based teams have the flexibility to determine how these positions will be used to provide instruction to students. Personnel funded entirely out of IDEA Part B funds (PRC 049 or PRC 060) or state special education funds (PRC 032) can only provide specially designed instruction to students who are identified as students with disabilities in accordance with IDEA. For personnel who are split funded, time and effort must be documented to ensure that percentages charged to each funding source are appropriate. District finance officers can provide staff with the proper procedures for documentation.

Considerations for Specially Designed Instruction

If a position is solely funded by IDEA Part B (non-CEIS), or state special education funds then that position cannot be used to provide intensive interventions or other supports that are beyond incidental benefit for students who are not identified as students with disabilities in accordance with IDEA regulations (34 CFR § 300.208(a)(1)).

Considerations for Specially Designed Instruction

APPENDIX C
Sample Progress Monitoring Plan
for Student Response to Specially Designed Instruction

1. Identify and operationally define the behavioral or functional knowledge, action/skill, or ability that will be measured :
2. Describe the data collection method/tools:
3. Describe how often, what time of day, and where student progress will be assessed:

4. Identity team members responsible for:
    a) data collection –
    b) data collection fidelity checks –
    c) interpreting data to determine progress –
    d) writing progress report to parents

Considerations for Specially Designed Instruction

APPENDIX D

Specially Designed Instruction Data Collection Tool

Considerations for Specially Designed Instruction

APPENDIX E
References

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