

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, improved, and integrated within the framework of a multi-tiered system of support (MTSS). This document is also intended to serve as guidance to the NC Department of Public Instruction (NCDPI) Exceptional Children and the Integrated Academic and Behavior Systems Divisions 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 students with disabilities receive high-quality instruction and services that will result in mastery of academic and functional standards, graduation, and meaningful post-secondary outcomes.

SDI begins with the knowledge that:

- students with disabilities are always general education students
- special education is a service-not a place-and is always available within differentiated core, supplemental and intensive supports
- an effective integrated system results in accelerated learning of academic, functional, behavioral, and social-emotional skills for students who are behind
- SDI is inseparably linked to school improvement

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 within an MTSS 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 general education 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. The particular aspects of what SDI will entail 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

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guidance in identifying and assessing SDI within an MTSS, 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.

<p>WHAT IS THE DEFINITION OF SPECIALLY DESIGNED INSTRUCTION?</p>	<p>Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction--</p> <ul style="list-style-type: none"> • To address the unique needs of the child that result from the child's disability; and • 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. <p>Individuals with Disabilities Education Improvement Act (IDEA) Part 300(A)300.39(b)(3); NC 1500-2.34(b)(3)</p>
<p>WHY IS SPECIALLY DESIGNED INSTRUCTION PROVIDED TO STUDENTS WITH DISABILITIES?</p>	<ul style="list-style-type: none"> • 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
<p>WHAT IS SPECIALLY DESIGNED INSTRUCTION?</p>	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Current/existing/ongoing student performance data ○ Scientific, research-based programs and practices, aligned with the NC SCoS matched to student’s unique needs, and demonstrated to accelerate student performance ○ 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. • <i>The provision of accommodations alone does not suffice as SDI.</i> 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

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<p>WHAT IS SPECIALLY DESIGNED INSTRUCTION WITHIN A MULTI-TIERED SYSTEM OF SUPPORT (MTSS)?</p>	<ul style="list-style-type: none"> • See the Rationale Document: SDI within an MTSS • All students, including students with disabilities, receive Core instruction and intervention 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 with the provision of multi-tiered instruction and intervention in general education alone
<p>WHO SHALL <u>DESIGN</u> AND MONITOR SPECIALLY DESIGNED INSTRUCTION?</p>	<p>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 general education teachers</p>
<p>WHO CAN <u>PROVIDE</u> SPECIALLY DESIGNED INSTRUCTION?</p>	<ul style="list-style-type: none"> • 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 general education teachers • General education teachers, therapy assistants and paraprofessionals, under the supervision of the special education teacher or related service provider, may <i>assist</i> in the provision of specially designed instruction, but may not be the primary provider of SDI
<p>WHERE AND WHEN IS SPECIALLY DESIGNED INSTRUCTION DELIVERED?</p>	<ul style="list-style-type: none"> • Special education is a service- not a place- and is available within differentiated core, supplemental and intensive supports. • 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
<p>HOW IS THE DELIVERY OF SPECIALLY DESIGNED INSTRUCTION VERIFIED?</p>	<ul style="list-style-type: none"> • 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

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<p>HOW DO IEP TEAM MEMBERS MONITOR SPECIALLY DESIGNED INSTRUCTION FOR EFFECTIVENESS?</p>	<ul style="list-style-type: none"> • Through a specially • Through analysis of data that may include, but is not limited to: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ○ Special education results in accelerated academic and/or behavioral progress toward grade level standards at a rate sufficient to result in eventual graduation with a diploma and/or readiness for post-high school career, college, or community success ○ 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: <ul style="list-style-type: none"> ○ 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
<p>HOW IS SPECIALLY DESIGNED INSTRUCTION PROGRESS COMMUNICATED TO PARENTS?</p>	<ul style="list-style-type: none"> • 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

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<p>HOW IS SPECIALLY DESIGNED INSTRUCTION DELIVERED?</p>	<ul style="list-style-type: none"> • In an urgent, relentless, intense, precise, direct, highly structured and carefully monitored manner • By systematically adjusting instruction and intervention over time, in response to ongoing progress monitoring data, to address the student’s complex learning needs • Through customized changes to the content, methodology and/or delivery of instruction based on the student’s disability, which may include alterations in: <ul style="list-style-type: none"> ○ the purpose and appropriateness of the task ○ the complexity of the task ○ the size of the task ○ the time allotted ○ the pace of instruction ○ the environment ○ the order of learning ○ the instructional procedures and routines ○ the resources and materials ○ the application and demonstration of knowledge ○ the level of support/assistance from specialists ○ student independence, participation, and motivation
<p>HOW IS SPECIALLY DESIGNED INSTRUCTION DOCUMENTED?</p>	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ the IEP ○ progress monitoring plans (See Appendix C) ○ 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: <ul style="list-style-type: none"> ○ Present Levels of Academic and Functional Performance (PLAAFP) ○ Annual goals and objectives ○ Supplemental aids and services ○ The identified course of study ○ Selected modifications ○ Least Restrictive Environment (LRE) justification ○ Lesson plan and/or treatment plan • Adaptations to the methodology of SDI may be described in: <ul style="list-style-type: none"> ○ PLAAFP ○ “Given” statement of goals and objectives ○ Supplemental aids and services ○ Selected accommodations and/or modifications ○ LRE justification ○ Lesson plan and/or treatment plan • Adaptations to the delivery of SDI may be described in: • Service delivery description in the IEP; must document each area of SDI that aligns with IEP goals • LRE justification • Supplemental aids and services • Lesson plan and/or treatment plan

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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, 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

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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 – the instructional design of content using evidence-based practices matched to unique student needs resulting from the disability; answers *how* instruction is designed

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 ([MTSS Livebinder](#))

- **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 accelerate academic and behavior performance in identified areas; provided in addition to Core and Supplemental 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)

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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 general education 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.

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)).

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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. Identify team members responsible for: <ul style="list-style-type: none">a) data collection –b) data collection fidelity checks –c) interpreting data to determine progress –d) writing progress report to parents |

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APPENDIX D

Specially Designed Instruction Data Collection Tools

The following tools are provided to support LEAs in the collection and analysis of the design, delivery and effectiveness of Specially Designed Instruction to support systematic problem solving.

[NC Department of Public Instruction Data Collection Tool](#)

This tool is designed to support data collection to allow for the collection of meaningful data on instructional practices for SWD to inform problem solving around these three core elements in any school setting where specially designed instruction is being provided. This includes both general and special education settings. This tool is designed to be a data collection tool across a school or LEA to assist in problem solving around the SSIP core elements listed above. It is not intended to be an evaluation tool for an individual teacher. This tool is meant to be an example and may be customized to meet the needs of the LEA.

The following fidelity tools are provided through the North Carolina State Improvement Project (NCSIP). The observer should, at a minimum, have completed a full training course in the reading or math model being implemented by the teacher who is to be observed. When possible, the observer should be a trainer in this reading/math model. Please read the [Fidelity Observation Process](#) information to assure the following fidelity forms are used as intended.

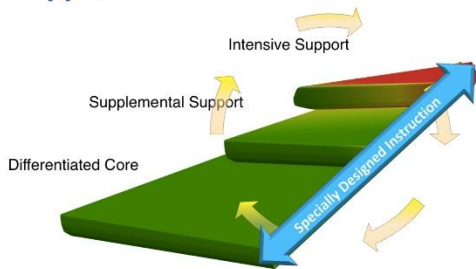
[NCSIP Reading Fidelity Observation Forms](#)

[NCSIP Math Fidelity Observation Forms](#)

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Appendix E

Layering of Support



This document is intended to help clarify the integration of specially designed instruction (SDI) within a Multi-Tiered System of Support (MTSS), which is a flexible framework to meet the needs of *all* students. SDI can only exist within a system that supports all students. The graphic to the left illustrates the integration of SDI within an MTSS across all tiers. A cycle of continuous data-based problem solving is utilized as a reminder of the core belief that we can effectively teach all students when using engaging research-based academic, functional, behavioral, and social-emotional practices.

The table on the following page provides an explanation of the similarities, differences and integration of SDI within an MTSS.

Unpacking the Three-Tiered Instructional / Intervention Component of an MTSS

Three-tiered instruction/intervention is a critical component of MTSS implementation. In a typical system, differentiated core includes the instruction all students receive; supplemental supports refers to a standard protocol provided to students not meeting benchmarks; and intensive supports includes intensive, small group or individual interventions for students showing significant barriers to learning the skills required for school success. It is important to consider academic, functional, behavioral, and social-emotional instruction and interventions when examining this critical component.

What MTSS is NOT...

MTSS is not a process or pathway to special education services.
MTSS is not synonymous with Response to Intervention.

Specially Designed Instruction within an MTSS

SDI within an MTSS begins with the knowledge that:

- students with disabilities are always general education students
- special education is a service - not a place – available within differentiated core, supplemental, and intensive supports
- an effective integrated system results in accelerated learning of academic, functional, behavioral, social-emotional skills for students who are behind
- SDI is inseparably linked to school improvement

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	Differentiated Core	Supplemental	Intensive
What	Resources are available to ALL students: <ul style="list-style-type: none"> Standards-aligned academic and behavioral curriculum taught by excellent educators Evidence-based practices and programs demonstrated to produce good academic and behavior outcomes for the majority of students Up-to-date instructional space, materials, and technology Positive, safe, and healthy school climate Agile student performance data systems Shared, high expectations 	Resources available to support students who need supplemental supports in addition to core supports (approximately 20% of students): <ul style="list-style-type: none"> Evidence-based practices and programs demonstrated to <i>improve</i> academic and behavior performance in Tier I-Core Small group instruction organized by and responsive to student needs Educators demonstrating: <ul style="list-style-type: none"> o fidelity with delivery of the defined standard treatment protocol o skills in monitoring and evaluating student response 	Resources available to support those students needing intensive supports in addition to supplemental and core supports (approximately 5% of students): <ul style="list-style-type: none"> Evidence-based practices and programs demonstrated to <i>accelerate</i> academic and behavior performance in identified areas Educators demonstrating skills in real time data-based individualization
How	Implementing: <ul style="list-style-type: none"> Comprehensive assessment system Problem-solving model Personalized education delivered using the principles of Universal Design for Learning (UDL) 	Implementing: <ul style="list-style-type: none"> Standard protocol delivered to small groups of students with similar needs Increased frequency of progress monitoring within comprehensive assessment system Problem-solving for subgroups of students 	Implementing: <ul style="list-style-type: none"> Individual or very small group instruction organized by and responsive to intensity of student need high frequency of progress monitoring within comprehensive assessment system data-based individualization and problem-solving for individual students
Effectiveness	At least 80% of all students, in all subgroups, are meeting academic and behavior standards with core supports alone	At least 70-80% of students improve academic and behavior performance toward core (Tier I) benchmarks	Students accelerate academic and behavior progress in identified skill areas toward academic and behavior benchmarks



What	How	Effectiveness
Resources are available to students identified as having a disability under <i>NC Policies Governing Services of Children with Disabilities</i> <ul style="list-style-type: none"> Comprehensive individualized education evaluation Scientific, research-based programs and practices, aligned with the NC SCoS matched to student's unique needs, and demonstrated to accelerate student performance Shared, high expectations by all IEP team members 	Implementing: <ul style="list-style-type: none"> adapted content, methodology, or delivery of instruction-- <ul style="list-style-type: none"> (i) To address the unique needs of the student that result from the student's disability; and (ii) To ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students per the Individual Education Plan (IEP) high frequency of progress monitoring towards IEP goals and age and grade level standards problem-solving for individual students based on their unique needs arising from their disability 	Accelerated academic and/or behavioral progress toward grade-level standards at a rate sufficient to result in eventual graduation with a diploma and/or readiness for post-high school career, college, or community success

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APPENDIX F References

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