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Technical Assistance Paper

What's Special about Special Education? Specially Designed Instruction for Students with Disabilities within a Multi-tiered System of Supports

Summary:

This technical assistance paper was developed to clarify specially designed instruction, core instruction and interventions within a multi-tiered system of supports (MTSS) for educators developing, improving and maintaining systems of support for all students. The reauthorization of the Individuals with Disabilities Education Act in 2004 made it clear that students with disabilities are to be considered first and foremost as general education students. This distinction, along with the implementation of an MTSS and the Florida State Standards, has prompted educators to consider the characteristics that uniquely define special education.

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A.   Understanding Specially Designed Instruction

A-1.   What is specially designed instruction?

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) defines special education as "specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (B) instruction in physical education." (20 United States Code [U.S.C.] § 1401(29))

Further, the final regulations for the IDEA define specially designed instruction as "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." (Section 300.39(b)(3) of Title 34, Code of Federal Regulations [CFR])

A-2.   What does specially designed instruction look like when it is provided during core instruction (tier 1), supplemental intervention (tier 2) and intensive intervention (tier 3)?

Specially designed instruction integrated within core instruction, supplemental intervention and intensive intervention may look different for each student with a disability. Specially designed instruction is the unique set of supports provided to an individual student based on his or her learning needs to remove barriers that result from the student's disability. The supports are reflected in the student's individual educational plan (IEP) and are infused throughout the student's learning experiences and environments as described in the IEP.

Within **tier 1**, it is important to remember that student learning and progress on the grade-level standards are the purposes of providing specially designed instruction to students with disabilities. Most students with disabilities are served within general education settings most of the time and are assessed in relation to general education standards. A small percentage of students with significant cognitive disabilities receive specially designed instruction to help them learn and progress on alternate achievement standards, which are closely aligned to the general education standards. If the specially designed instruction is not positively impacting the student's functioning in the core curricula, then the IEP team must recognize that the specially designed instruction is either not matched appropriately or not effectively implemented to meet the student's needs.

Within **tier 2**, specially designed instruction is implemented when small groups of students are receiving supplemental interventions to address a specific need for explicit practice in a targeted skill. This could include an accommodation, such as text-to-speech, during guided practice provided in accordance with the IEPs of two students, in the same group, at the same time.

The clearest distinction between **tier 3** intensive interventions and specially designed instruction is that specially designed instruction is a set of services that the student is entitled to as described in his or her IEP, thereby applying the procedural safeguards of IDEA. Because most students with disabilities require sustained intensive intervention or supports in at least one academic or behavioral area, it is inherent that there is not a distinct difference between the content or delivery of the two during implementation. One typical difference between the needs of students with disabilities and struggling students is that students with disabilities need sustained intensive interventions due to the nature of their disability, whereas struggling students require intensive interventions for a short period of time to close the gap that is often caused by lack of access to effective instruction. However, the pedagogy of specially designed instruction and intensive interventions are the same because both are based on an individual student's needs.

A-3.   **What do specially designed instruction, core instruction, supplemental intervention and intensive intervention all have in common?**

These four descriptors of instruction and supports provided to students all have one thing in common: they are determined based on evidence of students' academic and behavioral needs, which is reflected by student-centered response data. They all are characterized by the commitment to provide instruction and intervention supports, designed and implemented through a team approach to data-based planning and problem solving and matched to student learning needs.

A-4.   **Can specially designed instruction look exactly like intensive intervention?**

Yes. If a student with an IEP has the same need for a certain intervention in a specific content area for a targeted skill that one of his or her non-disabled peers has, and they were both being provided the intervention at the same time and delivered by the same educator, an observer might see no difference at all in the instructional experience of both students. It is entirely reasonable that when types of instruction and interventions are designed and delivered based on student need, the instruction looks exactly the same when the needs are the same.

Remember that specially designed instruction is embedded as part of core instruction, supplemental intervention and intensive intervention for students with disabilities who have an IEP. Therefore, supports that are provided based on student need via the IEP (referred to by IDEA as specially designed instruction) and supports provided based on student need throughout the multi-tiered system of supports (MTSS) are not mutually exclusive. Essentially, these tiers of instruction (core instruction, supplemental intervention and intensive intervention) are conceptual structures of our system designed to ensure that students' academic and behavioral needs are met.

B.   **Delivery and Receipt of Specially Designed Instruction**

B-1.   **Who receives specially designed instruction, core instruction, supplemental intervention and intensive intervention?**

Students who are eligible for services in accordance with IDEA have an IEP that specifies and entitles the student to specially designed instruction. When a student's needs in a particular area are intensive, their interventions are more likely to require sustained effort in order for the student to maintain adequate rates of progress over time.

- All students, regardless of the presence of an IEP or other type of plan, receive **tier 1** instruction that is designed for the accessibility of a wide range of learners and differentiated to support the full continuum of student needs.

- Any student, regardless of the presence of an IEP or other type of plan, who needs additional supports or intervention for a targeted skill to continue to progress within the core instruction receives **tier 2** intervention.

- Any student, regardless of the presence of an IEP or other type of plan, who needs supports due to a problem that is identified as intensive or severe in order to master the grade-level standards within core instruction receives **tier 3** intervention.

B-2.   **Who can deliver specially designed instruction?**

Teachers certified in exceptional student education (ESE) and related service providers with specialization in the area of need have primary responsibility, in collaboration with general education teachers, to plan, implement and monitor specially designed instruction. Teachers dually certified in general education and special education can function in both capacities, in accordance with Florida's Course Code Directory (Rule 6A-1.09441, Florida Administrative Code [F.A.C.]).

The ways in which specially designed instruction is implemented are varied. Specially designed instruction may be implemented through direct service, consultation, co-teaching, support facilitation, co-planning, coaching, monitoring or oversight to other educators who are delivering the specially designed instruction (section 1003.03(5), Florida Statutes). Ultimately, all students with disabilities are general education students who receive additional supports via specially designed instruction based on a continuum of need.

B-3.   **Can a general education teacher deliver specially designed instruction?**

Yes. If a special education teacher or related service provider is involved in the planning, delivering and/or progress monitoring of an intervention for a student with an IEP, then the intervention is part of the student's specially designed instruction. The team makes decisions about whom should deliver specially designed instruction.

The most important question for the team is whether the student is responding positively, as evidenced by rate of growth progress-monitoring data. If not, one element of the delivery that may require inspection is the fidelity level with which the intervention is being delivered. A change in oversight or the delivery of the instruction may be warranted according to the analysis of the student response data.

B-4.   Who can deliver core instruction and supplemental and intensive interventions?

Teachers certified in general education, in collaboration with school-based team members, deliver core instruction. Core instruction can be based on general education standards or the alternate achievement standards. Students who receive core instruction in the alternate achievement standards primarily receive their core instruction from an ESE teacher. However, with the assistance of an ESE support facilitator, general education teachers can also deliver core instruction on alternate achievement standards. For more information, refer to the narrative section of the Course Code Directory for the current school year, located at http://www.fldoe.org/articulation/CCD/1415.asp. For a description of service delivery models with corresponding certification and highly qualified teachers requirements, see the table located on pages 35-39 of the Course Code Directory.

Supplemental intervention is typically provided by general education teachers, in collaboration with school-based team members, who have content knowledge and intervention expertise that is matched to the students' needs. Intensive intervention is provided by general education teachers, special educators, school-based team members and professional support staff who have deep content knowledge and expertise implementing the evidence-based interventions.

B-5.   Can a dually certified teacher deliver specially designed instruction?

Yes, as long as the following conditions are met: (1) the delivery of specially designed instruction is consistent with the student's IEP, thereby meeting the student's unique needs resulting from the student's disability; and (2) the teacher is appropriately certified for the course being taught. For more information, refer to the narrative section of the Course Code Directory for the current school year, located at http://www.fldoe.org/articulation/CCD/1415.asp. For a description of service delivery models with corresponding certification and highly qualified teachers requirements, see the table located on pages 35-39 of the Course Code Directory.

B-6.   Can a dually certified teacher sign the IEP as both the special education teacher and the general education teacher?

Yes. For more information, refer to the narrative section of the Course Code Directory for the current school year, located at http://www.fldoe.org/articulation/CCD/1415.asp. For a description of service delivery models with corresponding certification and highly qualified teachers requirements, see the table located on pages 35-39 of the Course Code Directory.

B-7. Can specially designed instruction be provided in any location, based on the student's need for such a service?

Yes, as long as the location is consistent with what is described in the student's IEP. Specially designed instruction is a set of services – it is not a place; therefore, it is not defined by where it occurs. The only specification in IDEA is that specially designed instruction must be provided in the least restrictive environment. With the development of instructional technology and implementation of universal design principles that include multiple options for access and expression during learning, the least restrictive environment for most students is the general education environment. An additional benefit of this is the opportunity to prepare students with disabilities for transition to productive postsecondary life that reflects more accurately their schooling experiences.

B-8. Why would school-based teams need to intensify core and supplemental instruction when a student is also receiving tier 3, which represents the most intensive interventions?

If intensive interventions are provided and they produce the desired outcome evidenced by positive response rates from the student, then we have verified a need for something more than what has been implemented in core and supplemental instruction. Therefore, core instruction, within which the student ultimately has to function, has to change to support the student's verified needs.

Data-based evidence of the student's intensive needs is used to inform instructional adaptations and integrate all of a student's services with core instruction. Adapting the general education environment and instructional delivery facilitates the transfer of successful outcomes to all learning environments, as does connecting the intensive intervention to core instruction. One way to achieve this is to ensure collaborative planning and problem solving between general and special educators.

C. Assessment and Decision Making

C-1. What are examples of ways to monitor students' level of performance and rate of progress so that teams can make instructional decisions that improve the effectiveness of specially designed instruction?

Level of performance is established by comparing an individual student to grade- or age-level benchmarks and peer performance using universal screening measures; district and state criterion or norm-referenced assessments; and other norm-referenced measures of achievement. Districts have flexibility with respect to assessment instruments. A variety of tools can be used, such as formal, standardized measures, curriculum-based measurements and other assessment tools that measure the student's level of performance on state standards.

Rate of progress should be established by ongoing progress-monitoring tools that assess the student's response to intervention. These measures should be brief, repeatable, sensitive to growth and be able to be graphically represented for decision making. A

number of comprehensive, commercially available progress-monitoring systems are on the market. The National Center on Student Progress Monitoring provides a review of progress-monitoring tools at http://www.studentprogress.org/chart/chart.asp. Additionally, the National Center on Response to Intervention at http://www.rti4success.org has released a Progress Monitoring Tools Chart. National and state efforts continue to evolve in this area.

The Florida Center for Reading Research, in partnership with Just Read, Florida!, developed the Florida Assessments for Instruction in Reading (FAIR). The FAIR include tools for screening, progress monitoring and diagnostic assessment for students in grades K-12 (including comprehension and vocabulary). Scores from the grades K-2 assessments and the grades 3-12 computerized assessments are directly imported into the Progress Monitoring Reporting Network thereby supporting data analysis.

The Florida Center for Research in Science, Technology, Engineering and Math is also in the process of developing assessment tools. Currently, the focus is on formative assessment tools in mathematics. Florida will continue its progress toward developing assessment tools that inform instruction and intervention, a common data system and a unified system of education.

C-2. How frequently should a student's progress be monitored?

Data collection should match the severity of the problem. In general, students receiving intensive, individual interventions (commonly described as tier 3 interventions) should be monitored frequently until enough data points are gathered to obtain a reliable slope. In contrast, students receiving supplemental interventions (commonly described as tier 2 interventions) may be monitored weekly, biweekly or even monthly.

C-3. How do IEP teams make decisions about continuing eligibility when a student with a disability is successful without specially designed instruction?

When a student no longer needs specially designed instruction, the student no longer meets the eligibility criteria for IDEA, even though they may still have a disability. Remember that IDEA eligibility criteria is two-pronged: the need for specially designed instruction and the existence of a disability, in accordance with IDEA (Rule 6A-6.0331(7)(b), F.A.C., and 20 U.S.C. § 1414(c)).

C-4. Must a student with academic difficulties have an IEP or Section 504 Plan to receive accommodations on end-of-course exams or other statewide assessments?

Yes. In accordance with Rule 6A-1.0943(3), F.A.C., Statewide Assessment of Students with Disabilities, accommodations for a statewide, standardized assessment may only be provided to students who meet criteria for IDEA or Section 504 and have a corresponding plan that requires allowable accommodations. Allowable accommodations are described in current statewide, standardized assessment test administration manuals published by the Florida Department of Education, Bureau of K-12 Student Assessment and the Bureau of Exceptional Education and Student Services. Allowable accommodations

selected for the student to use during the administration of a statewide, standardized assessment are based on current instructional accommodations and accessible instructional materials used by the student in the classroom. The full array of accommodations on statewide, standardized assessments available for students with disabilities is not available for students who do not have an IEP or Section 504 Plan.

Accommodations should be implemented as needed during instruction to increase learning. Some educators describe this as instructional scaffolding. Ideally, students who need instructional accommodations or scaffolding can be gradually weaned from their use as their proficiency levels increase. The important consideration is whether the accommodation helps the student master the standard. Students who experience mastery of standards, given scaffolded supports – including accommodations during learning activities – are more likely to demonstrate growth on statewide assessments that are aligned with the standards.

D. **Documentation and Funding for Specially Designed Instruction**

D-1. **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. Rule 6A-6.0331(1)(g), F.A.C., allows school districts to use up to 15 percent of their 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 must not be used for prekindergarten children or students who have already been found eligible for ESE services. 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, 34 CFR §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.

D-2. **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?**

First, verify the funding source(s) for the position in question because most special education teachers and other school personnel are not currently funded solely by IDEA Part B (non-CEIS). Most personnel, including special education teachers, are either split

funded (i.e., there are multiple funding sources supporting the position) or are funded solely through general revenue.

When school personnel are split funded or funded solely through general revenue, school-based teams have the flexibility to determine how these positions are used to provide instruction to students. In this circumstance, personnel in those positions who are appropriately certified can provide intensive interventions or other supports to students who are not 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), 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)).

Ultimately, funding should not drive instructional decisions for students. Student needs should drive funding decisions. To accomplish a funding structure that is driven by student needs, district leadership teams are encouraged to collaborate with their chief financial officers to ensure flexibility.

D-3. **How is specially designed instruction documented compared to interventions for students without an IEP?**

Specially designed instruction is described on the student's IEP to include the evidence of need (i.e., present levels of academic achievement and functional performance); frequency, location and duration of interventions; accommodations; and related services. The more detailed intervention plan that is used for students who need interventions includes frequent progress monitoring and adjustments, specific intervention programs, supports for the persons delivering the intervention and fidelity of implementation measures. The team may keep this plan and use it in conjunction with the IEP.

The IEP team, as part of the IEP process, determines how frequently teachers and service providers must review and report a student's progress on their annual IEP goals. These reports should reference the data that was collected with a description of the student's progress and should be presented in easy to understand visual formats. If progress toward annual IEP goals is insufficient, the teachers and service providers should again apply the systematic problem-solving process to determine if changes are needed in the services and supports provided to the student. This review can become part of the problem-solving process used in the schools, with periodic monitoring of student progress done with the support of the school-based team.

D-4. When a student is receiving specially designed instruction in reading or math via small group delivery within the general education classroom, how do teams describe the specially designed instruction provided on the IEP?

The IEP team should describe the services, including the target area of specially designed instruction, frequency, duration, delivery type and location. For example, "the student is receiving specially designed instruction in math and reading via small group intervention five days per week for 30 minutes per day in the general education classroom setting by the teacher."

D-5. If a student is only receiving accommodations via his or her IEP, can this be considered specially designed instruction?

A student receiving only accommodations via his or her IEP should not have an IEP. A Section 504 Plan may be appropriate, but the IEP team should analyze the data to determine whether the student continues to be eligible for special education services. If the student no longer needs special education or related services, the student would not be eligible for an IEP.

This is a positive situation because the ultimate purpose of IDEA is to remove disability-associated barriers to success in general education so that students with disabilities can progress and perform independently in school and in life. One measure of the effectiveness of special education services is that students with disabilities no longer require specially designed instruction to be successful or to maintain progress over time. Though the disability may not go away, we should celebrate when the need for specially designed instruction decreases due to effective services.

D-6. How do school-based teams know when to consider an intervention as either specially designed instruction or a tier 3 intervention?

If an intervention appears on an IEP, it is considered "specially designed instruction" and must be provided as described in the IEP (Rule 6A-6.03028(3)(h)4., F.A.C.). Teams are encouraged to devote their professional energy to maximizing the effectiveness of the intervention by asking the question "Is this intervention producing the desired result?" and using the student-centered response data to make informed instructional decisions.