

The Role of Special Education Services in an Equitable Multi-Level System of Supports

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Section 1: High Quality Instruction and Special Education Services

1. What is high quality instruction and what does it look like for students with IEPs?

High quality instruction for all students is curriculum, instruction and assessment that is:

- engaging and differentiated through the principles of Universal Design for Learning
- standards based
- data driven
- research or evidence based
- culturally and linguistically responsive to the students being instructed

High quality instruction and instructional expectations are the same for students with IEPs as for students without IEPs and includes all developmental, academic, behavioral, social, and emotional learning.

High quality instruction ensures meaningful access by each student with an IEP to the same rigorous, standards-based, grade level instruction provided to students without IEPs. This includes students with significant disabilities who may be supported through modified instruction or, for a very small number of students with the most significant cognitive disabilities, instruction aligned with alternative standards.

2. What does meaningful access to grade level standards look like for students with IEPs?

Meaningful access to grade level standards for students with IEPs includes:

- opportunities to use and benefit from instructional materials and services provided in any setting (general education, special education, community and vocational);
- maintaining high developmental, academic, behavioral, social, and emotional expectations for every student regardless of identifications they are given;
- ensuring students with IEPs make progress in grade level standards;
- assuming students with IEPs will participate in general education settings to the maximum extent appropriate with reasonable accommodations and supports to remove barriers that may preclude access and meaningful participation (physical and curricular inclusion);
- connecting instruction to grade level standards and the universal curriculum when it is delivered in a setting other than general education.

3. What are the instructional standards (academic and behavioral) for students with IEPs?

The academic and behavioral instructional standards are the same for students with IEPs as for students without IEPs. Academically, this refers to grade level content standards. Behaviorally, this refers to social and emotional learning competencies and school-wide behavioral expectations. If, for a student with the most significant cognitive disability, the use of alternate standards is appropriate, they should scaffold the student toward grade level standards and school wide expectations. The intent is to close the gap between current and expected levels of academic, social, and emotional performance for students with IEPs through individualized ambitious and achievable goals.

4. What is special education?

Special Education is the array of services that must be provided to address the unique needs of each student found eligible under federal and state special education law. Special education services are provided in accordance with a student's IEP to support each student to access and participate and make progress in general education curriculum, environments and activities. These services are provided through:

1. Specially designed instruction – adapting, as appropriate to the needs of a student with an IEP, the content, methodology, or delivery of instruction to address the student's unique needs that result from the student's disability and ensure the student's access to the general curriculum, so the student can meet the educational standards that apply to all students (34 CFR 300.39(b)(3)). Specially designed instruction may be provided in special education or general education environments and is a unique set of supports provided to individual students based on learning needs to remove barriers that result from

the student's disability. The supports are reflected in the student's individual education program (IEP) and are infused throughout the student's learning experiences and environments as described in the IEP. Examples include: specially designed reading instruction, math instruction, social skills instruction, physical education, vocational education, speech and language therapy, etc. A student determined eligible under IDEA must be found to need specially designed instruction. If the student's needs can be met within general education without specially designed instruction, the student is not eligible under IDEA.

2. Related services - developmental, corrective, and other supportive services needed to assist a student with an IEP to benefit from special education. Examples include: transportation, speech-language therapy, occupational therapy, physical therapy, audiology, sign language interpreting services, counseling, orientation and mobility, school nursing services, parent counseling and training, etc. (34 C.F.R § 300.34 and Wis. Stat. § 115.76 (14)).
3. Supplementary aids and services - aids, services, and other supports provided in general education classes, other education-related settings, and in extracurricular and nonacademic settings to enable a student with an IEP to be educated with students without IEPs to the maximum extent appropriate (34 C.F.R § 300.34 and Wis. Stat. § 115.76 (16)). These are also commonly referred to as general education modifications and accommodations. Examples include: adapted equipment, assistive technology, modified or supplemental curriculum materials, assignment and test modifications, preferential seating, adult support or supervision (including one-to-one assistance), extra time, sensory breaks, special behavior supports and strategies, and visual or verbal cues and reminders.
4. Program modifications and supports for staff - services or activities needed by school personnel to meet the needs of the student (34 C.F.R § 300.320(a)(4) and Wis. Stat. § 115.787(2)(c)). These are services provided on behalf of a student with an IEP to enable the student to advance toward attaining annual IEP goals; be involved and make progress in the general education curriculum; participate in extracurricular and other nonacademic activities; and be educated and participate with other students with and without disabilities. Examples include: co-planning and co-teaching between general and special education teachers, assistance with curriculum modifications, disseminating information about a student's disability and training for staff needed to work with specific students (such as training on autism or special health care needs).

5. What does specially designed instruction look like when provided during universal (tier 1) instruction, selected (tier 2) intervention, and intensive (tier 3) intervention?

Specially designed instruction integrated within universal instruction and selected and intensive intervention will look different for each student with an IEP. Student learning and progress toward mastery of grade level standards are the purposes of providing specially designed instruction to students with IEPs at all levels. The vast majority of students with IEPs are served within general education settings most of the time and are assessed in relation to general education grade level standards. A small percentage of students with the most significant cognitive disabilities (no more than 1% of the student population) receive specially designed instruction to promote their learning and progress toward mastery of alternate achievement standards, which are closely aligned to the general education standards. If a student is not making sufficient progress in the core curricula as a result of receiving specially designed instruction, then the specially designed instruction may either not be appropriately matched to the student's need or not effectively implemented to meet the student's needs. Whenever a student is not making sufficient progress to meet annual IEP goals, an IEP team meeting should be held to review the student's IEP and discuss any changes needed to achieve sufficient progress.

Within selected interventions, specially designed instruction may be provided when small groups of students receive supplemental interventions by an appropriately licensed teacher to address a specific need for explicit instruction or practice in a targeted skill in accordance with the students' IEPs. Students who are struggling but not identified as having a disability may receive this intervention along with students with IEPs for a relatively short period of time in accordance with incidental benefit guidelines.

For more information see: [*Guidance Related to OSEP's Letter to Couillard*](#).

The clearest distinction between intensive interventions and specially designed instruction is specially designed instruction is a service described in a student's IEP that must be provided to address one or more of the student's disability related needs. One difference between the needs of students with IEPs and students without IEPs who are struggling is students with IEPs need sustained intensive intervention due to the nature of their disabilities, whereas students without IEPs typically require intensive intervention for a relatively short period of time to close a gap often caused by lack of access to effective instruction. There may not be other distinct differences between the content or delivery of specially designed instruction and intensive intervention within an equitable multi-level system of supports (MLSS).

6. Is specially designed instruction an intensive (tier 3) intervention?

Yes. Specially designed instruction and intensive intervention provided based on student need within an equitable multi-level system of supports are not mutually exclusive. Specially designed instruction is one form of intensive intervention within an equitable MLSS. It is an intensive intervention determined by a student's IEP team as being necessary to address that student's disability related needs. The specially designed instruction may look essentially the same as an intensive general education intervention if a student with an IEP has a disability related need for a targeted skill that is the same as a peer without an IEP, and the intervention is appropriate for the student. In this instance, an outside observer might see no difference in the instructional experience of both students. Specially designed instruction is typically provided when a student's needs in a particular area are intensive and interventions are more likely to require sustained time and effort in order for the student to maintain adequate rates of progress over time. Essentially, the levels of instruction (universal instruction, selected intervention and intensive intervention) are conceptual structures of a multi-level system designed to ensure each student's academic, behavioral, social, and emotional needs are met. Within an equitable MLSS, students receiving specially designed instruction in accordance with IEPs continue to have access to all the resources available to students without IEPs.

Section 2: Delivery and Receipt of Intervention Including Specially Designed Instruction

7. Who receives universal (tier 1) instruction, selected (tier 2) intervention, intensive (tier 3) intervention and specially designed instruction?

All students, including students with IEPs or other types of intervention, support or accommodation plans, should receive academic, behavioral, social, and emotional universal instruction designed for a wide range of learners and differentiated to support the full continuum of student needs. This includes selected and intensive intervention designed to close achievement gaps and support student learning. Any student, including students with IEPs or other types of plans, who needs additional supports or intervention for a targeted skill to continue to progress within universal instruction should receive selected intervention. Any student, including students with IEPs or other types of plans, who need more intensive supports or supplemental instruction than provided by selected interventions to progress within universal instruction should receive intensive intervention. Students who are eligible for special education in accordance with IDEA have an IEP and must receive special education services including specially designed instruction. Specially designed instruction is typically provided when a student's needs in a particular area are intensive and interventions are more likely to require sustained time and effort in order for the student to maintain adequate rates of progress over time.

8. Who can deliver specially designed instruction or related services?

Licensed special education teachers and related service providers deliver specially designed instruction and related services. These educators also have primary responsibility, in collaboration with general

education teachers to plan instruction and monitor student progress on IEP goals addressed by the specially designed instruction and related services. When reading instruction is listed as an IEP service, the local education agency (LEA) may determine whether a special education teacher or a certified reading teacher (1316 license) will provide the outlined instruction. For more information see: [Reading Teachers and the Provision of Specially Designed Instruction as Outlined in Students' IEPs.](#)

9. Who can provide supplemental aids and services?

Any school staff who may be responsible for working with the student can provide supplemental aids and services. This includes teachers, paraprofessionals, office staff, etc. An LEA must inform an individual of the responsibility to provide the supplemental aids and services.

10. Can a dually certified (general and special education) teacher deliver specially designed instruction per a student's IEP?

Yes, as long as the following conditions are met: 1) the individual is contracted as a special education teacher and 2) the individual is appropriately licensed for the subject/area and developmental level in which instruction is being provided.

11. Can a dually certified teacher (general and special education) represent both the special education teacher and the general education teacher on an IEP team?

Yes, provided the individual is contracted and serving in both capacities for the student. Licensing alone is not sufficient, the individual must also serve both as a general education teacher and special education teacher of the student.

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

Yes, specially designed instruction is a service, not a location. Therefore, it is not defined by where it occurs. Specially designed instruction can be provided to a student in any location within a school or, as appropriate, in the community. The IDEA requires IEP teams consider least restrictive environment (LRE) provisions when making decisions about where students will receive education. LRE means students with IEPs are educated with non-disabled peers to the maximum extent appropriate and are removed from general education settings only when the nature and severity of their disability is such that education in regular classes with the use of supplementary aids and services (i.e. supports and accommodations) cannot be achieved (34 CFR 300.114(a)). This means that IEP teams must consider whether specially designed instruction can be provided in general education settings before removing a student to a special education environment. With the development of instructional technology and the 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 IEPs for transition to productive postsecondary life reflected more accurately in their schooling experiences.

13. If a student is receiving specially designed reading instruction and academic concerns are noticed in mathematics, how is that addressed?

If the cause of the concerns in mathematics is related to the disability (e.g. the student's disability directly affects the student's ability to understand, retain or apply math concepts as well as causes difficulty reading the material), the IEP team determines whether accommodations provided during general education instruction, supplemental general education intervention, specially designed instruction or a combination of these are appropriate. For example, if the concerns are primarily due to difficulties with reading and therefore related to the disability, supplementary aids and services provided in the general education math class, along with supplemental instruction in math vocabulary integrated into the specially designed reading instruction already being provided may address the needs.

Before removing a student from math instruction in the general education class, the IEP team needs to determine that the student's disability related needs affecting math achievement are so significant the student cannot participate in the class even with reasonable supports or accommodations. If the concerns are not related to the disability, general education math intervention would be considered.

Section 3: Strategic Assessment and Collaboration

14. Should students with IEPs participate in a school's screening and interim and summative assessments?

Yes. State and federal law requires all students with IEPs participate in the same local assessments as students without IEPs. This includes screening as well as other assessment provided to students in a particular grade, school, or districtwide. Students with the most significant cognitive disabilities who participate in alternate standards may take the alternate assessment. Students with IEPs must also be provided with needed and allowable testing accommodations to ensure the assessment provides information about the skill being tested rather than the student's disability. (i.e. quiet environment, extra time, large print, text reading when not assessing reading decoding skills, etc.). This also creates consistent messaging and bridging by having a common understanding of assessment results.

15. How frequently should a student's progress be monitored within an equitable multi-level system of supports?

Data collection should match the design of the intervention and the intensity of resources to implement it. In general, students receiving intensive, individual interventions should be monitored at least weekly to gather sufficient data to obtain a reliable trend to inform decisions regarding the effectiveness of the intervention. Students receiving specially designed instruction should also be monitored frequently using the methods described in the student's IEP. In contrast, students receiving selected interventions may be monitored weekly, biweekly or even monthly depending on the decision rules set up by the school or district that outline how often decisions are to be made about whether the current intervention continues to be effective and appropriate.

16. What are the requirements for monitoring progress for students with IEPs?

When the IEP team develops goals, they must determine how progress toward the goals will be measured and how often progress will be reported to parents. The goal informs the methods for monitoring progress and must include sufficient regularity to ascertain progress from the baseline (starting point) to the level of ambitious and achievable attainment (expected annual growth). If progress is not sufficient to meet the annual goal, the IEP team should reconvene to determine why and what adjustments need to be made so the student can make sufficient progress to meet the level of attainment for the goal. This is a continuous process to inform instruction. When possible and appropriate the same methods and tools used to monitor the progress of students in general education universal instruction and interventions are used to monitor the progress of students with IEPs.

17. How do IEP teams make decisions about continuing eligibility when a student with an IEP is successful without specially designed instruction?

When a student no longer needs specially designed instruction to address a disability, the student no longer meets the eligibility criteria for IDEA. A reevaluation must be conducted to make this determination. The student may still be identified as having a disability under Section 504 of the Rehabilitation Act. This is determined by conducting a Section 504 evaluation. When a student is found to be no longer eligible for special education under IDEA, the IEP team should make recommendations for any general education accommodations needed to ensure the student's continued success in meeting

grade level academic, behavioral, social, and emotional learning standards. The purpose of special education is to remove disability related barriers to success in general education so students with IEPs can progress and perform independently in school and in life. One measure of the effectiveness of special education services is that students with IEPs no longer require specially designed instruction to be successful or to maintain progress over time.

18. For a student receiving specially designed reading instruction, what is the role of the reading teacher in assessing reading for this student?

The role of the reading teacher in assessing reading is the same for a student with an IEP as for a student without an IEP. For example, if the reading teacher participates in implementing either general or special education reading instruction or in the assessment of progress the reading teacher would do so regardless of whether a student has an IEP. In addition, if the reading teacher is involved in general education reading screening activities, including the application of decision rules for determining students in need of intervention, a student with an IEP would be provided that same service.

19. What are the roles of a general and special education teacher in a co-teaching model?

Co-Teaching is generally defined as two licensed educators, often a special education teacher and a general education teacher, sharing equal responsibility for planning, delivering, and evaluating instruction and learning to meet the diverse needs of students in a shared space. The overarching goal of co-teaching is to combine and expand upon the expertise of both professionals for the benefit of all students assigned to them. The co-teaching pair learn from each other and over time roles become more fluid such that planning, creating modifications, developing accommodations, and content instruction are all done by both as determined through co-planning and assessment of student needs. Attention to implementation science with regard to the application of evidence-based practices for the co-teaching model as well as instruction and behavioral supports is a critical factor to the success of co-teaching. The presence of a special education teacher in a general education classroom does not automatically mean the class is co-taught. For more information see: [Co-Teaching in Wisconsin](#).

Section 4: Documentation and Funding for Specially Designed Instruction

20. How is specially designed instruction documented compared to general education interventions for students within an equitable multi-level system of supports?

Specially designed instruction is described in the student's IEP with the specific purpose of addressing one or more disability related needs. Specially designed instruction is linked to annual measurable IEP goals which are designed to help students progress from identified baselines to specified levels of attainment. IEPs include a statement of the amount, frequency, location, and duration of specially designed instruction that must be provided in the IEP program summary. The IEP program summary also includes needed interventions, accommodations, and related services stated with clear amount, frequency, location, and duration. The detailed intervention plan generally used to document general education interventions implemented with students within an equitable MLSS includes: specific interventions to be delivered, progress monitoring and adjustments, supports for the persons delivering the intervention, and fidelity of implementation measures. The team may consider this plan in conjunction with the IEP for a student who has one.

21. Should general education intensive (tier 3) interventions be listed under accommodations, modifications or supports (supplementary aids and services) in a student's IEP?

No. Supplementary aids and services are supports and accommodations, other than specially designed instruction, intended to address disability related needs to allow a student with an IEP to access and participate in general education. These are documented in the program summary under "Supplementary

Aids and Services”. A student with an IEP may require supports and accommodations to participate in a general education intervention (i.e. a student participating in a reading intervention through Title I may need directions repeated or clarified or may need a large print book). The IEP may reflect that the student is receiving general education intervention in the current academic achievement and functional performance section (Section I of the *Linking Present Levels, Needs, Goals, and Services* form) of the IEP.

22. Can Coordinated Early Intervening Services (CEIS) funds be used to provide intensive interventions to students who are not identified as students with IEPs in accordance with IDEA?

Yes. School districts may use up to fifteen percent of IDEA Part B funds to develop and implement intensive interventions using CEIS set-aside funds 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, behavioral, social, or emotional support to succeed in the general education environment. CEIS funds may be used to implement interventions that are aligned with activities funded by and carried out under the Every Student Succeeds Act.