

## Specially Designed Instruction Handout: Part II

### Purpose

This document provides the Federal definition for special education and clarifies additional considerations for special education in response to questions raised by Vermont Local Education Agencies (LEAs) upon reviewing the November 3, 2021 Specially Designed Instruction Handout.

### Federal Rule: Sec. 300.39 Special Education:

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart A](#) » [Section 300.39](#)

300.39 Special education.

#### (a) General.

(1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

#### (b) Individual special education terms defined. The terms in this definition are defined as follows:

(1) At no cost means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) Physical education means—

(i) The development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

### Contact Information:

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(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) 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.

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

## **Special Education, Specially Designed Instruction, and VTmtss/Early MTSS**

In examining the IDEA definition of and requirements for special education, special education means specially designed instruction. Specially designed instruction (SDI) is designated on a student's IEP. This customized instruction is informed by current student performance data benchmarked against grade level standards and research-based instruction and intervention. SDI is a service, not a place, and is not defined by where it occurs. The SDI will change over time as students' progress. SDI may fade over time, for example, as students gain proficiency in using a supplementary device. It is important to consider how the SDI will be measured and monitored. Academic, behavioral, and/or functional needs that arise from a disability that, in general education, inhibits proficient knowledge and skill acquisition, retention, expression, and application are addressed by SDI. For students with disabilities, SDI is required rather than merely beneficial to access the grade level curriculum.

Although SDI is not an accommodation and/or modification, it may be provided to teach a student how to use an accommodation (e.g., extra time or break). All students (including students with IEPs) have access to and could benefit from the high yield instructional strategies a teacher decides to use. SDI, which could include high yield instructional strategies, is designed specifically for one child based on his or her needs. It is a crucial part of instruction for a student with a disability to be able to access and progress in the general curriculum.

Although SDI is necessary for eligible students, it is not always sufficient for every student. In this case, the student would also need interventions. A student with an IEP may benefit from targeted and

intensive intervention as part of an LEA's VTmtss/ Early MTSS framework. The VTmtss Framework continues to support a focus – among both general and special educators – on preventing academic, social-emotional, and behavioral difficulties by anticipating needs and preparing for a quick response while improving learning for all students through increasingly differentiated and intensified assessment, instruction and intervention. All general education students have access to all layers of support in a system and some general education students have SDI designated on their IEP. SDI supports a child during an intervention regardless of its level of intensity or group size. SDI may also receive intensive intervention – the intensive intervention is not a placement and is designed to be short term. All students are general education students and some of them have a disability that requires SDI.

## **Specially Designed Instruction and Interventions**

An eligible student with a disability with an IEP is a general education student first. Special education consists of wraparound support based on individual needs to ensure access to the general education curriculum. SDI is what a teacher does to deliver information to the student that is different from what other students received. It may be instruction that is additional to what other students received and/or different methods or techniques to present the instruction not used with other students. SDI is what is done by the teacher, not the student, to help close the academic performance gap between students with disabilities and their general education peers.

What is the difference between SDI and interventions (see [Specially Designed Instruction Handout](#))?

An Intervention is short-term and is “Instruction that supplements and intensifies classroom curriculum/instruction to meet student needs (academic or behavioral)... – *Danielle Kent, What is an Intervention? Rhode Island RTI Initiative Module 2 (VTmtss Field Guide 2019)*

SDI is customized for the student based upon the specific needs resulting from the disability as described in their IEP and applied to classroom content. SDI is to be based upon the specific skills the student does not have which are necessary for them to improve their academic performance required for their measurable annual goals. SDI is not a restatement of the academic content standard being taught. SDI is the unique teacher instruction written on the IEP that will be provided to the students to support them in being able to meet or master their measurable annual goals. Per the student's IEP, a legal document and a process, how does the student's disability impact access and progress in the enrolled grade level curriculum and to what extent do we deploy SDI to meet those needs?

Content - Curriculum based upon State standards: How does the student access the general education curriculum (i.e., accommodations, modifications, or pre-requisite skills)? Examples:

- Leveled Text (same text content, but text provided at the student's reading level)
- Reading passages shortened

Methodology - The instructional design of content: an approach to instruction: Is there a practice or set of approaches that prove to be more productive and/or ideal for this student when acquiring knowledge and skills? Examples:

- Chunking
- Multi-sensory phonics instruction

- Math manipulatives that are additional to what is already being used with the class
- Scaffolded writing process with increased emphasis on planning and organizing

Delivery of Instruction - How instruction is provided based on the needs of the student (i.e., more explicit, more systematic): How is this applied to the content that the student is learning currently? Is the instruction more explicit or systematic? Examples:

- Pre-teaching/re-teaching specific skills or content or vocabulary
- Explicit step-by-step instruction for more comprehensive skills or tasks
- Speech to Text Software to support written idea development or evidence of comprehension

## **Special Education Delivery**

The IDEA and federal special ed regs do not require that the special education and related services in a child's IEP be provided by a special education teacher; however, training is critical. The IDEA states that the SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part (IDEA Part B) are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

SDI should be designed and monitored by special education teachers and related service providers, in collaboration with general education teachers. Students can receive SDI throughout the continuum of services. Special education teachers and general education teachers with support from special education teachers can work together to align and integrate the specially designed instruction for each student. School-based team members, such as related service providers, can also provide specially designed instruction during the service provided or through the form of Co-Teaching. An intervention specialist with deep content knowledge and expertise implementing evidence-based interventions may also be qualified to provide SDI. A paraprofessional is allowed to provide SDI under certain conditions, and only when a certified special education teacher designs the SDI and the paraprofessional is under the supervision of the certified special education teacher.

Paraprofessionals who are trained may assist in delivering SDI to students receiving special education services when a certified special education teacher designs the SDI and the paraprofessional is under the supervision of the certified special education teacher. However, a paraprofessional may not: develop lesson plans; introduce new material/content; provide direct teach portion of the lesson; select materials for implementation of the lesson; assign final grades; be responsible for any IEP-related responsibilities without supervision of a certified special educator; develop IEP goals/objectives; design the classroom management system; and/or be responsible for determining or reporting student progress (general class progress or IEP-goal progress).

Delivery of all special education services should be documented in order to show the delivery of the services in accordance with the IEP Team's established frequency, duration, and location as stated in the IEP to ensure the IEP is implemented as written.

## **Special Education Delivery “in the home”**

Instruction conducted in the home is included in the federal regulations under 34 CFR § 300.39 Special education (a)(i) as: Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Also, 34 CFR § 300.115 Continuum of alternative placements (b)(1) includes Instruction Conducted in the Home as: Include the alternative placements listed in the definition of special education under 34 CFR § 300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions). Instruction in the home is for students whose needs require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school. Instruction conducted in the home is not an appropriate option in situations when the LEA is experiencing difficulty in arranging the program or placement that a student requires. In such cases, the LEA should continue to serve the student in accordance with his or her IEP while taking steps to promptly arrange for the services that the student requires. Instruction in the home is the most restrictive option on the continuum of special education placements for students with disabilities. This placement is provided as a last resort when a student with disabilities requires that special education services and programs can only be conducted in the home or a mutually agreed upon location that is decided by the IEP Team. In Vermont, we include students with Homebound placements as part of the interpretation of federal requirements in the home.