Functional Behavioral Assessment (FBA)/Behavioral Intervention Plans (BIP)  
Frequently Asked Questions

1. Is consent required before conducting a Functional Behavior Assessment (FBA)?

Yes. An FBA is generally understood to be an individualized evaluation of a child in accordance with 34 CFR §§300.301 through 300.311 to assist in determining whether the child is, or continues to be, a child with a disability. The FBA process is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a BIP. As with other individualized evaluation procedures, and consistent with 34 CFR §300.300(a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.

2. Was the requirement for a “positive behavioral intervention plan” removed from the discipline regulations?

No. Federal Regulations 300.324 indicates the use of positive behavioral interventions and supports must be considered in the case of a child whose behavior impedes his or her learning or that of others. The requirement in 300.530 that a child with a disability receive, as appropriate, an FBA and a BIP and modifications designed to address the child’s behavior now only applies to students whose behavior is a manifestation of their disability as determined by the LEA, the parent and the relevant members of the child’s IEP team. However, FBAs and BIPs must also be used proactively, if the IEP team determines they would be appropriate for the child. The regulations also require that school districts provide FBAs and behavior intervention services (and modifications) “as appropriate” to students when the student’s disciplinary change in placement would exceed 10 consecutive school days and the student’s behavior was not a manifestation of his or her disability.

3. Under what circumstances must an IEP team use FBAs and BIPs?

As noted above, FBAs and BIPs are required when the LEA, the parent, and the relevant members of the child’s IEP team determine that a student’s conduct was a manifestation of his or her disability. If a child’s misconduct has been found to have a direct and substantial relationship to his or her
disability, the IEP team will need to conduct an FBA of the child, unless one has already been conducted. Similarly, the IEP team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP team will need to review the plan and modify it, as necessary, to address the behavior.

An FBA focuses on identifying the function or purpose behind a child’s behavior. Typically, the process involves looking closely at a wide range of child-specific factors (e.g., social, affective, environmental). Knowing why a child misbehaves is directly helpful to the IEP team in developing a BIP that will reduce or eliminate the misbehavior.

For a child with a disability whose behavior impedes his or her learning or that of others, and for whom the IEP team has decided that a BIP is appropriate, or for a child with a disability whose violation of the code of student conduct is a manifestation of the child’s disability, the IEP team must include a BIP in the child’s IEP to address the behavioral needs of the child.

4. How can an IEP address behavior?

When a child’s behavior impedes the child’s learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. Additionally, the team may address the behavior through annual goals in the IEP. The child’s IEP may include modifications in his or her program, support for his or her teachers, and any related services necessary to achieve those behavioral goals. If the child needs a BIP to improve learning and socialization, the BIP can be included in the IEP and aligned with the goals in the IEP.

5. If a parent disagrees with the results of an FBA, can the parent obtain an independent educational evaluation (IEE) at public expense?

Yes. The parent of a child with a disability has the right to request an IEE of the child if the parent disagrees with an evaluation obtained by the public agency. However, the parent’s right to an IEE at public expense is subject to certain conditions, including the LEA’s option to request a due process hearing to show that its evaluation is appropriate. An FBA that was not identified as an initial evaluation, was not included as part of the required triennial reevaluation, or was not done in response to a disciplinary removal, would nonetheless be considered a reevaluation or part of a reevaluation under Part B because it was an individualized evaluation conducted in order to develop an appropriate IEP for the child. Therefore, a parent who disagrees with an FBA that is conducted in order to develop an appropriate IEP also is entitled to request an IEE. Subject to the conditions in 300.502, the IEE of the child will be at public expense.
6. If a student with a disability exhibits behaviors that are not related to the disability, should the statement on the Special Considerations page concerning behavior be marked “yes” or “no”?

The behaviors need to be addressed whether they are related to the disability or not. You can certainly document in the IEP whether you have determined them related or not. There is no requirement to develop a Behavior Intervention Plan (BIP). However, if one is needed it must become a part of the IEP. The requirement is to consider positive behavior interventions/strategies if the student’s behavior is impeding the learning of himself or others.

7. If student behaviors are absolutely not related to the disability (student receives speech therapy for articulation errors but also exhibits problem behaviors) why would the IEP team need to address this as part of the IEP?

The reason could be because the behaviors impede the student’s learning or the learning of others.

8. If a BIP is a part of the IEP, do we need to use the amendment process if a change needs to be made in the BIP?

IDEA requires that the BIP be a part of the IEP. This triggers the use of the amendment process when the BIP needs to be amended.