



Bulletin 23.01

SPECIAL EDUCATION INFORMATIONAL BULLETIN

September 2023

TO: District Administrators, CESA Administrators, CCDEB Administrators, Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Paul Manriquez, Assistant State Superintendent
Division for Learning Support

SUBJECT: Providing Positive Behavioral Interventions and Supports to Students with Disabilities and Use of Functional Behavioral Assessments

Introduction

Students with disabilities, including students receiving special education services through an Individualized Education Program (IEP), should receive all of the services available through district-wide [equitable multi-level systems of support](#) to address emotional, social, academic, and communication needs to address [mental health](#), [social and emotional learning](#) through the use of [trauma sensitive practices](#). In addition, the Individuals with Disabilities Education Act (IDEA) emphasizes identifying and implementing positive behavioral interventions, supports, and other strategies to address the behavioral needs of students with IEPs, ages 3-21. In the case of a student whose behavior impedes the student's learning or that of others, the IEP team must consider and, when necessary to provide a free appropriate public education (FAPE), include the use of positive behavioral interventions and supports, and other strategies to address that behavior in the student's IEP. 34 CFR §§ 300.324(a)(2)(i), (b)(2) & 300.320(a)(4). When identifying positive behavioral interventions and supports, IEP teams must focus on proactive and preventative interventions and supports based on the student's unique strengths and needs, and document them in the IEP. This bulletin is intended to assist IEP teams in understanding the technical and procedural requirements in identifying and supporting students' behavioral needs through changes in adult practices using comprehensive special education evaluations, Functional Behavioral Assessments (FBAs), IEP development, Behavior Intervention Plans (BIPs), and the implementation of positive behavioral interventions and supports.

1. What are positive behavioral interventions and supports?

The IDEA requires the IEP team to consider the use of positive behavioral interventions and supports and other strategies to address behaviors that interfere with the student's learning or the learning of others. 34 CFR § 300.324(a)(2)(i). Positive behavioral interventions and supports must be

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developmentally, cognitively, functionally, culturally, and linguistically appropriate for the individual student, and should focus on:

- changing adult approaches, behavior, instructional strategies, curriculum demands, and environmental factors to decrease behaviors that interfere with the student's learning or the learning of others:
- taking steps to better understand the specific underdeveloped or delayed skills related to the student's unique needs; and
- teaching, practicing, supporting, and reinforcing positive replacement behaviors and skills with the student.

Positive behavioral interventions and supports may be necessary to ensure a student with an IEP can access, engage, and make progress in age and grade level curriculum, instruction, environments, and activities. Some positive behavioral interventions and supports include, but are not limited to: direct instruction in social skills, self-management skills or self-monitoring skills, explicitly taught and reinforced school and classroom expectations, social narratives, peer mediated interventions and supports, visual supports, and other evidence-based positive behavioral interventions matched to the student's behavioral need(s) and determined by the IEP team. When identifying positive behavioral interventions and supports, the IEP team must consider information and recommendations provided by the parent including recommendations from the student's medical or clinical providers.

Sending the student home, calling the parent to pick the student up, removing the student from class, shortening a student's school day, or any type of disciplinary action or removal is not considered a positive behavioral intervention and support and cannot be used in lieu of providing a student with positive behavioral interventions or supports. Sending the student home, shortening the student's day, or other types of removals may result in a denial of or the failure to provide FAPE.

2. Do positive behavioral interventions and supports need to be considered any time an IEP team determines a student's behavior interferes with their learning or the learning of others?

Yes. Positive behavioral interventions and supports must be considered any time an IEP team determines a student's behavior interferes with their learning or the learning of others. 34 CFR § 300.324(a)(2)(i). IEP teams should discuss this consideration when reviewing the Special Factors section of the student's IEP and describe the student's behavioral needs. This requirement applies to all students, ages 3-21, regardless of the student's category of disability. Positive behavioral interventions and supports are documented in the IEP program summary and include a description of the service, frequency, amount, duration, and location.

If the student's IEP currently has positive behavioral interventions and supports, and other services to support the student's access, engagement, and progress, and there are continued incidents of behavior that interfere with learning or the learning of others, the IEP team should reconvene to determine whether or not the IEP requires revision or determine if additional assessments are needed, such as a FBA. The IEP team, including the parent, should discuss available data and

information, including the most recent special education evaluation and progress toward relevant IEP goal(s), related to whether the positive interventions and supports address the student's needs. The IEP team should consider whether the positive interventions and supports have assisted the student in accessing, engaging, and making progress in age or grade level curriculum, instruction, environments, and activities. Educators should actively seek student and family voice when determining the types of positive interventions and supports that are successful.

3. How do IEP teams determine if a student's behavior interferes with the student's learning or the learning of others?

Determining if a student's behavior interferes with their learning or the learning of others may be achieved by completing a comprehensive special education evaluation or through a review and revision of the student's current IEP. Determining whether a student's behavior interferes with learning or learning of others is based on the student's unique needs, not their identified disability category. Special factors, including behavioral needs, must be considered when developing each student's IEP. When developing a student's initial IEP and at least annually, IEP teams must consider whether the student's behavior impedes their learning or that of others and if so, they must describe the student's behavioral needs as well as document positive behavioral interventions, strategies, and supports, and other services in the IEP program summary.

Behavior can be defined broadly as the way in which a person acts in response to a particular situation or stimulus. Indications a student's behavior is interfering with their learning, or the learning of others may include but are not limited to:

- a pattern of long-term disciplinary removals (e.g., in or out of school suspensions)
- a pattern of short-term removals (e.g., sent to office, call to parent asking to pick student up from school, asked to do work in hallway)
- multiple violations of the student code of conduct
- frequently leaving the learning environment
- internalizing behaviors such as withdrawn from adult and peer interactions or school activities
- receiving multiple complaints from adults or peers about the student's behavior
- unexpected or disruptive behavior in response to adults or peers

Behaviors that interfere with learning or the learning of others may be internalizing (e.g., withdrawn, anxious) or externalizing (e.g., kicking, biting). The term "behavior" does not necessarily refer to disciplinary infractions and may be behaviors that do not violate school rules and may act as coping mechanisms for the student.

Other indications a student's behavior interferes with the student's learning or the learning of others may include students with multiple absences or tardies, students who do not benefit from classroom behavior management systems, or students who do not benefit from universal or targeted school-wide positive behavioral interventions and supports. Indication that a student's behavior interferes with learning, or the learning of others may also be evident when the IEP team identifies the effects of the student's disability during IEP development.

4. Are positive behavioral interventions and supports included in a student's IEP?

Yes. Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed IEP based on the unique disability-related needs of the student. 34 CFR §§ 300.17 & 300.320-300.324. The language used in the IEP can influence how adults view and interact with a student and impact implementation of supports and interventions. For example, using language such as "...student experiences more success..." or "...learns best when...." may be helpful in ensuring appropriate adult support is implemented.

The IEP team must determine if a student's behavior impedes the student's learning or that of others and document the determination in the Special Factors section of the IEP along with a description of the student's behavioral needs. If the student's behavior impedes the student's learning or that of others, the IEP team must also document positive behavioral interventions and supports, and other strategies to address that behavior in the IEP Program Summary under supplementary aids and services, specially designed instruction, related services, or program modifications and supports for school staff. The frequency, amount, location, and duration of the services must be clearly documented so they are clear to the parents and those responsible for implementing the services. The services should be designed to provide accommodations and supports within the learning environment, improve adult and peer relationships that lead to increased feelings of belonging, and instructional practices to develop skills needed to ensure the student accesses, engages, and makes progress in age or grade level curriculum.

The IEP team should consider the special factors when identifying the effects of a disability and a student's disability-related needs and develop goals and services to address the student's disability-related needs (see question #6). If the IEP team does not address the behavioral needs of a student, it is likely the student will not receive FAPE.

5. If a positive behavioral intervention and support is universally available in the general education environment, must it be documented in a student's IEP?

Yes, if the IEP team determines the intervention or support is needed to meet the student's behavioral needs for the student to receive FAPE, it must be included in the student's IEP, even if utilized for all students in a classroom, school, or district. For example, if the teacher allows all students to stand up and take breaks as needed, the student's IEP must include this universal support if the IEP team determines it is required for the student to receive FAPE. The intervention or support should be clearly documented in the Program Summary, including the frequency, amount, location, and duration, so it is clear to IEP team members and those responsible for implementing the IEP.

The positive behavioral interventions, supports, or other strategies should ensure the student accesses, engages, and makes progress in age or grade level general education curriculum, instruction, environments, or activities, and make progress toward their IEP goals. It is also important to note that universal positive behavior interventions and supports provided to all students must continue to be available to a student receiving special education services even if other individualized interventions are provided through the student's IEP.

6. How do IEP teams determine what positive behavioral interventions and supports are needed to address a student's unique disability-related needs?

Information used to identify a student's unique disability-related needs may come from a comprehensive special education initial evaluation or reevaluation, during IEP development, a review of progress on current IEP goals, information and data collected in the student's general education program, or information provided by the parent.

To determine the student's unique disability-related needs during IEP development, the IEP team should first review the student's current levels of age or grade level academic achievement and functional performance across the [six areas of academic and functional skills](#). Based on the discussion of the student's current performance and consideration of any special factors, such as behavior, the IEP team then identifies the effects of the student's disability. These effects include observable outcomes of the student's difficulty accessing, engaging, or making progress in the specific areas of academic achievement and functional performance previously reviewed. The effect(s) of disability documented in the IEP may include similar information gathered and discussed to determine if the student's behavior impedes the student's learning or learning of others.

Next, based on the effects of the student's disability, the IEP team uses root cause analysis to determine the student's disability-related needs. When a student's behavior impedes learning or the learning of others, the IEP team should consider "why". Root cause analysis is a process the IEP team can use to explain "why" the student may be having difficulty accessing, engaging, and making progress in age or grade level general education curriculum and environment. Root cause analysis may include discussion and analysis of the function of the behavior, as well as discussion and review of any additional observations, data, and other information available at the IEP meeting. The reason "why" a student's behavior impedes learning or the learning of others may have a root cause in academic learning, e.g. difficulties in literacy and reading, along with any combination of the other six areas of academic and functional skills (i.e., cognitive learning, communication, independence/self-determination, medical/health, and social and emotional learning).

An outcome of root cause analysis is to identify the student's unique disability-related needs that specify the types of supplementary aids and services (e.g., accommodations) designed to change the learning environment to remove barriers and assist the student in accessing and engaging in learning. Another outcome of root cause analysis is to identify the disability-related needs that specify what skills the student needs to develop or improve in order to meet age or grade level standards and

expectations. The skills identified through root cause analysis are then used to develop IEP goals where each goal statement includes a skill the student will improve. For each IEP goal, at least one IEP service is aligned and documented in the Program Summary of the IEP that describes the special education services, such as specially designed instruction or related services, to enable the student to make progress on the IEP goal and in the age or grade level curriculum. For each disability-related need, IEP goals are developed, and special education services are aligned. (See CCR IEP 5-Step Process.)

7. What data and information should be collected to determine what positive behavioral interventions and supports are needed?

The IEP team should consider a variety of formal and informal measures and information related to the student's academic achievement and functional performance when determining a student's disability-related needs, IEP goals, and IEP services, including services related to positive behavioral interventions and supports. Data and information may come from information provided by the student or parent, a special education initial evaluation or a reevaluation, including information from a FBA that is part of the evaluation, or from data and information collected through a review of existing data. Data and information may also be collected as part of regular progress monitoring from a student's IEP goals or from the student's general education program including information on services and interventions that have not worked in the past. (See Question 13 for information about FBA). When identifying positive behavioral interventions and supports, the IEP must consider information and recommendations provided by the parent including recommendations from the student's medical or clinical providers.

8. Do positive behavioral interventions and supports, and other strategies to address behaviors, need to address the student's unique disability-related needs?

Yes. Once a student qualifies for special education services, the student's individual academic, functional needs, including social and emotional needs, must be addressed in the student's IEP. A student's positive behavioral interventions and supports must address the student's unique disability-related needs that are related to any behaviors that interfere with the student's learning or the learning of others. If a disability-related need is related to behaviors that interfere with learning (e.g., effects of disability), then the positive behavioral intervention, supports, or other strategy should address the disability-related need related to behavior. A disability-related need does not have to be commonly linked to a student's disability category.

9. Do positive behavioral interventions and supports have to be directly linked to the student's disability category?

No. Positive behavior interventions and supports must be considered any time an IEP team determines a student's behavior interferes with their learning or the learning of others, such as inattentiveness, social withdrawal, or physical aggression. This requirement applies to all students, ages 3-21, regardless of the student's category of disability.

10. How do IEP teams implement positive behavioral interventions and supports?

Positive behavioral interventions and supports documented in a student's IEP Program Summary must be implemented in accordance with the student's IEP. The services must be provided in the frequency, amount, duration and location specified in the IEP. Interventions and supports may be most effective when implemented within an equitable multi-level system of supports (MLSS). Within an equitable MLSS, collaborative teams implement practices to support students' social competence, academic achievement and data-driven decision making. When implemented with fidelity and in a systematic manner, positive behavioral interventions and supports have a positive impact on student outcomes, both functionally and academically.

Most positive behavioral supports in a student's IEP can be listed as supplementary aids and services, meaning that they can be implemented by any school staff including general and special education teachers, related service providers, paraprofessionals, and other school staff. Supplementary aids and services must be implemented with the frequency, duration, amount, and location specified in the IEP. Positive behavior interventions that are listed as specially designed instruction or related services, however, must be provided by appropriately licensed teachers or related service providers. Interventions provided by special education teachers and related service providers can be supported through additional practice and reinforcement by general education staff and paraprofessionals. Some staff may require additional training or support to implement positive behavioral interventions and supports, or other strategies. Program modifications and supports for school staff, such as training on the use of positive behavioral interventions and supports, should be documented in the Program Summary and can be provided to school staff by those with expertise within the district or by contracting with Cooperative Educational Service Agency (CESA) staff or private consultants, depending on each Local Educational Agency's (LEA's) policies and procedures.

Positive behavioral interventions and supports are determined by the IEP team during the IEP development process. Once the student's disability-related needs, IEP goals, and services are identified and documented, it is the district's responsibility to ensure the behavioral interventions and supports are implemented as written in the IEP. This responsibility includes monitoring progress toward IEP goals and grade level standards. The IEP team is responsible for periodically reviewing the student's progress and addressing whether and what aspects of the IEP may need to be revised to support the student so the student can access, engage, and make progress in age or grade level curriculum, instruction, environments, and activities.

11. Do positive behavioral interventions and supports need to be made available to students during extracurricular activities?

Yes. IEP teams must ensure students with disabilities have the services they need to access and engage in nonacademic and extracurricular activities available to all students. LEAs must ensure that each student with a disability participates with nondisabled students in extracurricular services and activities to the maximum extent appropriate. The LEA must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings. 34 CFR § 300.117. Positive behavioral interventions and supports as a supplementary aid and service are provided in

regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. 34 CFR § 300.42. The IEP team should clearly document in the IEP program summary a description of the service, the frequency, amount, location and duration of the positive behavioral interventions and supports during extracurricular activities. The IEP must include information about the frequency and amount of services that will be provided to the student, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members and the IEP can be implemented as written.

12. How is the effectiveness of the implementation of positive behavioral interventions and supports monitored?

The district must monitor staff implementation of any positive behavioral interventions and supports based on the frequency, amount, location, and duration outlined in the student's IEP. The level of the LEA's commitment of resources must be clear to the parent and all involved in developing and implementing the IEP. The description of the amount, frequency, location, and duration must be appropriate to the specific special education service. An internal system of control that includes periodic observation of the interventions and supports is recommended, including monitoring fidelity of implementation in accordance with the intervention's design across adults and learning environments to help ensure consistency. Periodic observations of IEP implementation in special education and regular education environments are often conducted by the student's special education case manager, special education teacher or related service provider, as well as the district's director of special education, to ensure services are being provided as specified in a student's IEP.

To determine the effectiveness of the behavioral interventions and supports, the IEP team monitors a student's progress on each of their IEP goals. The IEP must clearly document the student's current baseline and level of attainment for each IEP goal. The IEP must include a statement of the procedures for measuring the student's progress toward meeting the annual goal from baseline to level of attainment. The determination of when progress reports on IEP goals are provided to the parent is made by the IEP team and documented in the student's IEP. Progress on IEP goals is typically provided concurrently with report cards, or more frequently if needed as determined by the IEP team. If a student is not making sufficient progress toward achieving their goals within the term of the IEP, the IEP team should discuss the lack of progress and any needed revisions to the IEP. The IEP can be updated outside of an IEP team meeting with parent agreement as long as there is no change in the student's placement including the location of the service or the amount of services or time the student is with non-disabled peers. At least annually, IEP teams must review progress on IEP goals and provide an explanation for any IEP goal that was not met. This explanation must include describing any factors affecting lack of progress and the IEP team's plan to address lack of progress in the new IEP. The IEP must then be revised accordingly.

The IEP team must determine if the implementation of the behavioral interventions and supports have resulted in the intended positive change for the student. Using the data collected, the IEP team

will determine if the acquisition, use or generalization of a skill or behavior has enabled the student to better access, engage and make progress toward age or grade level general education curriculum, instruction, environments, or activities. If the IEP team determines that the behavioral interventions or supports are not effective and they need more information to better determine the appropriate behavioral interventions and supports, a reevaluation may be initiated which could include a FBA.

13. What is a Functional Behavior Assessment (FBA)?

A FBA is an assessment for identifying;

1. The variables that influence the student's behavior, including all relevant ecological factors such as cultural background, instruction, curriculum, environment, adult behavior, relationships, school climate, et cetera.
2. The root cause or function of the behavior that helps identify the unique disability-related needs of the student.
3. The components of an effective behavioral intervention plan (BIP) as well as IEP goals and services to address a student's unique disability-related needs.

An FBA is considered part of an initial or reevaluation when the purpose of the FBA is to determine the nature and extent of a student's special education services or to determine initial or continued special education eligibility. A review of existing data may determine that only an FBA is needed to complete the evaluation. Similar to any comprehensive initial evaluation or reevaluation, when the review of existing data identifies that only an FBA is required, the FBA must be sufficiently comprehensive to identify all of the student's disability-related needs related to the student's behavior that is interfering with learning or the learning of others, whether or not commonly linked to the disability category(s) in which the student has been classified.

An FBA is required when a manifestation determination is conducted and the student's behavior is found to be a manifestation of the student's disability, unless an FBA had previously been conducted. An FBA is also required the second time seclusion or restraint is used on a student with an IEP in the same school year unless an FBA addressing the behavior of concern has previously been conducted. 34 CFR § 300.530(f)(1)(i). Wis. Stat. § 118.305(5) (see question 15). The IEP team must provide notice of the evaluation and complete a thorough review of existing data before requesting consent for completing any new assessment, including an FBA.

There is no required universal approach to conducting an FBA. FBAs should gather data related to student strengths as well as barriers to access, engagement and progress in the general education curriculum. To result in accurate identification of root causes of behavior, the FBA must be grounded in culturally responsive practices, and thoroughly assess ecological factors that influence behavior to implement changes that can be made to adult practices and the environment.

At a minimum, the following steps are recommended and documented as part of any FBA:

1. Identify and clearly define the target behavior (e.g. what do you see or hear that is interfering with the student's learning or the learning of others).
2. Gather data from all involved in the student's life (e.g. the student, parents, family members, therapists, mental health professionals, educators, etc) related to the target behavior, including but not limited to:
 - a. Student strengths, interests, and preferences
 - b. Previous academic, behavioral and health records
 - c. Ecological factors that contribute to the manifestation of the target behavior such as: environments, setting events, antecedents (behavior predictors)
 - d. Direct observation data on the time, frequency, intensity and duration of the target behavior
 - e. Consequences of the behavior: Observable positive or negative responses, actions, or events that occur after the target behavior and increase the likelihood that the behavior will occur again in the future
3. Formulate a hypothesis of the likely root cause or function of the target behavior based on a culturally competent analysis of the data and information collected.
4. Determine the next steps. The focus of determining next steps is to ensure the assessment data collected through the FBA is linked to and matched to any positive behavioral interventions and supports as well as IEP goals and services. Specific next steps will depend on the purpose and the context in which the FBA was completed.

Additionally, the FBA is an ideal time to review the student's access to academic content. If a learning goal is not met and the class moves on to more complex learning goals, individual students may be left behind which can lead to behaviors that interfere with learning, either internalized or outward. Behaviors that interfere with learning or the learning of others may have a root cause in either academic or functional needs.

There are various models and tools that teams may use to conduct a comprehensive FBA that will lead to the identification of the root cause, or function of a student's behavior, and to develop strategies and supports to address the root cause or function. Tools such as the RIOT (Review, Interview, Observe, Test) and ICEL (Instruction, Curriculum, Environment, Learning) matrix or processes such as Culturally Responsive Problem Solving may be used to organize and guide teams in completing these steps. For more information see the Wisconsin DPI Comprehensive Special Education Evaluation webpage.

14. Does conducting an FBA for a student already receiving special education services through an IEP require the same procedures as when conducting a special education initial evaluation or reevaluation?

Yes. An FBA is considered part of an initial or reevaluation when the purpose of the FBA is to determine the nature and extent of a student's special education services or to determine initial or continued special education eligibility, even if it is determined that a new or updated FBA is the only assessment needed at that time. When the review of existing data identifies that only an FBA is needed to complete the evaluation, the FBA must be sufficiently comprehensive to identify all of the student's needs related to behavior that is interfering with learning or the learning of others, whether or not commonly linked to the disability category in which the student has been identified. When information from an FBA is needed to determine appropriate goals, services, positive behavior strategies, supports, and other interventions, the IEP team must initiate a reevaluation.

An FBA is part of a comprehensive special education initial evaluation or reevaluation when either: (1) the LEA determines an evaluation of a student's behavioral needs is warranted; or (2) if a student's parent or teacher requests a reevaluation to address the student's behavioral needs and there is not sufficient existing information with which to appropriately review and revise the student's IEP.

An FBA is required when a manifestation determination is conducted and the student's behavior is found to be a manifestation of the student's disability, unless an FBA had previously been conducted. An FBA is also required the second time seclusion or restraint is used on a student with an IEP in the same school year unless an FBA addressing the behavior of concern has previously been conducted. 34 CFR § 300.530(f)(1)(i). Wis. Stat. § 118.305(5). The IEP team must provide notice of the evaluation and complete a thorough review of existing data before requesting consent for conducting any new assessment, including an FBA.

15. Can some tools and procedures commonly associated with a FBA be used without initiating a special education evaluation or reevaluation?

An FBA is considered part of an initial or reevaluation when the purpose of the FBA is to determine the nature and extent of a student's special education services or to determine initial or continued special education eligibility. A review of existing data may determine that only an FBA is needed to complete the evaluation. When information from an FBA is needed to determine appropriate goals, services, positive behavior strategies, supports, and other interventions, the IEP team must initiate an evaluation or reevaluation. The IEP team must provide notice of the evaluation and complete a thorough review of existing data before requesting consent for completing any new assessment, including an FBA. An FBA may be part of a comprehensive special education evaluation when the LEA determines an evaluation of a student's behavioral needs are warranted; or if the student's parent or teacher requests a reevaluation to address a student's behavioral needs and there is not sufficient existing information with which to review and revise (as appropriate) the student's IEP.

Some tools often associated with an FBA may be used to monitor progress of a student's IEP goal. Examples may include but are not limited to student, family, or educator interviews, rating scales, and focused observations. These additional assessment measures may provide information on the

progress the student is making over time and can help identify new or different disability-related needs, IEP goals, and services when the IEP is reviewed and revised.

Many tools often associated with an FBA can be used as a routine part of a school-based problem-solving team process, such as Culturally Responsive Problem Solving or a school's strategic use of data as part of equitable multi-level systems of support (MLSS). Universal screening and progress monitoring data that gathers information by reviewing existing data, gathering input from classroom teachers and other educators, cumulative and behavioral records, and positive behavior intervention and supports (PBIS) data are routinely used by school-based problem-solving teams to determine interventions and assess their effectiveness. This broad collection of information and data can inform what the student needs within their school's continuum of supports and should be documented in the student's present level of academic and functional performance.

16. Is a “brief FBA” an FBA under IDEA?

The term “brief FBA” does not appear in the Individuals with Disabilities Education Act (IDEA) or the accompanying federal regulations. The national Center on PBIS provides the following guidance on how to conduct a “brief” FBA.

“The goal of a streamlined or “brief” FBA is to prioritize 1 or 2 of the most concerning student behaviors to be addressed and identify the school routine(s) (e.g., independent seatwork, less structured times such as lunch or recess) in which the behavior is most likely to occur. After receiving parent/family member consent for evaluation [the] FBA/BSP [BIP] process includes...” [a focused interview with staff and direct observation of the student behavior of concern.]

Center on PBIS, January 2022, Tier 3 Brief Functional Behavior Assessment (FBA) Guide, p.6.

Some districts in Wisconsin engage in a process that uses some of the components of a functional behavior assessment as a routine part of a school-based problem-solving team process, such as [Culturally Responsive Problem Solving](#) or a school's strategic use of data as part of their equitable multi-level systems of support (MLSS) commonly referred to as positive behavior intervention and supports (PBIS) or Response to Intervention (RTI). When an individual or team believes that an FBA needs to be conducted due to the frequency, intensity or duration of specific behaviors, this is likely to trigger the LEA child find obligation under the IDEA. Gathering in-depth, individual data related to a student's social, emotional or behavioral functioning is an indication that an LEA either does or should suspect that a student may have a disability under IDEA. An FBA is an assessment that must be conducted in a manner that ensures procedural safeguards have been provided to parents and students. This includes initiating a special education referral, providing notice and obtaining informed written consent and following the required procedures in conducting the evaluation and determining eligibility.

When considering the use of a “brief FBA”, LEAs must ensure staff are fully trained on what types of screenings, assessments, or other data collection tools may trigger child find requirements under IDEA and therefore require consent for a comprehensive special education evaluation of the student.

17. Are there times when an FBA is required?

Yes. An FBA is required under specific circumstances, including: (1) as part of a manifestation determination; and (2) when seclusion or restraint is used on a student with an IEP.

34 CFR §300.530(f)(1)(i). Under IDEA, an FBA is required when the behavior is a manifestation of the student's disability, unless the LEA had previously conducted an FBA.

FBA requirements as part of a manifestation determination include:

- Conducting an FBA if the behavior resulting in the proposed disciplinary change of placement is found to be a manifestation of the student's disability. A disciplinary change of placement occurs when the student's removal is for more than 10 consecutive school days or when a series of removals constitutes a pattern. A series of removals constitute a pattern when:
 - the student has been removed for more than 10 cumulative school days in a single school year; AND
 - the behavior is substantially similar to previous incidents; AND
 - other additional factors are considered, such as the length of each removal, the total amount of time removed, and the proximity of the removals to one another.

When the behavior is found to be a manifestation of the student's disability, an FBA must be conducted if the student does not already have a behavior intervention plan. If the behavioral interventions and supports documented in the behavior intervention plan are not effective in reducing the student's behavior that interferes with learning or learning of others, the IEP team should determine whether or not the IEP and behavior intervention plan require revision. The IEP team should discuss data and information, including progress toward relevant IEP goal(s), related to whether or not the interventions and supports address the student's unique and individual disability-related needs, and whether the interventions and supports have assisted the student in accessing, engaging, and making progress in age or grade level curriculum, instruction, environments, and activities. If the behavior intervention plan is not effective, a functional behavioral assessment may be needed.

If a student receiving special education through an IEP is subjected to a disciplinary change of placement and the behavior was found *not* to be a manifestation of the student's disability, the student may be disciplined in accordance with the disciplinary procedures followed for non-disabled students under similar circumstances. The student must continue to receive educational services in order to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the student's IEP goals. The IEP team determines the services and the setting(s) in which the services will be provided. The LEA maintains the responsibility to provide a FAPE to the student. The student must also receive, as appropriate, a FBA and BIP using positive behavior interventions and supports designed to address the conduct so it does not recur.

FBA requirements as part of 2019 Wisconsin Act 118 (Seclusion and Restraint)

If seclusion or restraint is used with a student with an IEP twice in the same school year, the IEP team must meet within 10 school days of the second incident. The IEP team must review the student's IEP and revise it if necessary to ensure the IEP includes appropriate positive behavioral interventions and supports, and other strategies to address the behavior of concern, based on a functional behavioral assessment. An FBA is an assessment procedure that triggers all relevant procedural safeguards for parents and students, including obtaining informed written consent. When an FBA is required as part of a manifestation determination or under Wisconsin Act 118 seclusion and restraint provision, the reevaluation should be expedited.

18. Can an FBA be conducted when it is not required?

Yes. IEP teams should consider conducting Functional Behavior Assessments even when not required. For example, an FBA is an appropriate tool to use as part of an initial comprehensive special education evaluation or reevaluation, to determine eligibility for special education services, and to identify the student's unique needs when a student's behavior impacts the student's learning or learning of others. The IEP team may determine an FBA is needed based on a review of existing data, including disciplinary referrals or poor attendance, or based on any concerns outlined in a referral for special education. An FBA may also be conducted if the student's parent or teacher requests a reevaluation to address a student's behavior needs and information from an FBA is needed because there is not sufficient existing information with which to review and revise (as appropriate) the student's IEP.

The IEP team should consider conducting an FBA if they do not have enough current information with which to identify appropriate positive behavior interventions and supports, and the LEA determines that the educational or related services needs, including improved academic achievement and functional performance of the student, warrant a reevaluation. The IEP team should consider conducting an FBA if an IEP team member suspects the student's behavior impedes learning or the learning of others, if the student's behavior results in an imminent threat to their physical safety or the safety of others, or if the school's response to student behaviors is discipline, removal from the educational environment, including shortening the student's school day.

19. Is an FBA required for every student within specific disability categories, such as emotional behavioral disabilities or autism?

No. FBAs should not be conducted solely based on a student's disability category such as autism or emotional behavioral disability. Rather, when the IEP team determines a student's behavior interferes with their learning or that of others, conducting an FBA can be useful in determining the root cause or function of the behavior and developing appropriate targeted, positive behavioral interventions and supports. This applies to all students, aged 3-21, regardless of the student's category of disability.

20. Should the data and findings of an FBA be documented in the student's IEP?

Yes. The primary vehicle for providing FAPE is through an appropriately developed IEP. If the student's behavior interferes with their learning or the learning of others, the IEP must address that behavior. An FBA provides understanding of the function or root cause of a student's behavior, which is then used to develop strategies and supports to address the root cause in order to meet the student's behavioral needs. There is no required format for an FBA. Documentation of the FBA is included in the evaluation report. Data from the FBA should also be incorporated into the IEP as part of the present level of academic achievement and functional performance. The IEP team can use the data to describe situations or settings in which the student is most and least likely to demonstrate the behavior that interferes with learning (e.g., changes to the learning environment through use of accommodations). Under the Special Factors section of the IEP, the IEP team must indicate if an FBA has been conducted and the date it was completed, and if behavior impedes the student's learning or that of others.

21. Is a separate BIP a required component of an FBA?

No. Developing a BIP is done through the IEP team process and is a separate process from conducting an FBA. The results of the FBA do not necessarily require the creation of a BIP unless the IEP team determines it is necessary, or a manifestation determination (as described above) occurs. Components of the BIP should be incorporated within the IEP (e.g., supplementary aids and services to support the behavior needs of the student). For students whose behavior interferes with their learning or the learning of others, the IEP must address the student's behavior needs, and include positive behavioral interventions and supports. These are documented in the Program Summary or as a separate document attached to the IEP and referenced in the Program Summary. A BIP is a component of the student's IEP. The BIP must clearly describe the type of service provided, and the frequency, amount, location, and duration of that service.

A BIP is required when a manifestation determination determines that the student's conduct was a manifestation of the student's disability. If the district, the parent, and relevant members of the IEP team make the determination that the student's conduct was a manifestation of the student's disability, the IEP team must either conduct an FBA, unless the LEA had conducted a previous FBA, and implement a BIP for the student. If a BIP has already been developed, the IEP team must review the BIP, and modify it as necessary, to address the behavior.

22. Can positive behavioral interventions and supports, including those found in a BIP, be included in an IEP without conducting an FBA?

Yes. Positive behavioral interventions and supports, including those found in a BIP, can be included in an IEP without conducting an FBA assuming the most recent evaluation or reevaluation was comprehensive, and the team has adequate current data to identify the student's disability-related needs, IEP goals, and services as part of the IEP development.

The following are examples of when the IEP team may have enough information to determine the positive behavioral interventions and supports to meet a student's disability-related need(s). IEPs can be revised either through an IEP meeting or using Wisconsin DPI model IEP form I-10 to update

the student's disability-related needs, IEP goals, and special education services in the Program Summary.

- The nature of the student's behavior need is such that the IEP team determines a positive behavioral intervention and supports that is used universally will address the need, (see Question #5)
- Regular monitoring of the student's progress toward IEP goals identifies the need for new or different types of positive behavioral interventions and supports,
- Positive behavioral interventions and supports were identified through the general education program such as through a universal screener provided to all students through the school's multi-level system of support,
- The IEP team identified the student's behavioral need(s) related to positive behavioral interventions and supports based on the IEP teams' knowledge of positive behavioral interventions and supports and the disability-related needs of the student.

Functional Behavior Assessments Resources

Wisconsin DPI Resources

- [College and Career Ready IEPs](#)
- [Comprehensive Special Education Evaluations](#)
- [Culturally Responsive Problem Solving](#)
- [Functional Behavioral Assessment](#)
- [Inclusive Strategies to Address Behavioral Needs for Students with IEPs](#)
- [Social and Emotional Learning](#)
- [Trauma Sensitive Schools Online Professional Development](#)
- [Wisconsin DPI Special Education Bulletins Index](#) (links to bulletins on a variety of topics including discipline for students with disabilities, shortened school day, and providing Free and Appropriate Public Education)
- [Wisconsin's Framework for Equitable Multi-Level Systems of Support](#)
- [Wisconsin School Mental Health Framework](#)

Office of Special Education Programs (OSEP)

- [2022 OSEP Discipline-Behavior Guidance webpage](#) that includes:
- [Reducing Exclusionary Practices](#)
- [Dear Colleague Letter on Implementation of IDEA Disciplinary Provisions](#)

- [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#)
- [Questions and Answers Addressing the Needs of Children with Disabilities and IDEAs Discipline Provisions](#)
- [Addressing Discipline Disparities](#)
- [Creating a Positive Predictable Environment](#)
- [Implementing Evidence-Based Approaches to Respond to Student Needs: Data-Based Decision Making](#)
- [Implementing Evidence-Based Approaches to Respond to Student Needs: Multi-Tiered Systems of Support \(MTSS\)](#)
- [Implementing Evidence-Based Approaches to Respond to Student Needs: Positive Behavior Intervention and Supports \(PBIS\)](#)
- [Professional Development to Support Social, Emotional, and Behavioral Needs](#)
- [Personnel Preparation to Address Social, Emotional, and Behavioral Needs](#)
- [Reducing Exclusionary Practices](#)
- [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs](#)
- [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 and an accompanying Fact Sheet](#)

Additional resources to support behavior needs of students includes:

- [Center for Parent Information and Resources: Functional Behavioral Assessment Collection of Resources](#)
- [Lives in the Balance website](#) including [Collaborative Problem Solving Materials](#)
- [National Center for Pyramid Model Practices](#)

For questions about this information, [contact the DPI Special Education Team](#) (608) 266-1781.