



## SPECIAL EDUCATION

# FAQ

---

## Emotional Behavioral Disability Rule Change Frequently Asked Questions

### TABLE OF CONTENTS

[Questions related to Section I. of the criteria form: Emotional Behavioral Functioning](#)

[Questions related to Section II. of the criteria form: Requirements](#)

[Questions related to Section III. of the criteria form: Additional Requirements](#)

This document provides answers to frequently asked questions regarding the new rule for identifying an emotional behavioral disability, which went into effect December 1, 2021.

## Questions related to Section I. of the criteria form: Emotional Behavioral Functioning

- 1. If a student exhibits different frequent and intense observable behaviors in different settings, could this student meet the criteria for emotional behavioral disability? For example, how should the team consider a student who is physically aggressive in one setting but is withdrawn or isolated in another?**

Students who experience barriers to positive social, emotional, or behavioral development will behave differently in response to different ecological factors, just as any person responds differently to different environments and stimuli. For more information on ecological factors see question 25 or visit [Bronfenbrenner's Ecological Systems Theory](#).

Some students with emotional behavioral disability may demonstrate the same frequent and intense behaviors across all environments, but it is also not uncommon for a student to respond differently in different contexts. The IEP team must determine whether a pattern of frequent and intense observable behaviors are present in an academic setting in school, non-academic setting in school, and home or community environments. The team will need to identify pervasive patterns rather than discrete behavioral responses and consider the adverse effect on the student's educational performance. So, if a student demonstrates frequent and intense physical aggression in non-academic environments, and frequent and intense isolation in academic settings this student may be a student with an emotional behavioral disability.

- 2. Are teams required to administer standardized academic achievement and cognitive ability tests for the purpose of assessing a student's insufficient progress toward meeting age or grade level academic standards?**

At the review of existing data, the IEP team will ask educationally relevant questions and determine if concerns in academic achievement or cognitive learning need to be explored. The IEP team would then plan for the necessary assessments, which could include standardized academic achievement or cognitive ability assessments. Other suspected reasons for insufficient progress may also need to be considered.

If the team determines that the insufficient progress is due to intellectual, sensory, or health factors, the student does not meet the criteria for this characteristic of emotional behavioral disability. The team may consider whether the student demonstrates one or more of the other characteristics of emotional behavioral disability, meets criteria under a different disability category, or does not meet criteria for any disability category.

**3. When assessing the impact of isolation from peers or avoidance of social interactions, what are considered instructional activities in non-academic, home, or community settings?**

Teaching and learning do not start and end in the classroom or when the school day starts and ends. Examples of instructional activities in the non-academic setting at school, or home and community could include activities where school staff are teaching playground games or cafeteria expectations. They include activities where family members or community members pass on skills and knowledge that align with family values or traditions such as cooking, how to pitch a tent, out-of-school-time programs, learning to play a game, sport, or musical instrument. They could also include community-based learning activities such as sports or clubs where skills are taught including athletic teams, boy or girl scouts, music lessons, and church or community groups and clubs.

The isolation or avoidance must be observable, frequent, and intense such that it interferes with the student's learning, participation, relationships, or sense of safety and belonging. The team will need to consider if the student prefers to work or be alone, or if the student experiences a negative educational impact from the isolation. If the student prefers to be alone, the IEP team will need to consider the impact of that preference on the student's ability to access, engage and make progress in age or grade level general education curriculum and instruction.

**4. What is observable for pervasive unhappiness, depression, and anxiety, or what are commonly referred to as “internalizing behaviors”?**

In situations in which the IEP team is assessing potential “internalizing behaviors,” such as pervasive unhappiness, depression, or anxiety, observations will focus on symptoms or behaviors commonly associated with the characteristic of concern. For example, a student experiencing anxiety may avoid situations, activities, or people.

Other observable behaviors may be lack of participation, social withdrawal or limited interactions, failure to begin or complete tasks, excessive absences, frequent trips to school nurse or bathroom, negative self-talk. Establishing an operational definition of the behavior to be observed that can be quantified in terms of intensity, frequency, rate or duration will allow observations of “internalizing behaviors.” This data will then be analyzed within the context of other data sources, such as interviews and standardized rating scales, to assist the IEP team in determining whether the internalizing behaviors are frequent and intense and whether they adversely affect the child’s educational performance.

**5. Are “specials” classes, such as art, music, physical education, considered an academic setting in school or non-academic setting in school?**

As a general rule, academic settings are settings in which state academic standards or functional skill competencies, such as Social Emotional Learning Competencies, are taught and assessed. Academic settings in school may include: direct instruction, small group instruction, independent work completion, group projects, classroom based activities; community based instruction; content areas, art, music, physical education; field trips; etc.

IEP teams will need to discuss the expectations in the various school settings to determine if they are academic or non-academic. For example, field trips could be either an academic setting in school or a non-academic setting in school depending on the expectations and purpose of the field trip.

**6. What are examples of non-academic settings in school?**

As a general rule, non-academic settings are settings in which state academic standards or skill competencies, such as Social Emotional Learning Competencies, are not systematically taught or assessed. Non-academic settings in school may include recess periods, meals, transition times, school bus (transportation to and from school, to and from field trips or any school related function), field trips, play time, on school grounds before and after school, while waiting for transportation or after arriving to school, extracurricular activities, and school sponsored social events.

IEP teams should identify academic and non-academic settings during the Review of Existing Data process when planning the required assessment activities. Field trips could be either an academic setting in school or a non-academic setting in school depending on the activities, expectations, and purpose of the field trip. For example, a trip to the zoo where children are able to walk around and visit whatever displays they want is more likely to be considered non-academic than a trip to the zoo where students receive a guided tour, listen and learn from a zookeeper and then are required to complete an assignment related to what they learned.

**7. How does a team evaluate and consider emotional behavioral disability for a 3-, 4-, or 5-year-old who does not attend school given that behaviors must occur in an academic setting in school and non-academic setting in school?**

When evaluating a child who has not yet reached the age of compulsory school attendance, the IEP team will consider the activities and settings that are developmentally appropriate for a child of that age. Environments may include childcare, private preschool, play groups, Head Start, regular education early childhood programs including four-year-old and five-year-old kindergarten, or religious education programs. It is important to focus on the child's behavior across a variety of settings and activities, both structured and unstructured, which could be considered academic or non-academic settings for younger children.

If a child who is younger than compulsory school age has not had the opportunity to participate in a setting that the IEP team considers "school" or a developmentally appropriate learning setting, the IEP team needs to consider if the child is in any academic settings. If the child has not been in an environment that the team deems to be "school", the student would not meet the criteria of emotional behavioral disability because any identified behaviors do not occur in an academic setting in school.

**8. How does an IEP team determine if a student demonstrates frequent and intense observable behaviors which adversely affect the student's educational performance?**

The observable behaviors of concern must be more frequent and intense than the normal or typically expected range

of behavior for students of a similar age, grade, background, culture, race, ethnicity, gender, sexual orientation, and/or socioeconomic status. The scope and intensity must be outside of the typical developmental expectations and the norms of the student's family, community, or culture. The observable behaviors of concern must be of such intensity, frequency, rate, and duration that they are clearly evident to school staff and others familiar to the student. They must be overt, acute, and observable, and not confined to a single setting or relationship.

Behaviors within each of the characteristics of emotional behavioral disability must be both frequent and intense. It is the job of the IEP team to determine whether an individual's behavior is frequent and intense. There is no fixed definition of frequent or intense because these determinations are made at the individual student level taking into consideration the student's family, community, and cultural norms. In its analysis, the IEP team should also take into consideration the relationship between a behavior's intensity and frequency. That is, the more intense a behavior, the less often it needs to occur to be considered frequent. For example, when evaluating a student who engages in non-suicidal self-injury, the team would consider fewer occurrences of that behavior as potentially being frequent than a student who avoids social interactions with peers.

The observable behaviors must hamper the student's ability to access, engage and make progress in age or grade level general education curriculum, instruction, environments, or activities. Learning and educational performance goes beyond academic performance. Assessing an adverse effect requires the IEP team to consider all aspects of the child's functioning at school, including academic, cognitive, communication, physical and health, independence and self-determination, and social and emotional learning. Educational performance includes all skill areas the student needs in order to participate in, have access to and make progress in the general education curriculum and environment.

**9. How does an IEP team determine if frequent and intense observable behaviors have occurred over a long period of time?**

The term "long period of time" requires that the student exhibit one or more of the characteristics long enough to be considered chronic, habitual, or persistent. No specific period of time is offered in federal regulations. Determining whether a behavior has occurred over a long period of time depends on multiple factors including the individual

student, their chronological age, ecological factors, and the intensity of the behavior. For example, a long period of physical symptoms in response to personal or school problems (such as visits to the school nurse due to complaints of stomach pain for which no medical or physical cause can be identified) is different than a long period of non-suicidal self-injury (such as cutting). Similarly, several months in the life of a six-year-old may be a much more significant period of time than several months in the life of a sixteen-year-old. The observable behavior should not be typical of the child's developmental level, ethnic or cultural norms, or due to a situational stressor. Situational stressors may include parents divorcing, serious illness or death in the family, serious injury or illness of the student, transition to a new level of school, mismatch with instructional style, a new sibling, or short-term family financial crisis. In such situations, it is necessary to determine whether the behavioral characteristics have continued beyond the expected range of time for normal adjustment, based on the cultural and ethnic norms of the child or child's community.

**10. Does the frequency and intensity of observable behaviors need to be the same for reevaluations? What if the special education services lessen the frequency and intensity?**

IEP teams must apply the same criteria for both initial and reevaluations when considering an emotional behavioral disability. Because it is a high stakes decision, and due to the racial disproportionality in Wisconsin and the poor outcomes for students identified with an emotional behavioral disability, it is important the IEP team look closely to determine if the student continues to meet the criteria for an emotional behavioral disability.

One of the questions the IEP team will need to address at a reevaluation is the continued nature and extent of the special education service needs of the student. If the current IEP services are providing the support needed to lessen the frequency and intensity of the observable behaviors, the IEP team will want to discuss and consider if the student has made progress because of the services, and if there would be an adverse educational effect if the services were removed. On the other hand, it may be time to begin to fade or gradually eliminate those services. A good practice is to begin to explore the need for the special education services and supports prior to the reevaluation so data can be collected, analyzed, and appropriate decisions made. The IEP team would want to clearly document the discussion and the decision.

For all reevaluations, in addition to meeting disability category criteria, the IEP team must identify a need for specially designed instruction for the student to continue to receive special education services. If the student only requires supplemental aids and services (e.g., behavioral accommodations), then the student would no longer be eligible to receive special education services via an IEP but may be a student with a disability under Section 504 and receive reasonable accommodations through a 504 plan.

**11. Who is considered a *licensed mental health professional* when considering the sudden onset due to an emerging mental health condition?**

Determining who qualifies as a licensed mental health professional is an IEP team decision. Community-based licensed mental health professionals include, but are not limited to, a licensed physician, an advanced practice nurse, clinical social worker, or a licensed psychologist. In the case of a diagnosis, the community-based licensed mental health professional should provide written documentation of the diagnosis.

**12. In a sudden onset situation where the child may have been evaluated through a community-based provider, like a clinic or mental health center, can the district use some of the medical evaluation data and information as part of the documentation?**

Outside evaluations and other information shared by the family may provide supporting or new information about the student's academic and functional skills important for determining the nature and extent of the student's disability-related and educational needs. The IEP team would document and consider the diagnoses while conducting assessments to investigate whether the symptoms of the diagnoses are evident at school and adversely affect the student's educational performance. The student must exhibit one or more of the characteristics of emotional behavioral disability and the IEP team must consider data from the sources required by the rule. In such circumstances as a sudden onset, there may be a high frequency and intensity of observable behaviors over a shorter period of time or multiple acute episodes.

**13. What are examples in which an IEP would consider the sudden onset due to an emerging mental health condition?**

In general, although certainly not exclusively, frequent, and intense observable behaviors of sudden onset due to an emerging mental health condition would be disorders that tend to emerge rather quickly during adolescence, such as eating disorders, anxiety, depression, mood disorders, disorders that may include non-suicidal self-injury. “Sudden onset” disorders such as these often involve relatively intense behaviors. When this occurs, the LEA should respond quickly to start providing evidence-based positive behavioral interventions to support the student, through the LEA's equitable multi-level system of support and in the general education environment. If this happens in parallel to a 60-day special education evaluation timeline, the team will have data to consider and discuss.

**14. If a district initiates a referral and suspects the student may be experiencing the sudden onset of an emerging mental health condition, is the district responsible for the cost of an outside psychological evaluation or a diagnosis?**

The new consideration of “sudden onset due to an emerging mental health condition” was added only to allow IEP teams to consider an emotional behavioral disability in circumstances when the student’s behaviors have not been occurring “over a long period of time.” A diagnosis of a mental health condition is not required if the behaviors have been exhibited over “a long period of time.” This change is to respond to situations where a student shows a more rapid onset of high frequency or intensity of observable behaviors over a shorter period of time or multiple acute episodes. A diagnosis alone is not sufficient evidence of an emotional behavioral disability.

In order to use the “sudden onset” criteria, the IEP team must review the diagnosis by a licensed mental health professional. However, school personnel may not require parents to obtain a diagnosis before proceeding with a special education evaluation. If the IEP team wishes to evaluate a student using the “sudden onset” provision and the parent has not yet obtained a mental health diagnosis, the district would have to obtain the diagnosis at district expense.

However, if the outside evaluation or diagnosis was pursued and obtained by a parent or guardian independent of a special education referral and evaluation and later presented to the LEA, the LEA would not be responsible for any associated costs.

**15. Is there an exception to the 60-day evaluation timeline if a student is on an extended waitlist to receive an evaluation by an outside mental health provider?**

No. Under IDEA, there are three exceptions to the 60-day evaluation timeline. 34 CFR 300.301(d). They include:

- The parent of a student repeatedly fails or refuses to produce the student for the evaluation.
- A student enrolls in a school of another LEA after the 60-calendar-day timeline has begun but before a determination of eligibility or continuing eligibility by the student's previous LEA.
- There is a written agreement with the parent to extend the timeline to complete the evaluation of a student suspected of having a specific learning disability.

A diagnosis from an outside mental health provider is only required when the student's behaviors have not been occurring "over a long period of time." None of these allowable exceptions apply to obtaining an outside diagnostic evaluation. If one cannot be obtained in a timely manner, the IEP team must make a disability category determination and special education eligibility decision based on the documentation of frequent and intense observable behaviors over a long period of time.

### **Questions related to Section II. of the criteria form: Requirements**

**16. Are teams required to collect data from all the required data sources when the IEP team is conducting a reevaluation of a student already identified as having an emotional behavioral disability?**

For reevaluations in which the team is considering whether the student continues to have an emotional behavioral disability, the IEP team will use the same required assessment tools and data sources to assess one or more of the seven characteristics of emotional behavioral disability. In many cases for reevaluations, the IEP team may have existing data from some or all the required data sources through a well-designed and implemented IEP for a student who is identified with an emotional behavioral disability. For example, a student who is receiving special education

services to address social, emotional, or behavioral needs should already be receiving evidence-based positive behavioral interventions that address those needs and are monitored through data collection procedures via their IEP. Additionally, a student's IEP team may be conducting systematic observations across multiple environments in academic and non-academic settings as part of monitoring progress toward IEP goals. The same may be true for interviews. In these or similar circumstances, the IEP team may determine during the Review of Existing Data process that there is existing data for one or more of the required data elements within the rule or what additional data, if any, are needed to determine whether the student has a disability and the educational needs of the student.

During the Review of Existing Data, IEP team members must determine whether or not any existing data meets the requirements within the rule and that the data is recent enough that it reflects the student's current functioning in order to assist the IEP team in determining whether a student meets the criteria for emotional behavioral disability AND needs specially designed instruction.t (34 CFR 300.305).

#### **17. What if poor attendance makes it difficult to collect any of the needed assessment requirements for reevaluation?**

If a student with a disability is not attending school regularly, the IEP team should address this situation well before initiating a reevaluation by working with the student and their caregivers, investigating root causes for the lack of attendance, and making any appropriate changes to the IEP that address the concerns. Teams could consider conducting a root cause analysis to identify new or different disability-related needs and should consider implementing evidence-based interventions designed to improve the student's attendance. The lack of attendance and engagement in school in itself may be an indicator or symptom of one or more characteristics of emotional behavioral disability such as anxiety, depression, or isolation from peers.

When poor attendance makes it difficult to collect any of the required assessment data for reevaluation, use strong caution when considering dismissal because the IEP team was not able to collect the needed data. Students with disabilities who have not graduated with a regular high school diploma have a right to FAPE until the age of 21. IEP teams need to proceed carefully when considering ending eligibility for FAPE.

IEP teams will also want to document and discuss the impact that student's absences have on collecting the data, and the impact the absences have on the student's ability to access and make progress in the general education curriculum. For example, in a situation where a student with severe anxiety is frequently absent because of the symptoms of that mental health condition, the absences become part of the documented attempted observations. The absences are documented through review of educational records, interviews with teachers, the interview with the family, and any documented attempts to interview the student. The IEP team would also document if it were unable to gather valid rating scale results from two sources from school due to staff members not having enough interaction with the student to provide accurate ratings.

The current data considered would be the documented attempts and the IEP team would document all attempts of meeting the assessment requirements when making a determination.

**18. What is considered an evidence-based positive behavioral intervention? What are the requirements for evidence-based positive behavioral interventions implemented within general education settings?**

The rule does not define evidence-based positive behavioral interventions. In general, the IEP team should be able to justify the intervention based on the research that documents its effectiveness and matches the needs of the student. There are no specific requirements in the rule as to the number of days or weeks of implementation, though the evidence-based intervention should be implemented with fidelity. The team could consider the results of an intervention that occurred prior to the referral or the results of an intervention that may have only occurred during the evaluation cycle. The rule was written in a way to allow IEP teams flexibility to individualize the evidence-based positive behavioral interventions for the circumstances of the student being evaluated.

Evidence-based intervention resources can be found by following the links below:

- [What Is an Evidence-Based Behavior Intervention? Choosing and Implementing Behavior Interventions That Work](#)
- [Evidence Based Intervention Network](#)
- [Evidence for ESSA](#)

- [National Center on Intensive Intervention](#)
  - [The Five Steps of DBI](#) (Data-Based Individualization)
- [What Works Clearinghouse](#)

**19. What if the evidence-based positive behavioral intervention is working? Does that mean the student would not meet the criteria for emotional behavioral disability?**

If the intervention is working, it is an indication to the IEP team that the needs of the student are being met. However, the results of the intervention are only one of the seven required data points used by the IEP team to determine if the student meets criteria for an emotional behavioral disability. No single data point, including the student's response to evidence-based positive behavioral interventions should be the sole determining factor for determining whether or not a student meets the criteria. In the case of a scenario where a student responds well to an intervention, the IEP team will need to determine if the student requires specially designed instruction to continue the progress made or if the needs of the student are being met without specially designed instruction and the right supports are in place. If the student only requires supplemental aids and services (e.g., behavioral accommodations), then the student is not eligible, or no longer eligible, to receive special education services via an IEP, but may be a student with a disability under Section 504 and receive reasonable accommodations through a 504 plan.

**20. How do teams implement evidence-based positive behavioral interventions within general education settings for students not attending public schools, such as 3–5-year-olds in childcare settings, students attending a private school, or students attending home-based private education?**

The IEP team would communicate and collaborate with the private childcare, private school and, or family to set up an evidence-based positive behavioral intervention appropriate for that particular setting that addresses the student's social, emotional or behavioral needs. The rule allows IEP teams the flexibility they need to individualize the evidence-based positive behavioral interventions for the circumstances of the particular student being evaluated. There are many evidence-based interventions that can support a student's social, emotional and behavioral functioning and development that do not require direct face-to-face interaction with an IEP team member. For example, an IEP team

member could serve as a consultant to assist childcare providers, private school staff or the family in designing and implementing a token economy, visual supports, check-in and check-out system, or other evidence-based strategy that targets a student's specific area of behavioral need. As a reminder, the results of the intervention are only one of the seven required data points used by the IEP team to identify an emotional behavioral disability and determine eligibility for special education services. No single data point, including the student's response to positive behavioral interventions would be the sole determining factor for determining whether or not a student meets the criteria.

**21. What do we do if a parent requests a special education evaluation to consider an emotional behavioral disability and there are no significant behaviors in the school? Do we need to provide evidence-based positive behavioral interventions within general education settings?**

If a parent requests a special education evaluation, the LEA must conduct a comprehensive evaluation within 60 days of receiving parental consent to collect additional data. As part of the comprehensive evaluation, the IEP team must consider current data from the results of evidence-based positive behavioral interventions implemented within general education settings. During the review of existing data process, the student's IEP team may determine this data already exists. If not, the team may determine that additional data is needed to consider whether or not the student has an emotional behavioral disability, and the team would need to implement an evidence-based positive behavioral intervention plan to meet this requirement.

**22. Will documentation of evidence-based positive behavioral interventions be a requirement if a sudden onset of a mental health condition occurs?**

Yes. The sudden onset of a mental health condition allows IEP teams to consider an emotional behavioral disability in circumstances when the student's behaviors have not been occurring "over a long period of time." The IEP team is still responsible for conducting a comprehensive special education evaluation that meets the requirements of the rule. Due to the sudden onset of the frequent and intense observable behaviors, the requirement of an evidence-based positive behavioral intervention may be more intensive and may occur for a shorter duration than interventions that

address behaviors that have persisted over a long period of time. This may mean that the intervention may have only occurred during the evaluation cycle.

**23. Can an IEP team get an extension to allow for the implementation of the required evidence-based positive behavioral intervention within general education settings?**

No. There was no change for when an exception to the timeline is allowed with the new intervention requirement. There are three exceptions to the 60-calendar-day evaluation timeline:

1. The parent of a student repeatedly fails or refuses to produce the student for the evaluation.
2. A student enrolls in a school of another LEA after the 60-calendar-day timeline has begun but before a determination of eligibility or continuing eligibility by the student's previous LEA.
3. There is a written agreement with the parent to extend the timeline to complete the evaluation of a student suspected of having a specific learning disability.

The team could consider the results of an intervention that occurred prior to the referral or the results of an intervention that may have only occurred during the evaluation cycle.

**24. What if the student is chronically absent and therefore not available to receive or participate in an evidence-based positive behavioral intervention? Does that automatically mean the student does not meet criteria?**

The results of the intervention are only one data point (of the seven included in the rule requirements) used by the IEP team to identify an emotional behavioral disability and determine eligibility for special education services. No single data point, including the student's response to positive interventions would be the sole determining factor for determining whether or not a student meets the criteria. In a situation where a student is chronically absent, the IEP team would want to document the attempts to engage the student in a positive intervention targeting improved attendance and the results of those attempts. [Evidence for ESSA](#) provides evidence-based attendance programs which can be found by following the link: [Evidence-Based Attendance Programs](#)

Through the other assessment requirements (interview, observation, standardized behavior rating scales), the IEP team would determine if the preponderance of evidence indicates an emotional behavioral disability. Additionally, the IEP team would want to explore the barriers to the student attending school to try to identify the root cause.

The IEP team would also want to consider if one or more of the characteristics of an emotional behavioral disability are contributing factors to the student's lack of attendance, such as symptoms related to a mental health condition, which result in an adverse educational effect. The team should also focus data collection on ecological factors that may be creating barriers to attendance and ensure they are not attributing poor attendance to unfounded, untrue or unalterable factors.

**25. What is the definition of “ecological factors,” and how do IEP teams assess how they impact a student’s behavior?**

Ecological refers to the environments of living things or to the relationships between living things and their environments.” According to Bronfenbrenner’s ecological systems theory, which can be found at [Bronfenbrenner’s ecological systems theory](#), a child’s development is made up of a complex leveled system of relationships between the various environments in that child’s life. It is an interaction between the child’s immediate setting consisting of family, school and neighborhood and expanding out to the broader environment of laws, customs, attitudes, and ideologies of the cultural values.

For evaluation purposes, considering ecological factors means the IEP team will assess and review the various factors that influence and support the child including, but not limited to, the child’s family, peer group, classroom, school, school board policy, and community. It means that the IEP team will look not just at the student alone but consider the influence and interaction of the relationships and systems around the student. When it comes to the school setting, the IEP team will assess, analyze, and discuss instruction, curriculum and environment in addition to the learner. IEP teams are required to assess ecological factors as part of the required systematic observations and interviews. These activities should be specifically designed and structured to ensure they gather data related to the ecological factors

defined within the Bronfenbrenner model or within the RIOT/ICEL matrix, which can be found at [Intervention Central's RIOT/ICEL Matrix](#). The IEP team then uses the data collected from the child, caregivers, teachers, and observations to analyze and discuss all of the known factors that are impacting the student's behavioral responses.

**26. How can teams conduct interviews that include gathering information regarding the child and family's norms and values, as well as other ecological factors that may impact the child's behavior?**

A key point when planning the interviews is to understand that there is no one right way and that it is highly individualized. Some things to keep in mind when making the interview plan is to know what you are asking, how you are asking, and why you are asking in an effort to:

- Identify student strengths and needs
- Identify ecological factors influencing behavior
- Confirm or disconfirm characteristics identified by other sources (observations, standardized rating scales, etc.)

Some resources include:

Foundational Resources can be found by following the links below:

- [Addressing Bias in a Comprehensive Special Education Evaluation](#)
- [Vulnerable Decision Point 3: Collecting Additional Information](#)
- [Promoting Excellence for All eCourse](#)

More specific information can be found by following the links below:

- [Culturally Responsive Interviewing: Proactive Strategies for BIPOC Students](#) (blog)
- [Culturally Responsive Interviewing: Proactive Strategies for BIPOC Students](#) (NASP on-demand webinar)
- [Sample questions from Jones Intentional Multicultural Interview Schedule](#)
- Jones, Janine. "[Best Practices in Multicultural Counseling.](#)" In Best Practices in School Psychology V, edited by Alex Thomas and Jeff Grimes, Ch. 111. Bethesda, MD : National Association of School Psychologists, 2008.

Additional Models and Tools to consider when developing an interview plan can be found by following the links below:

- [RESPECTFUL model](#)
- [ADDRESSING Framework](#)
- [DSM 5 Cultural Formulation Interviews](#)

**27. How should a team proceed if they are unable to get a standardized behavioral rating scale from the parent or guardian?**

Because this is a high stakes decision, the IEP team will need to problem solve, including multiple attempts by multiple means to get the parent’s input. Additionally, the rule requires a source from home OR community (not both), so the information could come from other sources such as a coach, club leader, tutor, or mentor.

**Questions related to Section III. of the criteria form: Additional Requirements**

**28. Is including the LEA staff member, identified by the child, when possible, as having a positive or the most positive relationship with the child as part of the IEP team a “MAY” or a “MUST”?**

It is ideal to have the staff member identified by the student attend the meeting, and is a way to ensure the student’s strengths, assets, and interests are represented by a caring adult from school. It provides IEP teams a systematic way to embed Trauma Sensitive Schools core values of safety, trust, choice, collaboration, and empowerment into the evaluation process. It also helps reduce the impact of implicit or explicit bias and reporter bias.

However, having this person attend the IEP meeting is a consideration that IEP teams should make and is not a required IEP team member. The IEP team for a child being considered for emotional behavioral disability **may** include the LEA staff member, identified by the child, when possible, as having a positive or the most positive relationship with the child.

If the person identified by the student cannot attend the IEP meeting, it becomes even more important to document the interview with that person to highlight the student's strengths, the positive qualities of their relationship, and the ecological factors that may impact the student's behavior. The interview of an LEA staff member, identified by the child, when possible, as having the most positive or a positive relationship with the child, that includes gathering information regarding the child's strengths and ecological factors that may impact the child's behavior is a **must**.



Wisconsin Department of Public Instruction  
Division of Learning Support  
Special Education Team  
125 S. Webster Street, P.O. Box 7841  
Madison, WI 53707-7841  
(608) 266-1781  
[dpi.wi.gov/sped](http://dpi.wi.gov/sped)

April 2022

The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or ability and provides equal access to the Boy Scouts of America and other designated youth groups.