When is permission/consent needed for FBAs?

- If the FBA focuses on the educational and behavioral needs of a specific child, then the FBA qualifies as an evaluation or reevaluation under Part B.
- The Office of Special Education and Rehabilitative Services (OSERS) states that, as with other individualized evaluation procedures, parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.

Are FBAs required for Manifestation Meetings?

- There is no legal requirement to complete an FBA before the manifestation review.
- An FBA is only required when the team determines that the conduct is a manifestation of the student’s disability, which then requires the development or revision of the Behavior Intervention Plan.
- If the student does not currently have a BIP, an FBA is required prior to creating the BIP.
- If the student currently has a BIP as part of the IEP, an FBA is not always necessary, as the team may be able to use record review and progress monitoring data to modify it as appropriate.
- In other words, the FBA comes after the manifestation determination, not before.

Is permission/consent needed in order to update the BIP?

- For a BIP that is already developed and part of the IEP, the team can review and modify it as necessary without parental consent.
- The review can include a record review and a team conference to discuss it.
- Consent is needed only if the FBA is an “evaluation.”
- If the IEP team decides that a new FBA is needed, consent must be obtained from the parent.
- At a minimum, parents should be informed that the IEP team is reviewing the BIP and making changes and parents should be invited to participate in the review process.
- The BIP can be modified without an amendment. See below for the process.

If a student has behaviors of concern but is not currently suspected of having some type of disability is parent notification or permission required prior to conducting an FBA?

Unless/until the student is suspected of having a disability, the notice obligation is governed by Colorado statutes, which require schools to obtain written parental consent before students are required to participate in any survey, analysis, or evaluation that reveals information concerning:

- Mental and psychological problems potentially embarrassing to the student and his/her family
- Illegal, anti-social, self-incriminating, and demeaning behavior

These categories might be involved in anything similar to an FBA, so obtain parental consent.

When is notification/permission of observation required?

- Observation alone does not require parental notice or consent.

enriching educational opportunities
• Observation itself does not constitute an evaluation and can be part of a pre-referral screening or part of the process of deciding whether to seek permission to perform an evaluation or re-evaluation.
• A classroom teacher can contact related service providers, including school psychologists, to observe a particular student as part of determining whether something is amiss without notifying parents.
• However, if observation is being done as part of an evaluation, parental consent is needed before any part of the evaluation, including observation, is performed.

Are we required to use the FBA in Enrich?

The FBA form in Enrich is optional and is not a state required form. IEP teams may choose to use different FBA formats, which they can either ask special education secretaries to send to Mountain BOCES Student Data and Records to attach to the student’s file or summarize in the Evaluation Summary of the Initial Evaluation, Re-eligibility Evaluation, or Special Evaluation paperwork. Please consult the Special Education Administrator in your district regarding expectations for FBAs.

If the IEP team chooses to use the FBA provided in Enrich, please address each item listed in the document. If an area does not apply, please indicate this in the text box, as all fields print on the final document.

Updating the BIP

When updating the BIP, enter the current IEP by clicking View Details on the finalized IEP located on the student profile page.

Click on Consideration of Special Factors in the navigation pane.

Click on Edit to make changes to the BIP.

Does this student exhibit behavior that requires a Behavior Intervention Plan?

Yes

If yes, complete the Behavior Intervention Plan.
Note: An FBA must be completed prior to developing a BIP.

Date of Last FBA 2/24/2014
Make changes in the document and click **Save**. The BIPs are archived in the Files tab of the student dashboard and can be printed by clicking on the document title **Behavior Intervention Plan**.