

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

0520-01-09-.24 FUNCTIONAL BEHAVIOR ASSESSMENTS AND BEHAVIOR INTERVENTION PLANS.

- (1) A Functional Behavior Assessment shall be conducted by a group of at least three (3) individuals knowledgeable about the student, which may include as appropriate:
 - (a) The Parent of the child;
 - (b) At least one (1) special education teacher of the child;
 - (c) At least one (1) general education teacher of the child;
 - (d) Related Service provider(s);
 - (e) School psychologist;
 - (f) Other school personnel; and
 - (g) The student.
- (2) To the extent possible, the FBA process shall be led by a school psychologist, Licensed Behavior Analyst, or other school personnel trained to conduct FBAs.
- (3) An FBA shall be conducted to inform the development or revision of a Behavior Intervention Plan in any of the following situations:
 - (a) When a student receiving Special Education and Related Services engages in conduct that results in a change of placement as defined by 34 C.F.R. 300.536 and the LEA, the Parent, and relevant members of the IEP team determine that the student's conduct that gave rise to the change in placement was a manifestation of the child's disability;
 - (b) When an IEP provides for the use of restraint or isolation, as required by T.C.A. 49-10- 1304(b);
 - (c) When the student exhibits a pattern of behaviors that impede their learning or that of others;
 - (d) When the student exhibits a pattern of behavior that places the student or others at risk of harm or injury;
 - (e) When the student's IEP team is considering a more restrictive placement as a result of the student's behavior; or
 - (f) When determined appropriate by the student's IEP team.

(Rule 0520-01-09-.24, continued)

- (4) An FBA shall be conducted, as appropriate, to inform the development or revision of a BIP in the following situations:
 - (a) When a student receiving Special Education and Related Services is removed from their current placement for more than ten (10) consecutive school days for behavior not determined to be a manifestation of the student's disability; or
 - (b) When a student receiving Special Education and Related Services is removed to an interim alternative education setting for up to forty-five (45) school days for weapons, drugs, or serious bodily injury, irrespective of whether the student's behavior is a manifestation of the student's disability;
- (5) An FBA shall include, at a minimum:
 - (a) Description of the problem or targeted behavior(s);
 - (b) Systematic observation of the events that immediately precede each display of the targeted behavior(s) and are associated with the display of the behavior(s);
 - (c) Systematic observation and analysis of the consequences following the display of the targeted behavior(s);
 - (d) Analysis of the antecedent/setting(s) or environment(s) in which the targeted behavior(s) occurs and the frequency of those behavior(s);
 - (e) Review of the student's educational and disciplinary records;
 - (f) Structured interviews with or surveys completed by the student's teachers, Parents, or school personnel, as determined by the group of individuals conducting the FBA, who regularly interact with the student, and when applicable, a student interview;
 - (g) Review of the history of the targeted behavior(s) to include the effectiveness of any intervention previously used; and
 - (h) Determination of whether a skill deficit is a contributing factor to the behavior(s).
 - 1. If the results of the FBA determine that a skill deficit is contributing to the target behavior(s), the IEP must include measurable annual goal(s) to address the skill deficit.
- (6) The group of individuals that conducts the FBA shall review the description of the problem or targeted behavior(s), the results of the assessment, and a hypothesis of the function of the behavior to develop a BIP.
- (7) The BIP shall include, at a minimum:
 - (a) A description of the behavior(s) and the frequency;
 - (b) A restatement of the hypothesized function of behavior(s);
 - (c) Measurable replacement behavior goals that align to the hypothesized function of behavior(s);

(Rule 0520-01-09-.24, continued)

- (d) Strategies for intervention, including but not limited to antecedent-based interventions, mitigating the consequences that reinforce the targeted behavior(s), and/or reinforcing identified replacement behavior(s) based on the results of the FBA;
 - (e) Identification of team members to teach appropriate replacement behaviors;
 - (f) A progress monitoring plan, including regular and frequent data collection and fidelity checks;
 - (g) A plan to train school personnel who interact regularly with the student on the intervention strategies identified in the student's BIP; and
 - (h) A description of the responses (i.e., consequences) or strategies required when the challenging behavior occurs (responses or strategies may include, but are not limited to extinction procedures, de-escalation, re-direction, or cost-response).
- (8) The BIP shall be based on the student's most recent FBA.
 - (9) The student's IEP team shall review the BIP at least annually during the student's annual IEP team meetings and revise the BIP as needed.
 - (10) A student's IEP team may develop an informal behavior plan for a student when the IEP team determines an FBA is not warranted due to the student's lower intensity behaviors.
 - (11) In a situation where a student has engaged in a pattern of behavior that places the student or others at risk of harm or injury, the IEP team may immediately adjust the student's least restrictive environment in accordance with the Individuals with Disabilities Education Act (IDEA) without first conducting an FBA or BIP. In such cases, the IEP team must ensure the FBA is conducted and BIP is implemented, including in the appropriate environment, and the student's IEP is revised to include a goal of returning the student to a less restrictive environment, as appropriate.

Authority: T.C.A. §§ 49-10-1301, et seq.; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter 652 of 2020; 34 C.F.R. § 300.114; and 34 C.F.R. § 300.301(c). **Administrative History:** Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020, and the rules reverted to their previous statuses. Emergency rule filed June 10, 2020; effective through December 7, 2020. Emergency rule expired effective December 8, 2020, and the rule reverted to its previous status. New rule filed March 29, 2022; effective June 27, 2022.