
Functional Behavior Assessments and Behavior Intervention Plans Rule 0520-01-09-.24

The Background:

The Individuals with Disabilities Education Act (IDEA) and state law require students with disabilities to be educated alongside non-disabled peers to the maximum extent appropriate. Students with disabilities may be removed from the regular education environment only when the student's individualized education program (IEP) team determines that the nature or severity of the student's disability does not enable the LEA to satisfactorily educate the student in regular classes with the use of supplementary aids and services.

In 2022, the State Board of Education promulgated rules requiring LEAs to conduct a functional behavior assessment (FBA) and develop or revise a behavior intervention plan (BIP) in certain circumstances, including when the student exhibits a pattern of behaviors that impede the learning of the student or others and when the student exhibits a pattern of behaviors that place the student or others at risk of harm or injury. Since that time, the Tennessee Department of Education has consistently received feedback from LEAs about the challenges in educating students with disabilities who are presenting significantly dangerous or disruptive behavior.

This proposed item clarifies that the Functional Behavior Assessments and Behavior Intervention Plans Rule 0520-01-09-.24(3) does not prevent LEAs from moving a student who threatens the safety of other students or poses a danger to him or herself through a pattern of behavior if placed in the regular classroom to a more restrictive environment nor from conducting an FBA and developing a BIP while the student is in the more restrictive environment. Changes made between first and final reading provide additional clarity to the revised language.

State Board staff held a rulemaking hearing on July 24, 2025, to collect public feedback. Four written comments were timely submitted and were provided to board members for review.

Between first and final reading, revisions were made to better clarify that a student's IEP team may adjust the student's least restrictive environment in accordance with IDEA without first conducting an FBA or BIP.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

Connection to the [Master Plan](#):

This item supports the State Board's strategic focus on Engagement and Accountability outlined in the Master Plan by ensuring that the State Board of Education Rules are implemented in alignment with federal laws and local district needs.

The Recommendation:

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.