



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

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Superintendent

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MEMORANDUM

TO: District Special Education Directors and Coordinators

FROM: John R. Payne, Director
Office of Special Education Services

Peter Keup, Team Lead – Oversight and Assistance
Office of Special Education Services

RE: Functional Behavioral Assessments and *SC Enrich IEP*

DATE: August 15, 2014

While assisting with the roll out of *SC Enrich IEP*, the new special education case management and data reporting system, the South Carolina Department of Education, Office of Special Education Services (OSES), has received inquiries and requests for clarification regarding processes and data entry in the system. This memorandum, which addresses the topic of functional behavioral assessments (FBAs), is the first in what will likely be a series of memoranda that will provide clarification from the OSES to assist local educational agencies (LEAs) and state-operated programs (SOPs) with the implementation of *SC Enrich IEP*.

Functional Behavioral Assessments and Reevaluation Reviews

The *SC Enrich IEP* system provides two avenues for conducting FBAs: 1) a FBA can be conducted as part of the reevaluation review process; or 2) a FBA can be conducted as an individual evaluation. After reviewing this aspect of the *SC Enrich IEP* system during train-the-trainer sessions, LEAs requested written clarification from the OSES as to whether a FBA can only be conducted as part of a reevaluation review (i.e., the process that must be conducted at least every three years under federal regulations).

After reviewing the regulations of the Individuals with Disabilities Education Act (IDEA) and guidance from the Office of Special Education and Rehabilitative Services (OSERS), including the [Letter to Christiansen](#) dated February 9, 2007, the OSES is of the opinion that LEAs can conduct a FBA either as part of a reevaluation review process or as an individual

evaluation. If the FBA is conducted for the sole purpose of developing or modifying a behavioral intervention plan for a student, then it can be conducted as an individual evaluation. If the FBA is conducted for additional or other purposes, namely to determine the effectiveness of teaching methods, and/or to determine continuing eligibility, the FBA should be conducted as part of a reevaluation review process. Regardless of whether a FBA is conducted as part of a reevaluation review or as an individual evaluation, parental consent is required to conduct the FBA and all procedural safeguards apply (including the parent's right to request an independent evaluation if the parent disagrees with the FBA) (see *Letter to Christiansen*).

The *SC Enrich IEP* system allows for either option. If a FBA is conducted as an individual evaluation, the IEP team would utilize the FBA action in the system to obtain parental consent and to complete the FBA. Then, the IEP team would use the IEP amendment process to make changes to the special factors section of the IEP and to create or amend a behavioral intervention plan (BIP) as appropriate.

If a FBA is conducted as part of a reevaluation review, then the IEP team would utilize the Reevaluation Review and Consent for Evaluation actions in the system to document the review of existing information and to obtain parental consent. The FBA would be checked on the Consent for Evaluation input screen along with any other evaluations that may be necessary to gather the needed additional information. Then, the FBA action would be used to complete the FBA, and the Evaluation action would be used to document the results for any other assessments. Upon completion of the FBA and any other assessments conducted as part of the reevaluation review process, the IEP team would complete the Eligibility Determination action and amend the IEP (including a BIP, if developed), as necessary. If a reevaluation review is conducted (with a determination of continuing eligibility), the three-year reevaluation review timeline will reset. If the FBA was done as an individual evaluation outside of the reevaluation process, then the original three-year reevaluation due-date would remain intact.

We hope this information clarifies and assists your IEP teams with regards to FBAs and *SC Enrich IEP*. If you have any questions regarding this matter, please contact Peter Keup, Team Lead for Oversight and Assistance – OSES, at (803) 734-8224 or via e-mail at pkeup@ed.sc.gov.