

Distinguishing between “New” and “Existing” data is an important part of the FBA process. For more details on when to determine which type of FBA to consider refer to the [Guidance Document](#). This document is designed to help determine the difference between “New” and “Existing” data.

New Data: “Unique to this student”

Needs parent consent

This is data that the team is systematically and intentionally planning on collecting specifically and only for one student. If you are conducting a FBA for a student with “New” data, you must have informed parent consent before beginning to collect the new data.

511 IAC 7-32-17 "Consent" defined

Sec. 17. "Consent" means the following:

- (1) The parent has been fully informed, in the parent's native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- (2) The parent understands and agrees in writing to the activity for which consent has been sought, and the consent:
 - (A) describes that activity; and
 - (B) lists the records, if any, that will be released and to whom.

This could be:

- Any data that is not associated with a current IEP or BIP which specifically tracks a behavior.
- **Student** observations with the intent to monitor and records behavioral data, such as frequency charting and other data collection techniques, *that you are not doing for everyone.*
- Any specific assessments as defined in 511 IAC 7-32-6, norm or criterion based assessments that *are not given to all students.*

Existing Data: “This type of data exists within the school system for all students.”

Does NOT need parent consent

Written parental consent is not required when a functional behavioral assessment reviews existing data regarding a student.

511 IAC 7-40-4

- (i) Parental consent is *not* required for the following:
 - (1) To review existing data as part of an educational evaluation.
 - (2) To administer a test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
 - (3) To screen students if a teacher or a specialist is using the information to determine appropriate instructional strategies for curriculum implementation.
 - (4) To collect progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions as described in section 2 of this rule.

511 IAC 7-40-8

- (1) Review existing evaluation data on the student, including the following:
 - (A) Evaluations and information provided by the parents of the student.
 - (B) Current classroom based, local, or state assessments, and **classroom based** observations.
 - (C) Observations of **teachers** and related services providers.

This could be:

- Attendance, tardy records
- Nurse visits, bathroom logs
- Office referrals
- Gradebooks, classroom management data