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