



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Directors of Special Education and Pupil Services

FROM: Bryan Klimkiewicz, Special Education Division Director
Katherine Matz, Special Education Bureau Chief

DATE: September 18, 2025

SUBJECT: Legislative Update Public Act (PA) 25-67 – Mandate prior to placing a student in an out of district placement due to challenging behaviors

Effective July 1, 2025, [PA 25-67 § 13](#) mandates that on and after September 1, 2025, prior to placing any student in an out of district placement due to **challenging behaviors**, each local and regional board of education must conduct a Functional Behavior Assessment (FBA) and develop or update a Behavior Intervention Plan (BIP).

According to Connecticut General Statutes § 10-222aaa(16) “*Challenging behavior*” means *behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.*

However, there are situations where conducting an FBA prior to out-placement is not appropriate or feasible given a student’s individual needs and circumstances. PA 25-67 § 13 states: “***A functional behavior assessment and a behavioral intervention plan shall not be required if the time required to conduct such assessment or develop or update such plan would put the safety of such student, any other student or any staff at such student's school at risk.***”

When determining if the time required to conduct an FBA and develop or update a BIP would put the safety of any student or school staff at risk, the planning and placement team (PPT) must consider the types, duration and frequency of the challenging behaviors, and if those behaviors have put the student or others at risk. In accordance with the Individuals with Disabilities Education Act, such determination must consider the student's unique circumstances and individual needs.

Additionally, when making a placement decision, the PPT must determine the least restrictive environment for the child with a disability, and to the maximum extent appropriate, educate the child with children who are nondisabled in the general education class in the school that the student would attend if the child did not have a disability that required special education and related services.

If a district determines conducting an FBA and developing a BIP prior to placing a student in an out of district placement would jeopardize the safety of the student, other students or staff, the district must submit notice to the Connecticut State Department of Education within two

business days, and provide the reasons the FBA was not conducted, and a BIP was not developed or updated using the following link. [Notification to CSDE: \(Public Act 25-67\)](#)

Thank you for your attention to this new requirement and your continued efforts to improve outcomes for students with disabilities.

Questions related to this new requirement can be directed to Bryan Klimkiewicz at Bryan.Klimkiewicz@ct.gov.