

Ravensberg & Blakely, 2014. When does the law require an FBA:

- Behavior is deemed a manifestation of student's disability
- Disciplinary action involving placement change is being considered

IDEA, 34 CFR § 300.536. A change of placement occurs if:

- (1) The removal is for more than 10 consecutive school days; or
- (2) The child has been subjected to a series of removals that constitute a pattern:
 - (i) Because the series of removals total more than 10 school days in a school year;
 - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

34 CFR § 300.530(d)(1)(ii). "...children with disabilities who have been suspended or expelled from school."

- Removed from educational placement more than 10 school days in a given school year
- Behavior impedes student's learning or that of others

34 CFR § 300.530(d)(1)(ii). When should an FBA be considered?

When behavior is deemed **NOT** a manifestation of disability, the student is to receive, **"as appropriate,"**

- Functional Behavioral Assessment
- Behavioral intervention services to prevent recurrence of behavior violation