

Quick Guide: Emotional Disturbance

What is an Emotional Disturbance?

An Emotional Disturbance is a disability that is characterized by exhibiting one or more of the following five characteristics. These characteristics must be demonstrated over a long period of time and to a marked degree that adversely affects a child's educational performance. The five characteristics are as follows: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relations with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; and/or a tendency to develop physical symptoms or fears associated with personal or school problems. Emotional disturbance includes schizophrenia. It does not apply to a child who is socially maladjusted unless the child has been found to have an emotional disturbance.

Note: While a child may have received a diagnosis from the DSM-IV-TR, a DSM-IV-TR diagnosis is not sufficient nor is it required for a child to meet the disability criteria of Emotional Disturbance. In order to meet the disability criteria of an Emotional Disturbance, the child must exhibit one of the five characteristics outlined in IDEA (listed above) and must demonstrate this characteristic over a long period of time and to a marked degree that adversely affects the child's educational performance.

How Do We Determine a Child is ED versus OHI?

A child who is determined to have an Emotional Disturbance is one who meets one of the five characteristics outlined above. A student with an Other Health Impairment is one who has limited strength, vitality, or alertness due to a chronic or acute health problem and it adversely affects educational performance. The condition would affect the child in any of the following manners:

- Strength- decrease in bodily or muscle power, vigor, tires easily;
- Vitality-reduction of physical and/or mental strength, limited endurance, limited energy;
- Alertness-reduction of attentiveness, including heightened alertness to surroundings that leads to a reduced alertness to the educational environment.

Note: A chronic or acute health problem does not automatically make a child eligible as a student with an Other Health Impairment. All criteria must be met.

Should the student have a chronic or acute health problem, such as Bipolar Disorder, but demonstrates one of the five characteristics of an Emotional Disturbance due to the condition, the child may be determined to meet the eligibility category of Emotional Disturbance given the criteria is met. The diagnosis of a mental health condition alone does not, in itself, determine eligibility for special education services as a student with an Emotional Disturbance.

Can a Child Be Both ED and OHI?

A child who meets the eligibility criteria for an Emotional Disturbance and who has a medical condition may possibly meet eligibility for both categories if the medical condition is a chronic or acute health problem that limits the student's strength, vitality, or alertness that adversely affects a child's educational performance.

Does a Student Who is ED Require a Behavior Intervention Plan (BIP)?

For a student who is ED, the written report of evaluation shall include specific recommendations for behavioral supports and interventions. In the case of a child whose behavior impedes the child's learning or that of others, the admission, review and dismissal (ARD) committee must consider: the use of positive behavioral interventions and supports; and other strategies to address that behavior. The ARDC determines the IEP, including the need for a Behavior Intervention Plan (BIP), based on the recommendations and the student's specific needs. Services are not based on eligibility. A functional behavior assessment (FBA) and BIP may be considered for a student who demonstrates a pattern of behavior that interferes with the student's learning or the learning of others or for a student who demonstrates serious maladaptive behaviors.

What Are the Criteria for Eligibility as a Student with an Emotional Disturbance?

Eligibility Criteria §89.1040(c)

(4) Emotional disturbance. A student with an emotional disturbance is one who has been determined to meet the criteria for emotional disturbance as stated in 34 CFR, §300.8(c)(4). The written report of evaluation shall include specific recommendations for behavioral supports and interventions.

Child with a disability

§ 300.8 (4)(i) ***Emotional disturbance*** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- A. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- C. Inappropriate types of behavior or feelings under normal circumstances.
- D. A general pervasive mood of unhappiness or depression.
- E. A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

How Are the Characteristics Determined?

Characteristics for Eligibility:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

-If the student is making sufficient academic progress, then the student does not meet this characteristic. If the student has a health, intellectual, or sensory reason for his/her inability to learn, then the student does not meet this characteristic. Is the inability to learn a true inability to learn or an unwillingness to learn?

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

-Does the child have friends (either in or out of school)? If the child has friends, then the child does not meet this characteristic. The relationships must be “satisfactory” in relation to developmentally appropriate relationships. Factors such as immaturity should be taken into account. Are the student’s relationships with peers or friends age appropriate? Consider if the relationships are abnormal. Is the student in a maladaptive relationship? In order to meet this criterion, the child must also have a satisfactory interpersonal relationship with teachers. Is the student’s relationship with teachers consistent with that of his same age peers?

(C) Inappropriate types of behavior or feelings under normal circumstances.

-Are the behaviors or feelings significantly deviant from those expected from same age peers? Does the student exhibit control of behavior or feelings? Is the pattern of behaviors or feelings maladaptive?

(D) A general pervasive mood of unhappiness or depression.

-Does the student demonstrate unhappiness or depression outside of the school or academic setting? Does the mood of unhappiness or depression occur across settings? Is it an internal condition? Consider if the mood of unhappiness or depression affects the child’s ability to experience enjoyment. Is it atypical for the child’s developmental period?

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

-The physical symptoms must be related to a personal or school problem and not due to a medical condition.

What Does the Legal Framework for the Child-Centered Process Say?

Legal Framework:

<http://fw.esc18.net/frameworkdisplayportlet/ESC18-FW-Summary.aspx?FID=136>

Emotional Disturbance:

Authorities: 20 U.S.C. §§ 1401, 1414; 34 C.F.R. Part 300; Texas Occupations Code, Chapter 501; 19 T.A.C. Chapter 89; 22 T.A.C. Chapter

The child must be assessed in all areas of suspected disability.

Group of Qualified Professionals:

- The group must comply with the Evaluation Procedures framework.
- The assessment of emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures is considered the practice of psychology.
- A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Texas Occupations Code.

Criteria:

- Emotional disturbance includes schizophrenia.
- Emotional disturbance does not include social maladjustment, unless the child also has an emotional disturbance under the other criteria listed below.
- A child may be considered to be a child with an emotional disturbance if:
 - The child exhibits one or more of the following characteristics:
 - An inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - Inappropriate types of behavior or feeling under normal circumstances;
 - A general pervasive mood of unhappiness or depression; or
 - A tendency to develop physical symptoms or fears associated with personal or school problems;
 - The characteristic(s) is/are exhibited by the child:
 - Over a long period of time; and
 - To a marked degree;
 - The emotional disturbance adversely affects the child's educational performance; and
 - By reason of the emotional disturbance, the child needs special education and related services.

Specific Recommendations:

The group must make specific recommendations for behavioral supports and interventions.

Eligibility Determination:

The Determination of Eligibility must be made by the ARD committee.

What Does the Commissioner's Rules Guidance Say About Emotional Disturbance?

Is it appropriate to use a response to intervention (RtI) process in determining eligibility for emotional disturbance? (§89.1040 Eligibility Criteria Frequently Asked Questions)

Schools are encouraged to use a Response to Intervention (RtI) process, in addition to other measures, in evaluating behavior related to a suspected emotional disturbance (ED). Such an RtI process should include the child's response to behavioral, academic, and other appropriate interventions over time and may be useful in determining ED eligibility. The determination of an emotional disturbance should include a variety of information sources and measures and should not be based on a single measure or information source.

References

19 T.A.C. Chapter 89

34 C.F.R. Part 300

Texas Education Agency. (2010). §89.1040 Eligibility Criteria Frequently Asked Questions. Retrieved from <http://ritter.tea.state.tx.us/special.ed/guidance/eligibilityfaq.pdf>

Region 18, Education Service Center and Texas Education Agency. (2010). The Legal Framework for the Child-Centered Special Education Process- Emotional Disturbance. Retrieved from <http://fw.esc18.net/frameworkdisplayportlet/ESC18-FW-Summary.aspx?FID=136>

Region 18, Education Service Center and Texas Education Agency. (2010). The Legal Framework for the Child-Centered Special Education Process-Other Health Impairment. Retrieved from <http://fw.esc18.net/frameworkdisplayportlet/ESC18-FW-Summary.aspx?FID=141>

Resources

<http://www.nichcy.org/Disabilities/Specific/Pages/EmotionalDisturbance.aspx>

http://www.cec.sped.org/AM/Template.cfm?Section=Behavior_Disorders_Emotiona_Disturbance&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=37&ContentID=5624

<http://cecp.air.org/resources/20th/intro.asp>

<http://nichcy.org/wp-content/uploads/docs/fs5.pdf>

http://www.nasponline.org/about_nasp/pospaper_sebd.aspx