

Evaluation

EMOTIONAL DISTURBANCE

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Emotional Disturbance

CONTENTS

EMOTIONAL DISTURBANCE 1

 What is Required..... 1

 Additional Procedures 2

 Evidence of Implementation 4

 Resources 4

CITATIONS 4



EMOTIONAL DISTURBANCE

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Emotional Disturbance or “ED” is one of the areas of eligible disabilities under the IDEA.

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 student's educational performance:

- 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 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.

A student need not meet all of these five criteria to be eligible for special education and related services under the IDEA. The student need only exhibit one of the five criteria of the definition of an emotional disturbance. ED includes schizophrenia. However, ED does not apply to a student who is socially maladjusted, unless the student also meets the criteria for having an emotional disturbance.

The District will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility for an emotional disturbance. See *EVALUATION PROCEDURES*. In addition, the written report of evaluation by the group of qualified professionals (the District and Campus Assessment Personnel) must include specific recommendations for behavioral supports and interventions. 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.



Emotional Disturbance

Additional Procedures

A referral for an evaluation to determine if a student meets the eligibility criteria as a student with an emotional disturbance may be indicated when the District and/or the parent of a student suspects the behavioral characteristics of a student have been significant over time and adversely affect educational performance. Before referring a student for an ED evaluation, the Campus Special Education Personnel or ARD Committee may consider the following, if appropriate:

- Would consultation with the LSSP or other professionals potentially be effective in addressing the problem?
- Would a Behavior Intervention Plan (BIP) or other behavior interventions address the concern?
- Would other District resources effectively improve classroom performance or address the behaviors of concern?
- What measures have been tried for a sufficient period of time, in a consistent manner, and what has been the impact on behavior?

A psychological evaluation is normally part of an ED assessment. As such, for any psychological evaluation, if an assessment is recommended, and upon parent request, the Special Education Assessment Personnel conducting the psychological assessment must provide the name and type of test to the parent and how the assessment will be used to develop an appropriate IEP.

In conducting the ED evaluation, information regarding the student's behavior across various environments will be collected. The written report of evaluation should also include:

- The type and severity of the emotional disturbance;
- The functional implications of the disability for situations involving instruction; and
- The degree to which in-school and out-of-school behavior reflects symptoms consistent with the diagnosis and identification of behavior considered to be a direct result of the emotional disability.

Within the evaluation, the behaviors that significantly interfere with the learning or educational progress of the student or that of others must also be identified. Therefore, the evaluation report will frequently include a Functional Behavioral Assessment (FBA). An FBA is a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with the problem behavior.



Emotional Disturbance

With the input of those who work closely with the student, the Assessment Personnel will observe the behavior and identify and define its problematic characteristics, identify which actions or events precede and follow the behavior, and determine how often the behavior occurs. In the FBA, the Assessment Personnel will explain the antecedents and consequence of targeted behaviors, hypothesize regarding the function of the behaviors, and recommend replacement behaviors. In addition, if counseling as a related service is recommended to address any of the targeted behaviors, a counseling evaluation will be included in the FIE.

A Licensed Specialist in School Psychology (LSSP) is responsible for conducting the psychological evaluation. The resulting report should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with an emotional disturbance and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. The report should include recommendations to the ARD Committee regarding eligibility, and, if appropriate, instructional, behavioral, and environmental recommendations for services and supports.

When Campus or District Assessment Personnel complete the evaluation, an ARD Committee meeting, which must include appropriately-qualified Assessment Personnel who can interpret the results, will be held to review the evaluation. Based on the results of the evaluation, the ARD Committee will determine whether the student meets one or more of the five specific characteristics listed above, and whether the student requires special education supports and related services.

Upon completion of the ED evaluation, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with an Emotional Disturbance, a Disability Report in this area will be completed. The diagnosis of a mental health condition alone does not determine eligibility for special education services as a student with an emotional disturbance. Additionally, mood, behavior, or academic problems related solely to drug abuse do not qualify a student as a student with an emotional disturbance. If the student does not meet the eligibility criteria for ED, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.



Emotional Disturbance

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Notification of Psychological Tests to Parent
- Functional Behavioral Assessment
- FIE
- Disability Report: Emotional Disturbance
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

[The Legal Framework for the Child-Centered Special Education Process: Emotional Disturbance Framework - Region 18](#)

[Quick Guide: Emotional Disturbance - Region 14 ESC](#)

[§ 89.1040 Eligibility Criteria - FAQ - Texas Education Agency](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Memorandum 15-08 to State Directors of Special Education \(April 17, 2015\) - U.S. Department of Education](#)

[Emotional Disturbance - SPEDTEX](#)

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CITATIONS

34 CFR 300.8(c)(4), 300.111(a)(1)(i), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 22 TAC 465.38(b)(2); Texas Occupations Code 501.503