
Emotional Disturbance/ Behavior Disorder

Definition and Eligibility Criteria
under IDEA



The community

- “Given the overwhelming social problems many youth face in their daily lives, it comes as no surprise that some feel alone, angry, and forgotten. Their alienation from society and school has often been blamed for recent random violence in our nation’s schools. A school community which lets youth know they are cared for is the bedrock of a comprehensive violence prevention plan. To create a caring environment for all youth, schools and human service agencies are building structures which make personal connections a part of their daily mission. The strategies offer a vision of how schools and communities can work together to create an environment that gives our young people positive social, academic and vocational tools so that they don’t believe they have to be violent to get noticed).”

- Strengthening the Safety Net

The school

- “Issues surrounding students with emotional/behavioral problems really tear at the fabric of people’s value systems. They carry a feeling that when people are ‘bad,’ they should be punished...All I know for sure is that if we think we’re going to solve the problem with punishment, we know we’re not going to get anywhere.”
 - Middle school principal
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The student

- “I am the one people expect less of, the under-achiever, the dropout. I am the one who had to go against all stereotypes, mean and dirty looks, and much worse.”
 - A young man speaking at a national convention about his high school experience.
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Utah Data

- .5% of children with disabilities ages 3-5 have ED as their primary disability.
 - 7.9% of those ages 6-11.
 - 7.7% of those ages 12-17
 - 5.2% of those ages 18-22.
 - 7.2% of students with disabilities ages 6-22 have emotional disturbance as their primary disability.
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National Statistics

- In the 1998-99 school year, 463,172 students in U.S. schools were identified as having serious emotional disturbance.
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What do these children and youth look like?

- Students identified as seriously emotionally disturbed by schools are usually male, over 13 years old, come from families with annual incomes under \$12,000, African-American youth are over-represented.



and....

- Poor school outcomes include failing more classes, missing more days of school, earning lower grades, dropping out more frequently, graduating less frequently, than other students with disabilities. In fact, 56% of students with serious emotional disturbance drop out nationally (Chesapeake Institute, 1994).
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What services are being provided?

- “Mental health researchers estimate that up to 19 percent of the student population exhibit symptoms of serious emotional disturbance, only 1% of students are identified and referred for the necessary support services. Indeed, national evaluation data from the Center for Mental Health Services (CMHS) reinforce that many children and youth with serious emotional disturbance are not receiving special education services.”
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Common characteristics

- Hyperactivity (short attention span, impulsiveness)
 - Aggression or self-injurious behavior (acting out, fighting)
 - Withdrawal (failure to initiate interaction with others, retreat from exchanges of social interaction, excessive fear or anxiety),
 - Immaturity (inappropriate crying, temper tantrums, poor coping skills)
 - Learning difficulties (academically performing below grade level)
 - Distorted thinking
 - Excessive anxiety
 - Bizarre motor acts
 - Abnormal mood swings
 - Psychosis
 - Schizophrenia
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Definition

- Serious emotional disturbance is defined under IDEA as
 - “...a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance—
 - ⑩ an inability to learn that cannot be explained by intellectual, sensory, or health factors;
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- ⑩ an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - ⑩ inappropriate types of behavior or feelings under normal circumstances;
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- ⑩ a general pervasive mood of unhappiness or depression, or
 - ⑩ a tendency to develop physical symptoms or fears associated with personal or school problems.
 - Serious emotional disturbance includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.
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“Emotional disturbance” is used as a generic term to cover two types of behavior difficulties which are not mutually exclusive but which adversely affect educational performance:

- (1) **Externalizing** refers to behavior problems that are directed outwardly by the student towards the social environment and usually involves behavioral excesses.
 - (2) **Internalizing** refers to a class of behavior problems that are directed inwardly and often involve behavioral deficits.
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What do they mean?

- To a marked degree
 - Over a long period of time
 - Adverse effect on
 - educational performance
 - Social maladjustment
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To a marked degree

- A marked degree is about 2 SD.



Over a long period of time

- A long time is 2-9 months in the literature.
 - Two to four months is reasonable.
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Adverse effect on educational performance

Preponderance of cases on defining “educational performance” include social competence in the definition.

A few cases take a narrower view, confined to academic progress. With IDEA 2004 specifically listing “functional performance,” social skills and progress likely will receive more focus.

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- Start with determining if student has emotional disturbance, not if he is socially maladjusted; if he is ED it doesn't matter if he is also socially maladjusted.
 - D.M., personal conversation, 2001
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Case law, example

- Seattle School District No. 1 v. B.S., (9th Circuit, 1996)
 - This kid had a grocery cart full of disabilities including an oppositional defiant disorder, and attachment disorder, a conduct disorder and a histrionic personality.
 - The term, 'unique educational needs' (shall) be broadly construed to include the handicapped child's academic, social, health, emotional, communicative, physical and vocational needs. H.R.Rep. No. 410, 1983 U.S.C.C.A.N., 2088, 2106. Id. at p. 72.
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Case law, example

- Ludington School District 2001
 - Independent hearing officer rules fourth grader ineligible for special education services even with a variety of conduct disorders. IHO said student functioned at or above grade level despite behavior problems.
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OSEP (unofficial) statement

“...districts would be setting themselves on a very risky course if they try to narrow the definition of serious emotional disturbance.

- If they are treating kids with ED or potentially ED differently from other kids with or without special education eligibility. This could be a violation of IDEA, Title II, section 504 and thus becomes an OCR equity issue.
- Be sure any such policy deal with children on a case by case basis, and doesn't make categorical decisions.”
 - Personal conversation, March 2001



Determining eligibility

- Before classifying a student as emotional disturbed, it must be determined that the student is not behaving as an emotionally disturbed student because of: (a) an inappropriate classroom discipline system, (b) breakdown of classroom discipline, (c) inappropriate academic instruction or materials, (d) vision or hearing impairments, or (e) other medical conditions.
 - Disclaimer information may include data in cumulative records, interviews, classroom observations and/or evaluation.
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Evaluation

- Multiple measures of behavioral, social, and academic areas.
 - Documentation that behavior has been over long period and marked degree and adversely affects performance
 - 3 observations on behavior pinpoints.
 - Academic performance.
 - Social/adaptive behavior ✓list or rating scales.
 - Document referral behaviors.
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What are states doing?

	Minne- sota	Maine	Kansas	Connect icut	Indiana	Mis- souri	
IQ test	yes	yes	yes	no	yes	no	
DSM IV	no	no	yes	no	no	yes & no	
IQ/ ach discr	no	no	yes	no	no	yes & no	

Great Britain



- Behavior of such intensity, frequency or duration that threatened physical safety of child or others; limits access to usual settings; interferes with social acceptance, personal well-being and educational performance.
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Post school outcomes for students with ED

- Employment outcomes dismal
 - Social relationships problematic
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Prevention

The provision of schoolwide prevention and early intervention programs helps those students with or at risk of developing emotional and behavioral problems to learn the skills and behaviors that help in following school rules and enjoying positive academic and social outcomes. Early intervention allows schools to provide students with the support and training they need to be more successful in managing their behavior.

