


Issues in the Identification of Emotional Disturbance

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Leadership begins here.

1

Workshop Objectives

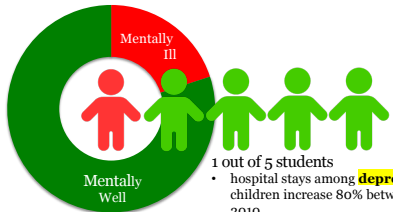
From this workshop it is hoped that you will increase your ...

1. understanding of the IDEA definition of/criteria for ED.
2. ability to conduct ED eligibility evaluations.

2

Preface: The Burden of Mental Illness

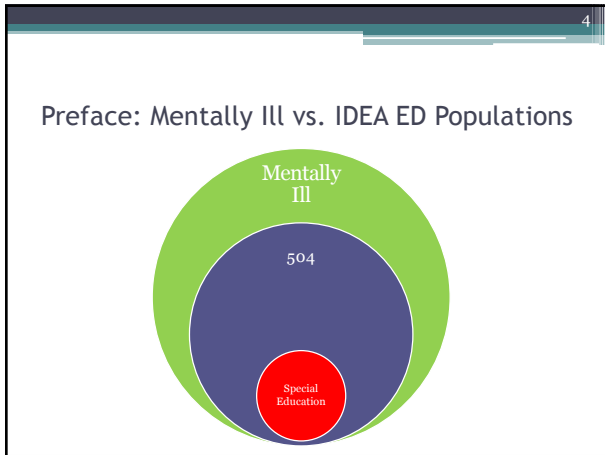
- 13 to 20% of youth have mental illness



1 out of 5 students
• hospital stays among **depressed** children increase 80% between 1997 & 2010

Perou et al. (2013); Pfuntner, Wier, & Stoecks (2013)

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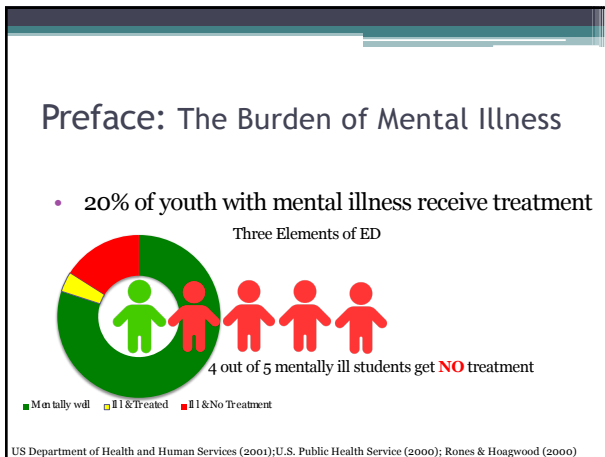
Introduction: Prevalence

Percentage of Students Identified as ED (per IDEA, 2017-18)

Rank	State	% of Pop. "ED"
1	Minnesota	1.79
2	Massachusetts	1.69
3	Pennsylvania	1.43
4	Indiana	1.22
5	Rhode Island	1.14
Overall	50 States & DC	0.39
44	California	0.30
46	Utah	0.29
47	South Carolina	0.29
49	Louisiana	0.25
50	Arkansas	0.20
51	Alabama	0.18

Digest of Educational Statistics

5



6

Preface: The Burden of Mental Illness

- A role incarceration rates?

The diagram consists of two circular gauges on the left and right. The left gauge is labeled 'Mentally Ill 65%' and contains a male icon. The right gauge is labeled 'Mentally Ill 75%' and contains a female icon. Arrows from both gauges point towards a central icon of a person behind prison bars.

Teplin et al. (2002)

7

Preface: The Burden of Mental Illness

- A role incarceration rates?
- *We are incarcerating youth living with mental illness, some as young as eight years old, rather than identifying their conditions early and intervening with appropriate treatment.*

NAMI (2010, ¶ 9)

8

Preface: Disproportionality

California 2018/19

Race/Ethnicity	% of ED Population	% of Student Population
White	35.35	22.9
Hispanic/Latino	41.58	54.6
Two or more races	5.74	3.6
African American	12.71	5.4
Asian	3.23	9.3
American Indian/Alaska Native	0.31	0.88
Hawaiian Pacific Islander	0.31	0.5

Data Quest, California Department of Education

9

10

Preface: Clinical vs. Educational Approaches

- Clinical professionals = **inclusive** approach
 - DSM-5
- Educational professionals = **exclusive** approach
 - IDEA


ED is a legal category created by Congress to distinguish a narrow range of pupils with emotional problems who are eligible for special education services. Thus, the criteria regarding emotional disorders in the medical and mental health fields are significantly different than the education criteria for ED.

Tibbetts (2013); Student v. Placentia-Yorba Linda USD (2009, p. 3)

10

11

Preface: Mental disorder per DSM-5




- *A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotional regulation, or behavior that reflects a dysfunction in the psychological, biological or developmental processes underlying mental functioning. Mental disorders are usually associated with significant distress or disability in social, occupational, or other important activities. An expectable or culturally approved response to a common stressor or loss, such as the death of a loved one, is not a mental disorder. **Socially deviant behavior (e.g., political, religious, or sexual) and conflicts that are primarily between the individual and society are not mental disorders unless the deviance or conflict results from a dysfunction in the individual, as described above.*** [emphasis added]

APA (2013, p. 20)

11

12




Preface: ED per IDEA

- A student with a disability (a “serious emotional disturbance”) **who needs special education and related services.**
 - DSM-5 diagnosis not sufficient!
 - More specifically . . .

CFR, Title 34, Chapter III, Part 300.8 (Child with a disability), (4)(i)(ii)

12

13



Preface: ED Under 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 child'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.
- A tendency to develop **physical** symptoms or **fears** associated with personal or school problems.

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. [emphasis added]

CFR, Title 34, Chapter III, Part 300.8, §300.8 (Child with a disability), (4)(i)(ii)

13

14

Workshop Description & Agenda

This session explores issues relevant to applying the **3 primary elements** of IDEA's *Emotional Disturbance* (ED) eligibility criteria

- Identification of a "condition"
- Connecting the "condition" one (or more) of the five ED characteristics.
- Three limiting criteria

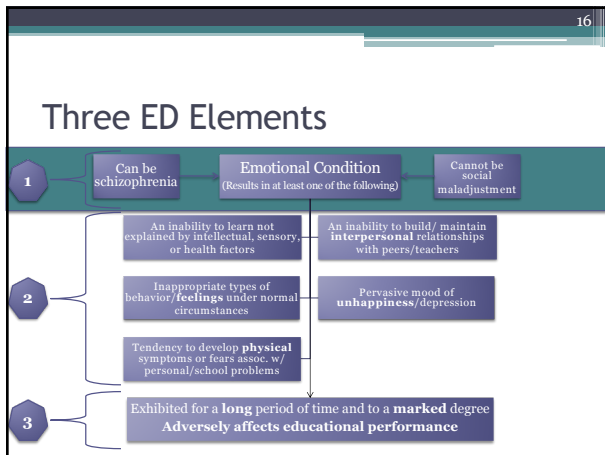
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Three ED Elements

- Emotional condition (or a serious emotional disturbance)
 - Includes schizophrenia
 - Excludes social maladjustment
- Condition = at least 1 of 5 characteristics
- Characteristic(s) exceed(s) limiting criteria
 - Existed for **long period of time**
 - Existed to **marked degree**
 - Adversely affected educational performance**

15



16

17

A Condition

- IDEA 2004 in defining ED states:
 - ...the term means a **condition** exhibiting one or more of the following characteristics.
- Must be serious/identifiable emotional condition from which behavior, affective, social, emotional characteristics stem for student to be ED

34 CFR 300.8 (4)(i); Tibbetts (2013, p. 20)

17

18

A Condition

- DSM diagnosis does not provide evidence of ED

14

DSM-IV IS RELEVANT.....

- Symptoms per above diagnoses provide information that may be relevant to determination of emotional disorder
- Expert testimony may reference and discuss DSM-IV symptomatology

BUT NOT SUFFICIENT

Schwartz, M. (2010). *The nexus between DSM & IDEA: Social Maladjustment v. Emotional Disturbance*. Workshop presented at the 2010 Special Education Hearing Officers and Mediator Training, San Diego, CA

18

19

A Condition

A DSM-5 diagnosis not sufficient for IDEA ED

- Evaluations undertaken by a child psychiatrist/clinical child psychologist can confirm existence of an emotional condition

Available clinical/medical mental health reports should always be considered

- But are not sufficient evidence of ED eligibility
- DSM-5 directs attention, doesn't dictate action
- DSM-5 Dx can identify a "condition," not need for special education


Adapted from Tibbetts et al. (1989)

19

20

A Condition

- Nevertheless, students eligible for services under ED IDEA typically exhibit DSM-5 diagnoses
 - Neurodevelopmental Disorders (ADHD)
 - Schizophrenia Spectrum and Other Psychotic Disorders
 - Bipolar and Related Disorders
 - Depressive Disorders
 - Anxiety Disorders
 - Obsessive-Compulsive and Related Disorders
 - Trauma- and Stressor-Related Disorders
 - Dissociative Disorders
 - Somatic Symptom and Related Disorders
 - Feeding and Eating Disorders

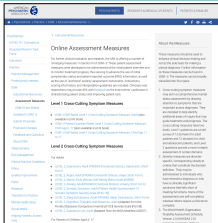



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21

A Condition

- APA Online Assessment Measures
 - <https://www.psychiatry.org/psychiatrists/practice/dsm/educational-resources/assessment-measures>

21

22

A Condition

- Not all *DSM-5* criteria considered an “emotional condition” consistent with ED eligibility
- See [Handout](#)
 - **A majority of *DSM-5*'s diagnoses don't have relevance to IDEA ED**

22

23

A Condition

- *DSM-5* contains criteria for sexual dysfunctions and paraphilic disorders, gender dysphoria, substance-related and addictive disorders
- Federal ADA specifically excludes drug abuse/addiction from list of disabilities
- Courts have refused to recognize ODD or CD (“Disruptive, Impulse-Control, and Conduct Disorders” in *DSM-5*) as educational disabilities

Baird (2009)

23

24

A Condition

- Substance Abuse
 - Students who abuse drugs or alcohol generally not considered persons with disabilities under IDEA, ADA, or Section 504
 - Even when substance abuse and psychological problems co-exist, ED must be documented as the factor adversely affecting educational functioning (not the substance abuse)

Tibbetts (2013)

24

25

A Condition

- Substance Abuse
 - Questions to ask when considering if substance abusing student is ED
 - Did behaviors thought to be ED ...
 1. emerge within first month of substance use or termination?
 2. become noticeable before substance use began?
 3. remain noticeable for a significant period after substance use terminated?
 4. Appear to be more intense/sever than would have been predicted given specific substance use?

Tibbetts (2013)

25

26

Social Maladjustment

- No federal or state regulations define
- Not a clinical diagnosis
- Consequently, courts have had a significant impact on this exclusion, meaning, application
 - One such definition :
 - *A child who has a persistent pattern of violating societal norms with truancy, substance abuse, a perpetual struggle with authority, is easily frustrated, impulsive, and manipulative.*

Doe v. Board of Education of the State of Connecticut (1990, October 24)

26

27

Social Maladjustment

SOCIAL MALADJUSTMENT

"Teenagers, for instance, can be a wild and unruly bunch. Adolescence is, almost by definition, a time of social maladjustment for many people." *Springer v. Fairfax County School*, 134 F.3d 659,664 (4th Cir. 1998).

Characterized by:

- Intentionality
- Little remorse
- Lack of empathy
- Failure to take responsibility for behavior

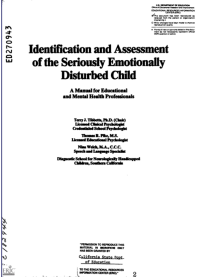
Schwartz, M. (2010). *The nexus between DSM & IDEA: Social Maladjustment v. Emotional Disturbance*. Workshop presented at the 2010 Special Education Hearing Officers and Mediator Training, San Diego, CA

27

28

Social Maladjustment

- Additional understanding of what California's interpretation
 - *Identification and Assessment of the Seriously Emotionally Disturbed Child: A Manual for Educational and Mental Health Professionals*



Tibbetts et al. (1986)

28

29

Social Maladjustment

- The behaviors manifest by student with SM
 - ... are highly valued within a small subgroup, but not within the range of what is considered 'culturally permissible' within the larger society.

Tibbetts et al. (1986, p. 18)

29

30

Social Maladjustment

- *The child may be able to display excellent "street" skills, but come into continual conflict with parents, teachers or societal agents.*

Tibbetts et al. (1986, p. 18)

30

31

Social Maladjustment

- Compared to ED students, those considered SM
 - ... tend to have **little detectable concern over their behavior, little observable remorse or guilt** and inadequate conscience development. They are often **characterized by egocentricity and self-centeredness** and **tend to have shallow relationships with others.**

[emphasis added]

Tibbetts et al. (1986, p. 18)

31

32

Social Maladjustment

Generally speaking...

1. Behavior under **operant control**
2. Behavior **responsive to behavioral intervention**
3. Behavior **situation-specific** not pervasive

*Caution: Typically, not an **either - or** situation*

Tibbetts et al. (1986, pp. 18-20); Olympia et al. (2004)


32

33

Social Maladjustment

Activity: Case Study A

- Student A had progressed successfully from grade to grade, had maintained positive relationships with teachers and peers, and had participated in extracurricular activities until the 11th grade when he began stealing, sneaking out of his house, skipping school, and using marijuana and alcohol. Nevertheless, Student A continued to score in the average to superior range on standardized tests, but his grades suffered due to skipping class and failing to complete assignments. Psychologists who examined Student A determined that he did not suffer from an emotional disturbance.



Springer v. Fairfax County School Board


33

34

Social Maladjustment

Activity: Case Study B

- Student B is a 9th grader who had received numerous disciplinary referrals over a 4-year period for threatening students and teachers, fighting with other students, and treating his peers and teachers with disrespect (however the record indicates Student B did well with some teachers). After working with Student B the school-based mental health clinician described him as socially unsuccessful due to his limited social skills and terminated their relationship because he threatened her. Student B consistently struggled to pass his classes, and failed the standardized test he was required to pass for advancement to the 7th grade. He has been diagnosed with conduct disorder, bipolar disorder, and attention deficit hyperactivity disorder (ADHD).



Hansen v. Republic R-III School District

34

35

Social Maladjustment & Sec. 504

- While IDEA excludes students with SM from SpEd eligibility, the Rehabilitation Act of 1974, Sec. 504, does not
- Sec. 504 eligibility requires establishment of “social maladjustment” as mental impairment substantially limiting major life activity
 - e.g., learning

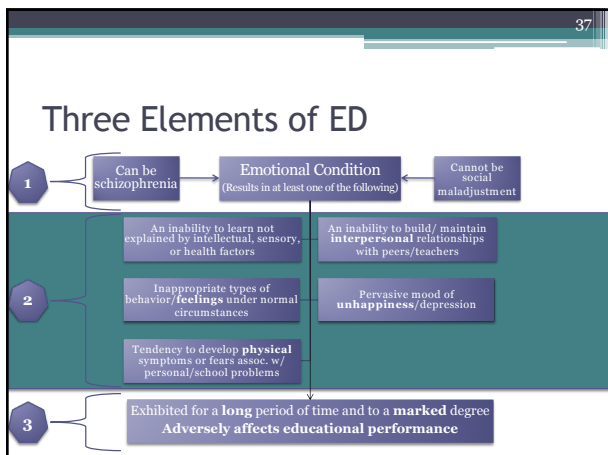
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Is Distinction Between ED & SM Relevant?

- Students are ED ... if they are ED!
- Emotional disturbance eligibility ... does not apply to children who are **socially maladjusted**, unless it is determined that they have an emotional disturbance
- If the ED characteristic(s) simply result of SM then student is SM not ED

36



37

38

Identifying ED: The Five Characteristics

- How many characteristics need to qualify?
- Do students who meet more than one characteristic gain access to more services?
 - Are these students more ED?
- Does the psychoeducational report need to consider all 5 characteristics?
 - Why might it be especially important to consider characteristic 1 in ALL psychoeducational reports?

38

39

Characteristic 1

- An **inability to learn** which cannot be explained by intellectual, sensory, or health factors
 - Ensures comprehensive/differential assessment performed to rules out non-ED reasons for the inability to learn
 - ... the intent of this characteristic is to eliminate potential variables other than ED that may be influencing the students in ability to learn.

State of Connecticut, Department of Education (1997); Tibbetts (2013, p. 28)

39

40

Characteristic 1

- *An inability to learn which **cannot be explained by intellectual, sensory, or health factors***
 - Non-ED conditions to consider and rule out
 - Intellectual disability
 - speech and language disorders
 - autism (prior to 1991 was a "rule in")
 - learning disability
 - hearing/vision impairment
 - multi-handicapping conditions
 - traumatic brain injury
 - neurological impairment


State of Connecticut, Department of Education (1997)

40

41

Characteristic 1

- *An inability to learn which cannot be explained by intellectual, sensory, or health factors*
 - ...*expectedly be used in only rare cases.*
 - **Possible DSM-5** examples
 - Selective Mutism
 - Dissociative Identity Disorder
 - Rumination Disorder
 - Anorexia Nervosa
 - Bulimia Nervosa
 - Body Dysmorphic Disorder
 - Trichotillomania (Hair-Pulling) Disorder
 - Excoriation (Skin-Picking) Disorder
 - Depersonalization/Derealization Disorder



State of Connecticut, Department of Education (1997, p. 8)

41

42

Characteristic 2

- *An **inability** to build or maintain satisfactory **interpersonal** relationships with peers and teachers.*
 - "Inability" doesn't indicate unwillingness to build/maintain relationships or lack of social skills
 - Social maladjustment, withdrawal, aggression, or social immaturity should be ruled out
 - *The child is unable to initiate or to maintain satisfactory interpersonal relationships with peers and teachers.*
 - *This inability should be primarily because of the severity of the child's emotional disturbance.*

State of Connecticut, Department of Education (1997); Tibbetts et al. (1986, p. 11)

42

43

Characteristic 2

- An **inability** to build or maintain **satisfactory interpersonal relationships with peers and teachers.**
 - If the student does not possess appropriate social skills, then he or she must be systematically taught.
 - Thus, it is important of any ED assessment to evaluate the degree of social skills possessed by the student.
 - The student should be considered for ED eligibility under this characteristic only after a systematic and consistent effort has been made to teach such skills to the student.

Sources: Tibbetts (2013, p. 29)

43

44

Characteristic 2

- An **inability to build or maintain satisfactory interpersonal relationships with peers and teachers.**
 - Satisfactory interpersonal relationships include:
 - Ability to demonstrate sympathy, warmth, and empathy toward others
 - Establish and maintain friendships
 - Be constructively assertive
 - Work and play independently
 - Doesn't refer to student who conflicts with one teacher or certain peers
 - Students don't qualify for special education because of problems with particular teachers, peers, or groups
 - It is a pervasive inability to develop relationships with others across settings and situations

Bower (1960); Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997)

44

45

Characteristic 2

- An **inability to build or maintain satisfactory interpersonal relationships with peers and teachers.**
 - Regulation considers relationships “with peers **AND** teachers.”
 - Sets “a high standard to meet as it requires [the student’s] difficulties to be both with peers and teachers .”

R.B. Napa Valley Unified School District (9th Cir. 2007) 496 F.3d 932, p. 944

45

46

Characteristic 2

- *An inability to build or maintain satisfactory **interpersonal** relationships with peers and teachers.*
 - Behavioral characteristics that impair the ability to build/maintain relationships include:
 1. extreme social withdrawal/isolation
 2. poor reality testing
 3. social or interpersonal deficits
 4. aggressive and authority challenging behaviors
 5. oppositional tendencies
 6. lack of affect
 7. disorganized/distorted emotions toward others
 8. demands for constant attention from others
 - either seeking excessive approval or negative attention
 9. anxious or fear-driven avoidance of others
 10. bizarre patterns of interpersonal interaction

Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997); Washington Assoc. of School Psych. (2000)

46

47

Characteristic 2


- *An inability to build or maintain satisfactory **interpersonal** relationships with peers and teachers.*
 - Teacher/staff interviewed to document inability to establish meaningful relationships
 - Parents interviewed to establish the absence of meaningful peer relationships in home/community
 - Student interview explores perceptions of inability to make friends/establish relationships
 - Verify student not simply unwilling or lacking social skills

Sources: Tibbetts (2013, p. 29).

47

48

Characteristic 2



- *An inability to build or maintain satisfactory **interpersonal** relationships with peers and teachers.*
 - **Possible DSM-5** examples:
 - Attention-Deficit/Hyperactivity Disorder
 - Delusional Disorder
 - Schizophreniform Disorder
 - Schizophrenia
 - Schizoaffective Disorder
 - Catatonia
 - Unspecified Catatonia
 - Other Specified Schizophrenia Spectrum and Other Psychotic Disorder
 - Social Anxiety Disorder
 - Reactive Attachment Disorder
 - Disinhibited Social Engagement Disorder

48

49

Characteristic 3

- *Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.*
 - "The third characteristic, ... as operationally defined by a number of States may include those behaviors which are psychotic or bizarre in nature or are atypical behaviors for which no observable reason exists. For example: Running away from a stressful situation, whether at home or at school, is not characteristic of the type of behavior this definition contemplates. Nor is the taking of alcohol or drugs, however harmful, such an inappropriate act under normal conditions as to come within this definition. This definition might include behavior such as assaulting teachers or students for no apparent reason. . . . The essential element appears to be the student's inability to control his/her behavior... and conform his/her conduct to socially acceptable norms."

Letter to Anonymous (OSEP 8-11-89) 213 IDELR 247

49

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Characteristic 3

- *Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.*
 - Determine the inappropriate behaviors/feelings due to emotional condition
 - **Psychotic**, overtly **bizarre** or potentially or actually **harmful** to student or others
 - Examples include ...
 - catastrophic reactions to everyday occurrences
 - extreme emotional lability
 - overreaction to environmental stimuli
 - low frustration tolerance
 - severe anxiety

Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997); Tibbetts (2013); Tibbetts et al. (1986, p. 12)

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51

Characteristic 3

- *Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.*
 - **Psychotic**, overtly **bizarre** or potentially or actually harmful to the student/others
 - Examples include ... (continued)
 - responses to delusions or hallucinations
 - excessive preoccupation with fantasy
 - limited or excessive self-control
 - limited premeditation/planning
 - limited ability to predict behavior consequences
 - rapid changes in behavior/mood
 - self-injurious behaviors
 - obsessive or compulsive behaviors
 - inappropriate sexualized behaviors/fetishes

Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997);Tibbetts et al. (1986, p. 12)

51

52

Characteristic 3

- *Inappropriate types of **behavior or feelings** under normal circumstances exhibited in **several situations**.*
 - Document inappropriate behavior/feelings deviate significantly from age, gender, cultural expectations across different environments
 - Feelings not observable or measurable - determined through inferences drawn from behaviors/interactions
 - Eligibility based on “feelings,” require consensus among team members of persistent/significantly inappropriate feelings demonstrated by observed behavior inappropriate for the context

Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997); Tibbetts (2013)

52

53

Characteristic 3


- *Inappropriate types of **behavior or feelings** under normal circumstances exhibited in several situations.*
 - Must determine whether “inappropriate” responses occur “under normal circumstances.”
 - When considering “normal,” team should consider effect of environmental stress/changes
 - However, such evidence does not preclude eligibility
 - Under what circumstances might mental illness Sx be considered “normal” or “appropriate?”

State of Connecticut, Department of Education (1997)

53

54

Characteristic 3



- *Inappropriate types of **behavior or feelings** under normal circumstances exhibited in several situations.*
 - **Possible DSM-5** examples:
 - Delusional Disorder
 - Schizophrenia
 - Schizoaffective Disorder
 - Catatonia Associated with Another Mental Disorder
 - Unspecified Catatonia
 - Bipolar I Disorder
 - Disruptive Mood Dysregulation Disorder
 - Obsessive-Compulsive Disorder
 - Posttraumatic Stress Disorder
 - Dissociative Amnesia
 - Conversion Disorder (Functional Neurological Symptom Disorder)

54

55

Characteristic 4

- **A general pervasive mood of *unhappiness or depression*.**
 - Unhappiness/depression occurring across most, if not all, of student's life situations for at least **several months**.
 - Pattern not temporary response to situational specific factors or a medical condition
 - Not secondary manifestation of substance abuse, medication or a general medical condition (e.g., hypothyroidism)
 - Not the effect of bereavement

Public Schools of North Carolina, Exceptional Children Division (n.d.); State of Connecticut, Department of Education (1997); Tibbetts et al (1986, p. 12)

55

56

Characteristic 4

- **A general pervasive mood of *unhappiness or depression*.**
 - The child must *demonstrate actual, overt symptoms of depression*.
 - Among children with depression what is the predominant mood?

Tibbetts et al. (1986, p. 12)

56

57

Characteristic 4

- **A general pervasive mood of *unhappiness or depression*.**
 - Characteristics associated with depression/unhappiness
 - 1) Depressed mood (in children/adolescents, can be irritable)
 - 2) Markedly diminished interest/pleasure in activities
 - 3) Significant weight loss/weight gain, or decrease/increase in appetite (in children, consider failure to make expected weight gains)
 - 4) Insomnia/hypersomnia
 - 5) Psychomotor agitation/retardation
 - 6) Fatigue/loss of energy
 - 7) Feelings of worthlessness or excessive/inappropriate guilt
 - 8) Diminished ability to think/concentrate, or indecisiveness
 - 9) Recurrent thoughts of death, recurrent suicidal ideation without a plan, or a suicide attempt/a specific plan for committing suicide

APA (2013, pp. 160-161)

57

58

Characteristic 4

- A general pervasive **mood of unhappiness or depression**.
 - Characteristics associated with depression or unhappiness withdrawal from friends
 - frequent crying
 - may be masked by angry, aggressive, or agitated behaviors
 - homicidal ideations
 - obsessions with morbid themes
 - slowed thinking/action
 - inattention
 - memory deficits


Public Schools of North Carolina, Exceptional Children Division (n.d.); Washington State Association of School Psychologists (2000).

58

59

Characteristic 4

- A general pervasive mood of **unhappiness or depression**.
 - **Possible DSM-5** examples:
 - Bipolar I Disorder
 - Bipolar II Disorder
 - Cyclothymic Disorder
 - Other Specified Bipolar and Related Disorder
 - Disruptive Mood Dysregulation Disorder
 - Major Depressive Disorder
 - Persistent Depressive Disorder (Dysthymia)



59

60

Characteristic 5

- A tendency to develop **physical symptoms or fears** associated with personal or school problems.
 - Physical symptoms include headaches, gastrointestinal problems, cardiopulmonary symptoms .
 - May require obtaining medical records

State of Connecticut, Department of Education (1997); Tibbetts et al. (1986, p. 14)

60

61

Characteristic 5

- A tendency to develop **physical symptoms or fears** associated with personal or school problems.
 - Meet the following conditions:
 1. Symptoms suggest physical disorders, no demonstrable medical findings
 2. Positive evidence/strong presumption that symptoms are linked to psychological factors/conflict
 3. Person not conscious of intentionally producing symptoms
 4. Symptoms not a culturally sanctioned response pattern

State of Connecticut, Department of Education (1997)

61

62

Characteristic 5

- A tendency to develop **physical symptoms or fears** associated with personal or school problems.
 - Examples of “fears:”
 - Incapacitating anxiety
 - often accompanied by trembling, hyperventilating, dizziness
 - Panic attacks characterized by physical symptoms
 - Irrational fears of objects, activities, individuals, situations
 - result in avoidance behavior or significant rise in anxiety/panic when the object can’t be avoided
 - Intense fears/irrational thoughts related to parental separation

State of Connecticut, Department of Education (1997); Tibbetts et al. (1986, p. 14)

62

63

Characteristic 5

- A tendency to develop **physical symptoms or fears associated with** personal or school problems.
 - Requires documentation the student exhibits physical symptoms/fears associated with personal/school life


State of Connecticut, Department of Education (1997)

63

64

Characteristic 5

- A tendency to develop **physical symptoms or fears** associated with personal or school problems.
 - **Possible DSM-5 examples:**
 - Separation Anxiety Disorder
 - Selective Mutism
 - Specific Phobia
 - Social Anxiety Disorder (Social Phobia)
 - Panic Disorder
 - Agoraphobia
 - Generalized Anxiety Disorder
 - Posttraumatic Stress Disorder
 - Somatic Symptom Disorder
 - Conversion Disorder (Functional Neurological Symptom Disorder)



64

65

Three Elements of ED

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    graph TD
      E1[1 Can be schizophrenia] --> EC[Emotional Condition  
(Results in at least one of the following)]
      E2[2 An inability to learn not explained by intellectual, sensory, or health factors  
An inability to build/ maintain interpersonal relationships with peers/teachers  
Inappropriate types of behavior/feelings under normal circumstances  
Pervasive mood of unhappiness/depression  
Tendency to develop physical symptoms or fears assoc. w/ personal/school problems] --> EC
      E3[3 Cannot be social maladjustment] --> EC
      EC --> E3[3 Exhibited for a long period of time and to a marked degree Adversely affects educational performance]
  
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65

66

Limiting Criteria

- Over a **long period** of time: **Rationale**
 - **Rule out temporary adjustment reactions**
 - developmental changes (e.g., puberty)
 - temporary reactions to psychosocial stressors (e.g., divorce, **death of a parent** or sibling)
 - Provides opportunity to utilize behavioral interventions to rule out possibility that student is exhibiting a behavioral disorder rather than severe emotional disturbance




Tibbetts (2013); Tibbetts et al. (1986)

66

67

Limiting Criteria

- Over a **long period** of time: **How long is “long?”**
 - **Typically** 6 months, but...
 - Following efforts at behavioral intervention
 - Shorter duration appropriate if Dx criteria met and interventions clearly not adequate
 - Regardless, ED consideration explored only after extensive interventions




Tibbetts (2013); Tibbetts et al. (1986)

67

68

Limiting Criteria

- Over a **long period** of time: **Questions to ask**
 - How long have problem behaviors existed?
 - Is this part of a recurring pattern of behaviors (multiple acute episodes)?
 - How does student’s developmental level/progress contribute to duration of problem behavior?
 - Can behavior be explained by a short-term, environmental event?




Washington State Association of School Psychologists (2000)

68

69

Limiting Criteria

- Over a **long period** of time: **How long is “long?”**
 - The Office of Special Education Programs states “a long period of time” within the meaning is a range of time from two to nine months.




Letter to Anonymous, 213 IDELR 247, 213 LRP 9338 (OSEP 1989).

69

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Limiting Criteria

- To a **marked degree**
 - Generally refers to the frequency, duration or intensity of a student's emotionally disturbed behavior in comparison to the behavior of peers and/or school/community norms.




Letter to Anonymous, 213 IDELR 247; 213 LRP 9338 (OSEP 1989)

70

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Limiting Criteria

- To a **marked degree: Pervasive**
 - Primary characteristic distinguishing ED from social maladjustment
 - Among students with behavior disorders, negative or inappropriate behaviors more likely to be seen in certain settings/with certain individuals
 - Among students with ED, behaviors are more likely to be demonstrated across all domains (school, home, community) with almost all individuals
 - Pervasiveness documented through observations (home visit, teacher and parent interviews)




Tibbetts (2013); Tibbetts et al. (1986)

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Limiting Criteria

- To a **marked degree: Pervasive Home and School**
- "... care should be taken with regard to SED students to insure through appropriate evaluation that the behaviors are occurring across a number of instructional settings (both academic and nonacademic).
- ... While for eligibility purposes, the student must meet the parameters of the SED definition *within the educational environment*, knowledge of the student's continuation/discontinuation of such behaviors in other settings (e.g., home, community) may be helpful in program planning."
 - **Emphasis added**




Letter to Anonymous (OSEP 8-11-89) 213 IDELR 247

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Limiting Criteria

- **To a *marked degree*: Intense**
 - Demonstration of negative behaviors in overt, acute, and observable manner
 - ED behaviors produce significant distress
 - either to individual or to others in their environment and must be primarily related to the ED condition.
 - Without such behaviors the child doesn't meet ED criteria
 - Student's sociocultural background considered when evaluating this condition, with reference to ritualistic behaviors or beliefs in spirits




Tibbetts (2013); Tibbetts et al. (1986)

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Limiting Criteria

- **To a *marked degree*: Intense**
 - Frequency, duration, intensity document the ED characteristic(s) to a degree significantly different from developmental peers
 - Requires classroom observations




Tibbetts (2013); Washington State Association of School Psychologists (2000)

74

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Limiting Criteria

- **To a *marked degree*: Intense**
 - **Frequency: How often the behavior happens**
 - **For example,** Every 10 seconds; 3 times per week; periodically during the month, see behavior logs: averages 2 x per month; or one time in 1999, 6 times in 2004, 0 in 2005, 10 times in 2006.
 - **Intensity: A description of the heightened impact of the behavior, e.g., the depth, the force, the strength, the vigor or extreme level of the behavior**
 - **For example:** (Screams) loud enough to be heard in adjacent classrooms; (Hits with retracted fist) hard enough to leave bruises on person(s) hit; or (Bites) hard enough to leave marks, but has not yet broken skin.
 - **Duration: How long the behavior lasts**
 - **For example:** (After Lunch--5th and 6th Periods), Entire Period with no stopping; or Continuous for 20 minutes.




Browning Wright et al. (2009, Sec. 4, p. 9)

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Limiting Criteria

- **To a *marked degree*: Intense**
 - Ask:
 - Does the behavior interferes with the individual's development?
 - How does the frequency, duration, and intensity of the behavior compare to the student's peers or cultural group in a similar setting?
 - **Marked degree** is often associated with a score or rating that differs from the mean by two (2) or more standard deviations.
 - For example, T-Scores above 70 on the *BASC*




Washington State Association of School Psychologists (2000)

76

77

Limiting Criteria

- **To a *marked degree***
 - "Even if we accepted the opinion of the licensed professionals and rejected the SEHO's finding that R.B. was not depressed during the 2001-02 and 2002-03 school years, appellants would still fail to establish IDEA eligibility because they **could not prove that R.B.'s depression was 'to a marked degree.'**"
 - "The Struven report, which the SEHO found most persuasive, concluded that R.B. only had mild depression below the level required to establish a 'severe emotional disturbance.' The SEHO heard the testimony of all the experts and was familiar with the various methodologies employed in each report. Therefore, **we defer to the SEHO's thorough and careful analysis of the expert reports and accept the conclusion that R.B.'s depression was not to a marked degree.**"
[emphasis added]



R.B. Napa Valley Unified School District (9th Cir. 2007) 496 F.3d 932, p. 944

77

78

Limiting Criteria

- **Long period of time AND to a *marked degree***
 - "The whole point of the plan was that R.B.'s 'habitual history' of 'isolated incidents' of misconduct reached acute levels during that trimester."
 - "Once the District implemented the support plan, R.B.'s behavior improved. In other words, while R.B. engaged in inappropriate behavior over several years of school, that behavior was **'to a marked degree' only during one trimester of one grade.**"
[emphasis added]


R.B. Napa Valley Unified School District (9th Cir. 2007) 496 F.3d 932, pg. 946.

78

79

Limiting Criteria

- **Adversely affects educational performance**
 - More than just academic achievement
 - ED characteristic must occur in school setting and impair ability to benefit from general education
 - IDEA is an education law, thus focus of classification and is assisting student to improve educational performance despite ED
 - If student is able to progress in general ed. classification of as ED is neither necessary nor appropriate




Tibbetts (2013); Tibbetts et al. (1986)

79

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Limiting Criteria

- **Adversely affects educational performance**
 - Ways to determine adverse affect
 - Achievement lower than expected given IQ
 - Quality/degree of task completion, on-task behavior, group participation, and peer-teacher interaction
 - Confirmed by at least two separate psychologist observations
 - Documented teacher observations
 - Work samples
 - Criterion-referenced assessments
 - Grade reports




Tibbetts (2013); Tibbetts et al. (1986)

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Limiting Criteria

- **Adversely affects educational performance**
 - Documented that poor education performance is not due primarily to lack of attendance
 - Student's educational performance is compared with others of the same social-cultural background
 - Adverse affect assumed when a child is actively dangerous to self or others in the educational setting and the actions not due to social maladjustment

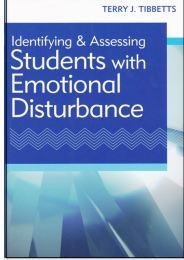


Tibbetts (2013); Tibbetts et al. (1986)

81

82

Recommended Reading



Tibbetts, T. J. (2013). *Identifying & assessing students with emotional disturbance*. Baltimore, MD: Brooks.

82

83

References

American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders* (4th ed., Text Rev.) Washington, DC: Author.

Baird, M. (2008). *Disabled ... or Just Troubled? Managing emotional disorders in the school environment*. Jacksboro, TN: Author. Retrieved from <http://www.ksde.org/LinkClick.aspx?fileticket=oS5WlaOL2uzU%3D&tabid=3339&>

Bower, E. (1960). *Early identification of emotionally handicapped children in school*. Springfield, IL: Charles C. Thomas.

Browning Wright, D., & Cafferata, G. (2009, September). *The BSP desk reference: A teacher and behavior support team's guide to developing and evaluating behavior support plans*. Los Angeles, CA: PENT. Retrieved from <http://www.pent.ca.gov/dsk/bspdeskreference.pdf>

Center, D. B. (1990). Social maladjustment: An interpretation. *Behavioral Disorders*, 15, 141-148.

Center for Effective Collaboration and Practice (2001). *Students with emotional disturbance*. Washington DC: Author. Retrieved from <http://cecp.air.org/resources/20th/intro.asp>

83

84

References

Clarizo, H. F. (1992). Social maladjustment and emotional disturbance: Problems and positions I. *Psychology in the Schools*, 29, 131-140.

Forness, S. R., Kavale, K. A., King, B. H., & Kasari, C. (1994). Simple versus complex conduct disorders: Identification and phenomenology. *Behavioral Disorders*, 19, 306-312.

Gable, R. A., Quinn, M. M., Rutherford, R. B., Howell, K. W., & Hoffman, C. C. (1998, May 12). *Addressing student problem behavior - Part II: Conducting a functional behavioral assessment* (3rd ed.). Washington, DC: Center for Effective Collaboration and Practice. Retrieved from <http://cecp.air.org/fba/problembehavior2/Functional%20Analysis.PDF>

Gilliam, W. S., Maupin, A. N., Reyes, C. R., Accavitti, M., & Shic, F. (2016). Do Early Educators' Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions? Yale Child Study Center. Retrieved from [http://childcenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20B](http://childcenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief.html)


Lewis, T. (n.d.). *Assessment to intervention: Implications for school psychologists serving students with emotional/behavioral disorders*. Columbia, MO: University of Missouri, OSEP Center on Positive Behavioral Intervention & Supports. Retrieved from www.pbis.org/common/pbisresources/.../1008tassmt2ntrvntnMO.pdf

84

Issues in the Identification of Emotional Disturbance

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88