Eligibility Determination: Emotional Disturbance

|  |  |
| --- | --- |
| Child Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

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 other 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 under 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of emotional disturbance.**

**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assistance Manual (2017):

 [ ]  screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)

Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  child’s history, including an interview with the parent(s)/guardian(s)

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  complete multiple direct observations across both structured and unstructured settings and various times

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  systematic review of individual academic achievement performance

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  academic achievement assessment

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  functional behavior assessment

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  psychological evaluation

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  behavior rating scale/checklist

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  transition assessment, as appropriate

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 [ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with emotional disturbance according to the requirements of IDEA (34 CFR Sec. 300.8(c)(4)). The EDT must include a New Mexico licensed psychologist (clinical or school) in order to make this determination. The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

᷾[ ]  YES [ ]  NO

 Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

1. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

᷾[ ]  YES [ ]  NO

 Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

1. Has the EDT documented that the child has one or more of the five emotional disturbance characteristics?
2. Inability to learn which cannot be explained by intellectual, sensory, or other health factors

 [ ]  YES [ ]  NO

 Documentation:

1. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers

 [ ]  YES [ ]  NO

 Documentation:

1. Inappropriate types of behaviors or feelings under normal circumstances

᷾[ ]  YES [ ]  NO

Documentation:

1. A general pervasive mood of unhappiness or depression

᷾[ ]  YES [ ]  NO

Documentation:

1. A tendency to develop physical symptoms or fears associated with personal or school problems

 [ ]  YES [ ]  NO

Documentation:

√ If answered NO all of the above, the child is not eligible under the emotional disturbance category.

4. Has the EDT documented that the EDT characteristics:

1. Have been present over a long period of time

᷾᷾[ ]  YES [ ]  NO

 Documentation:

1. To a marked degree

 [ ]  YES [ ]  NO

 Documentation:

1. Adversely affects the child’s educational performance

[ ]  YES [ ]  NO

 Documentation:

√ If answered NO any of the above, the child is not eligible under the emotional disturbance category.

5. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with emotional disturbance as defined by IDEA (2004)?

 [ ]  YES [ ]  NO

 Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

**NOTE**: The term ED does not apply to children who are primarily socially maladjusted and not identified as meeting qualifying criteria for ED; however it is possible for a child who is socially maladjusted to also meet the eligibility criteria for ED.

1. Has the EDT determined that no other eligibility category better describes this child’s disability?

 [ ]  YES [ ]  NO

 Documentation:

√If answered NO, the child is not eligible under the emotional disturbance category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

 **[ ]**  YES **[ ]**  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

[ ]  The child is eligible under the eligibility category of emotional disturbance.

[ ]  The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of emotional disturbance as defined by IDEA (2004).

[ ]  The child is not eligible under the eligibility category of emotional disturbance.

[ ]  The results of the evaluation indicate that the child does not have emotional disturbance as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

[ ]  The results of the evaluation indicate that the child does not have emotional disturbance as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that the child has emotional disturbance as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that although the child has emotional disturbance as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

[ ]  The EDT is unable to determine eligibility under the eligibility category of emotional disturbance. The following information is needed in order for the EDT to reconvene and make a final eligibility determination.

[ ]  Additional information from:

[ ]  Additional assessments in the following areas:

[ ]  Other:

Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Title/Name** | **Date** | **Signature** |
| **[ ]**  | Parent/Guardian  |  |  |
| **[ ]**  | Parent/Guardian |  |  |
| **[ ]**  | Child |  |  |
| **[ ]**  | Special Education Teacher |  |  |
| **[ ]**  | General Education Teacher |  |  |
| **[ ]**  | District Representative |  |  |
| **[ ]**  | Person Interpreting Evaluation Results |  |  |
| **[ ]**  | Educational Diagnostician |  |  |
| **[ ]**  | Speech Language Pathologist  |  |  |
| **[ ]**  | Occupational Therapist  |  |  |
| **[ ]**  | Physical Therapist |  |  |
| **[ ]**  | School Psychologist  |  |  |
| **[ ]**  | Social Worker  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

Reevaluation Eligibility Determination: Emotional Disturbance

|  |  |
| --- | --- |
| Child Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

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* + An inability to learn that cannot be explained by intellectual, sensory, or other 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 under 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of emotional disturbance.**

**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

[ ]  current classroom-based, short-cycle, and/or state assessments

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  complete multiple direct observations across both structured and unstructured settings and various times

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  observations and information provided by teachers and related service providers Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  observations, information, and/or evaluations provided by the child’s parents Date(s): \_\_\_\_\_\_\_\_\_\_

Other assessment information included:

[ ]  academic achievement assessment

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  speech/language/communication assessment

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  functional behavior assessment

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  complete multiple direct observations across both structured and unstructured settings and various times

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

[ ]  psychological evaluation

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  behavior rating scale/checklist

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  transition assessment, as appropriate

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

[ ]  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with emotional disturbance according to the requirements of IDEA (34 CFR Sec. 300.8(c)(4)). The EDT must include a New Mexico licensed psychologist (clinical or school) in order to make this determination. The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with emotional disturbance as defined by IDEA (2004)?

**[ ]**  YES **[ ]**  NO

Documentation:

√ If answered NO, the child is no longer eligible under the emotional disturbance category.

2. Has the EDT determined that no other eligibility category better describes this child’s disability?

 **[ ]**  YES **[ ]**  NO

Documentation:

√If answered NO, the child is no longer eligible under the emotional disturbance category.

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child’s present levels of academic achievement and functional performance, (b) the child’s educational needs, and (c) any necessary changes to the child’s educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

 **[ ]**  YES **[ ]**  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

**[ ]**  YES **[ ]**  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

[ ]  The child continues to be eligible under the eligibility category of emotional disturbance.

[ ]  The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of emotional disturbance as defined by IDEA (2004).

[ ]  The child is no longer eligible under the eligibility category of emotional disturbance.

[ ]  The results of the evaluation indicate that the child no longer has emotional disturbance as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

[ ]  The results of the evaluation indicate that the child no longer has emotional disturbance as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that the child continues to have emotional disturbance as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

[ ]  The results of the evaluation indicate that although the child continues to have emotional disturbance as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

[ ]  The EDT is unable to determine continued eligibility under the eligibility category of emotional disturbance. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:

[ ]  Additional information from:

[ ]  Additional assessments in the following areas:

[ ]  Other:

Reevaluation Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Title/Name** | **Date** | **Signature** |
| **[ ]**  | Parent/Guardian  |  |  |
| **[ ]**  | Parent/Guardian |  |  |
| **[ ]**  | Child |  |  |
| **[ ]**  | Special Education Teacher |  |  |
| **[ ]**  | General Education Teacher |  |  |
| **[ ]**  | District Representative |  |  |
| **[ ]**  | Person Interpreting Evaluation Results |  |  |
| **[ ]**  | Educational Diagnostician |  |  |
| **[ ]**  | Speech Language Pathologist  |  |  |
| **[ ]**  | Occupational Therapist  |  |  |
| **[ ]**  | Physical Therapist |  |  |
| **[ ]**  | School Psychologist  |  |  |
| **[ ]**  | Social Worker  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |
| **[ ]**  | Other  |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.