\*Tracked changes version follows the clean copy

**Clean Copy**

581-015-2145

Emotional Behavior Disability

(1) Definition of emotional behavior disability: For Early Childhood and School Age special education, “Emotional Behavior Disability” 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; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems;

(f) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional behavior disability.

(2) Comprehensive Evaluation: If a child is suspected of having an emotional behavior disability, a comprehensive evaluation must be conducted for Early Childhood or School Age Special Education services, including the following:

(a) Social-emotional evaluation. An evaluation of the child's emotional and behavioral status, including a developmental or social history, when appropriate.

(b) Medical examination. If needed, documentation of a medical examination t indicating whether there are any physical factors that may be affecting the child's educational performance;

(c) Behavior rating scales. The completion of at least two behavior-rating scales, at least one of which is a standardized behavior measurement instrument;

(d) Observation. An observation in the classroom and in at least one other setting by someone other than the child's regular teacher;

(e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child; and

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria:To be eligible as a child with an emotional behavior disability for Early Childhood or School Age Special Education services, the child must exhibits one or more of the following characteristics over a long period of time and to a marked degree:

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

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(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

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

(4) Eligibility Determination: For a child to be eligible for Early Childhood or School Age Special Education services as a child with an emotional behavior disability, the eligibility team must also determine that:

(a) The child has an emotional behavior disability as defined in this rule; and

(b) The child is eligible for services in accordance with Early Childhood special education (OAR 581-015-2795) or School Age special education (OAR 581-015-2120);

(c) A child who is socially maladjusted may not be identified as having an emotional behavior disability unless the child also meets the minimum criteria under this rule.

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