**581-015-2145 clean copy of revisions for Board to consider 9-1-2020**

**Emotional Behavior Disability**

**(1)** "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 developmental progress (age 3 through 5) or educational performance (age 5 through 21):

(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 typical 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.

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

(3) If a child is suspected of having an emotional behavior disability, a comprehensive evaluation must be conducted, 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) Behavior rating scales. The completion of at least two behavior-rating scales, at least one of which is a standardized behavior measurement instrument;

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

(d) Other:

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

(i) On the child's developmental progress for a preschool child (age 3 through 5); or

(ii) On the child's educational performance for a school-age child (age 5 through 21); and

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

(4) If a child is suspected of having an emotional behavior disability, a medical examination is not required, but may be completed if the evaluation team determines that it is necessary. The purpose of a medical examination is to ensure consideration of other health and/or physical factors that may impact the child’s developmental progress (age 3 through 5) or educational performance (age 5 through 21). The medical examination is given by:

(a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

(c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority

in another state; or

(d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

(5) To be eligible as a child with an emotional behavior disability, the child must meet the following criteria:

(a) The child 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;

(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.

(6) For a child to be eligible for special education services as a child with an emotional behavior disability, the eligibility team must determine that:

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

(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.

 (7) 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.

**Statutory/Other Authority:** ORS 343.035(1), 343.045, 343.146 & 343.157
**Statutes/Other Implemented:** ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 34 CFR 300.306
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ODE 8-2001, f. & cert. ef. 1-29-01
ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00
EB 22-1995, f. & cert. ef. 9-15-95
EB 16-1992, f. & cert. ef. 5-13-92
EB 25-1991(Temp), f. & cert. ef. 11-29-91
1EB 7-1986, f. & ef. 2-24-86
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