

IDEA Language

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Emotional ~~Disturbance~~ Behavior Disability Eligibility Criteria

(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):

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

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(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

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

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

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

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(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.

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(43) If a child is suspected of having an emotional ~~disturbance~~ behavior disability, the following evaluations must be conducted: a comprehensive evaluation must be conducted, including the following:

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

~~(b) Medical or health assessment statement. A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;~~

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

(c) Functional Behavioral Assessment;

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(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:

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

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

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

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

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(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:

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(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;

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(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.

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

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(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.

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

- (a) The child's disability has an adverse impact on the child's educational performance; and
- (b) The child needs special education services as a result of the disability;

- (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.

(57) A child who is socially maladjusted may not be identified as having an emotional ~~disturbance~~ 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

History:

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ODE 2-2003, f. & cert. ef. 3-10-03
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
Reverted to 1EB 29-1978, f. & ef. 7-20-78
1EB 18-1983(Temp), f. & ef. 12-20-83
1EB 29-1978, f. & ef. 7-20-78

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