

**ELIGIBILITY REPORT / BEHAVIORALLY-EMOTIONALLY DISABLED
[(DEC 3(b))]**

The following explanations will assist in completing this form.

Section I Explanations:

1. Adequate academic progress:
A student's progress in core academic subjects as measured by achievement tests, report cards, work samples, curriculum-based assessments, etc. Standardized and informal measures of academic performance are critical tools in evaluating student progress in the core academic subjects but are not adequate measures of educational performance. Students who have been identified behaviorally-emotionally disabled may have a specific learning disability or a developmental disability. However, it must be determined that such disabilities are not the primary cause of the learning problem. It is also possible for a student of superior intellectual aptitude, who is achieving commensurate with grade expectations but below his/her potential, to be identified as behaviorally-emotionally disabled.
2. Inability to maintain satisfactory interpersonal relationships:
The ability to build and maintain satisfactory relationships is impaired by behavioral characteristics which include but are not limited to extreme social withdraw, poor reality testing, social or interpersonal deficits, aggressive and authority challenging behaviors, and oppositional tendencies.
3. Inappropriate or immature types of behavior:
Student behavior must be inappropriate under normal circumstances and across time. Behaviors may include, but not be limited to, overreaction to environmental stimuli, obsessive or compulsive behaviors, bizarre verbalizations, inappropriate sexualized behaviors or fetishes. When making eligibility determinations based on feelings alone, there should be a strong consensus among IEP Team members that there exists documented evidence of persistent and significantly inappropriate feelings demonstrated by observed behaviors that are not appropriate in the particular context.
4. A general or pervasive mood of unhappiness or depression:
A mood which may be observed as withdrawal from friends, frequent crying, markedly diminished interest in activities, depressive affect, and anxiety, or it may be masked by angry, aggressive, or agitated behaviors. Suicidal and homicidal ideation's, obsessions with morbid themes, and sleep disturbances are also common characteristics of depression. If such prevalent, disturbed moods and thoughts are situationally specific, they do not constitute a general mood of unhappiness or depression unless they become a protracted state.
5. Physical symptoms, pains or fears associated with personal or school problems:
Either chronic physical problems, which have medical basis or bouts of paranoia associated with school. These behaviors must occur to a marked degree and over a long period of time rather than as an acute reaction to a specific event such as testing.

Section II Explanations:

1. Documentation:

Documentation of pre-referral interventions should be included in this section. Students who present behavioral-emotional difficulties in the general education program can not qualify for special education services as behavioral-emotional disabled unless specific interventions have been implemented with respect to the presenting problems, and the student continues to manifest behaviors consistent with the definition. This supportive educational assistance should be provided for a sufficient period of time (e.g., 6-8 weeks) to modify the targeted behavior and should be evaluated to determine its effectiveness. The school system has a responsibility for utilizing existing resources and strategies in the general education setting prior to initiating a special education referral. However, upon the receipt of a referral for a child suspected of having a behavioral-emotional disability, the school must complete the requisite evaluation process necessary for eligibility determination within the required 90-day timeline. If a parent or others outside the school insist on an evaluation at the time of the submission of the referral, the required interventions, observations and screenings may occur concurrently with the evaluation process and must be within the required 90-day timeline.

2. Inability to learn due to physical, sensory or intellectual deficit:

The evaluation team must determine that this condition “can not be explained by intellectual, sensory, or health factors.” Some degree of contribution from one of these factors may be present, but it must be determined that such factor(s) are not the primary problem. Students who have been identified behavioral-emotional disabled may have a specific learning disability or a developmental disability. However, it must be determined that such disabilities are not the primary cause of the learning problem. The eligibility determination should indicate that the severity of the behavioral-emotional disability is such that the student would not be more appropriately served in another general or special education program.

3. Lack of appropriate instruction or management of behavior:

This exclusion from eligibility is included to prevent children from being identified as behavioral-emotional disabled when their lack of academic progress can be attributed to inadequate or inappropriate instructional/classroom management methodologies. The IEP Team should consider whether the current educational setting fosters appropriate academic progress and behavioral control among other students.

4. Social maladjustment:

Despite the fact that a clear definition and empirical support for putting into practice the socially maladjustment exclusion does not exist in the literature, the federal definition and a clear majority of state regulations include the clause in their procedures. The clause appears to exclude students from being labeled as disabled if they present delinquent behavior, which they are fully capable of controlling and for which they are provided social support. If the practitioner in the field suspects a child has behavioral or emotional difficulties and is in need of special education services, the evaluation team must conduct a comprehensive multi-faceted evaluation that addresses all areas of the

eligibility criteria in the definition. Under the federal and state definitions, if the child meets one or more of the five identifying characteristics and the four qualifiers, he or she is eligible for special education services regardless of the presence or lack of social maladjustment.

5. Student's own learning process is consistently and significantly disrupted:
The student's inappropriate behaviors result in limiting access to learning within the school environment due to disciplinary exclusions, refusal to complete work, etc.
6. Patterns of behavior:
Patterns should be observed in multiple environments rather than specific to one particular situation or classroom. Attention should be given to the following characteristics of a specific problem behavior:
 - Frequency - the number of occurrences of a given behavior over a given period of time.
 - Duration – the average amount of time that the student engages in a given behavioral occurrence, and
 - Intensity – the relative strength, disruptiveness or intrusiveness of a given behavioral occurrence.
7. Marked deviance from the student's peer group:
Many students in the general education program to a lesser degree evidence the dysfunctional behaviors, which characterize students with behavioral and emotional disabilities, from time to time. To qualify for special education these behaviors must be exhibited at a far greater rate and/or intensity than evidenced by a typical peer group.