

EMOTIONAL ~~DISTURBANCE~~ **DISABILITY**

Authorities: 34 CFR Part 300; Texas Occupations Code, Chapter 501; 19 TAC Chapter 89; 22 TAC Chapter 465

	<b>Additional Resources</b>
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<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Document</a>	<p>The child must be assessed in all areas of suspected disability.</p> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(4)</a></p>
<a href="#">Practice</a>	<p>The local education agency must comply with <a href="#">EVALUATION PROCEDURES</a>.</p>
<a href="#">Practice</a>	<p>In Texas, the group of qualified professionals that determines whether the child is a child with a disability and the educational needs of the child is the child's <a href="#">ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</a>.</p> <p><b>Citations:</b></p> <p><a href="#">89.1040(b)</a></p> <p><a href="#">89.1050(a)(5)</a></p>
<a href="#">Practice</a>	<p>The assessment of emotional or behavioral <del>disturbance</del> <b>disability</b>, for educational purposes, using psychological techniques and procedures is considered the practice of psychology.</p> <p><b>Citations:</b></p> <p><a href="#">22 TAC 465.38(b)(2)</a></p>
<a href="#">Practice</a>	<p>A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Texas Occupations Code.</p> <p><b>Citations:</b></p> <p><a href="#">TX Occupations Code 501.503</a></p>
<b>EVALUATION PROCEDURES</b>	
<a href="#">Document</a>	<p>The written report of evaluation by the group of qualified professionals must include specific recommendations for behavioral supports and interventions.</p> <p><b>Citations:</b></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<a href="#">89.1040(c)(4)</a>
<b>ELIGIBILITY CRITERIA</b>	
<a href="#">Document</a>	<p>A child with an emotional <del>disturbance</del><i>disability</i> is one who has been determined to meet the criteria for emotional <del>disturbance</del><i>disability</i>.</p> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(4)</a></p>
<a href="#">Practice</a>	<p><i>Emotional <del>disturbance</del><i>disability</i></i> 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 the child's educational performance:</p> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(i)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>● An inability to learn that cannot be explained by intellectual, sensory, or health factors;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(i)(A)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>● An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(i)(B)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>● Inappropriate types of behavior or feelings under normal circumstances;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(i)(C)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>● A general pervasive mood of unhappiness or depression; or</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(i)(D)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>● A tendency to develop physical symptoms or fears associated with personal or school problems.</li> </ul> <p><b>Citations:</b></p>

	FEDERAL AND STATE REQUIREMENTS
	<a href="#">300.8(c)(4)(i)(E)</a>
<a href="#">Practice</a>	<p>Emotional <del>disturbance</del> <b>disability</b> does not apply to a child who is socially maladjusted, unless the child also meets the criteria for having an emotional <del>disturbance</del> <b>disability</b>.</p> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(ii)</a></p>
<a href="#">Practice</a>	<p>Emotional <del>disturbance</del> <b>disability</b> includes schizophrenia.</p> <p><b>Citations:</b></p> <p><a href="#">300.8(c)(4)(ii)</a></p>

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