

# Emotional or Behavior Disorders (EBD)



# Key Concepts for EBD

## Peer Comparison

- *Significant difference from peers*
- *Developmentally inappropriate*
- *Significantly different from appropriate age*
- *Developmentally significant impairments*

## Pattern of Behavior

- *Established pattern of emotional or behavioral responses*
- *Unusual behavior patterns*
- *Pattern of emotional or behavioral responses must adversely affect...*
- *A pattern of unsatisfactory education progress*
- *Consistently exhibited by...*
- *Occurring throughout a minimum of six months*

## Impact

- *Adversely affect educational performance*
- *Establish significant impairments*
- *Significantly interferes with...*

--Peer Comparison

--Pattern of Behavior

--Impact

# EBD Legislation Definition

- Peer Comparison
- Pattern of Behavior
- Impact

## **3525.1329 EMOTIONAL OR BEHAVIORAL DISORDERS.**

**Subpart 1. Definition.** "Emotional or behavioral disorders" means an established pattern of one or more of the following emotional or behavioral responses:

- A. withdrawal or anxiety, depression, problems with mood, or feelings of self-worth;
- B. disordered thought processes with unusual behavior patterns and atypical communication styles; or
- C. aggression, hyperactivity, or impulsivity.

The established pattern of emotional or behavioral responses must adversely affect educational or developmental performance, including intrapersonal, academic, vocational, or social skills; be significantly different from appropriate age, cultural, or ethnic norms; and be more than temporary, expected responses to stressful events in the environment. The emotional or behavioral responses must be consistently exhibited in at least three different settings, two of which must be educational settings, and one other setting in either the home, child care, or community. The responses must not be primarily the result of intellectual, sensory, or acute or chronic physical health conditions.

<https://www.revisor.mn.gov/rules/3525.1329/>

# Emotional or Behavioral Disorders

Emotional or behavioral disorders means an established pattern of emotional OR behavioral responses that represents a significant difference from peers.

Peer comparison critical for assessments:

- Observations with randomized peer comparisons
- Parent Interview “Compared to other children of the same age...”
- Teacher Interview “Compared to most other classmates...”

# No State Manual BUT MDE FAQs & Resources

Frequently Asked Questions about Emotional or Behavioral Disorders (EBD)  
Eligibility Criteria (Revised 2/1/2002, Reviewed 4/26/2012)

[https://www.nlsec.org/UserFiles/Servers/Server\\_441775/File/Resources/EBD/CriteriaFAQ.pdf](https://www.nlsec.org/UserFiles/Servers/Server_441775/File/Resources/EBD/CriteriaFAQ.pdf)

MDE EBD Resources page

<https://education.mn.gov/MDE/dse/sped/cat/ebd/MDE034074>

# EBD Criteria

**A-- Significantly Different Behaviors**

**B-- Adverse Effects on Educational Performance**

**C/E-- Areas of Impact (K-12 / Pre-K)**

**D/F-- Evaluation Requirements (K-12 / Pre-K)**

## **A-- Significantly Different Behaviors**

**Withdrawn or anxious behaviors, pervasive unhappiness, depression, severe problems with mood OR feelings of self-worth**

**OR**

**Disordered thought processes with unusual behavior patterns, atypical communication styles, OR disordered interpersonal relationships**

**OR**

**Aggressive, hyperactive OR impulsive behaviors that are developmentally inappropriate**

**(M.N. Rule 3525.1329)**

## B-- Adverse Effects on Educational Performance

Pattern of emotional or behavioral responses must adversely affect education performance and result in

Inability to demonstrate satisfactory social competence that is significantly different from appropriate age, cultural or ethnic norms

OR

A pattern of unsatisfactory educational progress that is not primarily the result of...

(Criteria indicates seven different factors that are covered on separate slides)





## EBD FAQ

**“Inability to demonstrate satisfactory social competence that is significantly different from appropriate age, cultural or ethnic norms”**

**What does “social competence” mean?**

- **Broad concept encompassing an array of social behavior and social skills expected by children as part of normal development**
- **Social behaviors defined as individual, discrete, observable acts**

## EBD Rule Outs

Unsatisfactory educational progress not primarily a result of...  
Seven different considerations listed:

- Intellectual
- Sensory
- Physical health
- Cultural or linguistic factors
- Illegal chemical use
- ASD
- Inconsistent educational programming



Can a student have a history or presentation of any of these factors and still meet criteria for EBD = YES

## EBD Q&A



How determine disability is not primarily result of intellectual?

- Possibility of intellectual factors = DCD, broad differences in abilities, limitations, learning disabilities, low intelligence as primary explanations for the emotional or behavioral responses observed
- Co-morbidity is common, but student may not meet other disability criteria

How determine emotional or behavioral responses are not primary result of cultural?

- Comparisons between home and school helps reduce bias due to cultural factors
- Use checklist or interview
- MDE Reducing Bias Manual

# EBD Q&A

What is meant by “...ruling out ASD”?

- If student meets criteria for ASD, then they are identified ASD, not EBD

Similarities between eligibility categories

An ASD is an EBD but more specific



# EBD Q&A



What about students who are using “illegal chemicals?”

- Co-morbidity of mental health issues and chemical abuse or dependence
- If there was no disability prior to or co-existing with illegal chemical use, then this is exclusionary.
- Team judgement if student had or currently has a disability and is abusing or dependent on chemicals, difficult to differentiate
- Co-morbidity is not exclusionary: A student may have an EBD as well as chemical abuse or dependence condition
- Also need to consider possible side effects of legally obtained chemicals or drugs, e.g. weight control and body-building supplements can cause irritability, aggression, and reduced concentration and focus.

How do you screen for chemical issues?

- Developmental history to identify indicators of disability preceding onset of chemical use or dependence
- There are screening instruments available

# E-- Areas of Impact Pre-K

Evaluation data must establish and define developmentally significant impairments in at least one of the following areas

- Self-care
- Social relations
- Social or emotional growth

The areas identified above must meet ALL of the following criteria

- Emotional or behavioral responses are exhibited in at least ONE setting: Home, childcare OR community

AND

- Has been occurring throughout a minimum of six months, or results from the well-documented, sudden onset of a serious mental health disorder diagnosed by a licensed mental health professional (Rare)

# C-- Areas of Impact K-12

- Documentation of prior interventions and ER results must establish significant impairments in at least one
- The impaired area must..
  - Severely interfere with the student or other students' educational performance

**AND**

- Be consistently exhibited by occurrences in at least three different settings
  - Two educational
  - At least one in classroom
  - Setting outside of school: Home, childcare, or community

**AND**

- Be occurring throughout a minimum of six months OR result from the well-documented sudden onset of a serious mental health disorder diagnosed by a mental health professional (Rare)

# EBD Q&A

What is meant by “...consistently exhibited?”

- Responses observed and documented across settings and in multiple instances

How do you define “...interferes with other student’s educational performance?”

- Professional judgment based on multiple data sources: Rating scales, teacher reports, observations, interviews, record reviews

What is meant by “settings”?

- Location of observed or measured behavior
- Examples: playground, hallway, lunchroom and bus (except for Pre-K)
- Home or Community: home, neighborhood, public places, events
- Recognized that behavior frequently varies across settings: situational demands, expectations, informants, assessment methods
- Are differences due to settings or actual differences in responses?



# D/F-- Evaluation Requirements

## K-12 ALL of the following

- Clinically significant scores on behavior rating scales
- Intellectual ability
- Academic achievement
- Record review
- Mental health screening
- Interviews with parent, teacher, student
- Three systematic observations
- Health history review **-AND-**
- Functional Behavior Assessment (FBA)

## Pre-K

- Two or more systematic observations, at least one in the home
- Case history: Medical, cultural, developmental
- Information on cognitive ability, social skills, communication abilities
- Standardized and informal interviews: parent, teacher, caregiver, AND childcare provider **-AND-**
- Adaptive behavior rating scale

(why we typically use the Vineland-3 Adaptive Rating Scales, 3rd Edition)

# EBD Q&A

**What is a Functional Behavior Assessment (FBA) and how extensive does it have to be? (MDE FAQs)**

- **A process for gathering information to maximize the efficiency of behavioral supports**
- **Description of problem behaviors, identification of the events, times, and situations that predict the occurrence and nonoccurrence of the behavior, antecedents consequences and reinforcers that maintain the behavior, possible functions of the behavior, possible alternative behaviors**
- **Variety of data collection methods and sources**
- **Development of a hypothesis and summary statements of behavioral patterns**
- **No requirement of length, professional judgement**

**Link to template created by district sped staff, also link with guiding questions**

# EBD Q&A

## What qualifies as a mental health screening? (MDE FAQs)

- Analysis of ER for purposes of referring a student for further evaluation of mental health needs among students evaluated for EBD eligibility
- Does the student need a related service to benefit from sped instruction?
- Not a specific instrument or tool, not as extensive as DA, not done for determining mental health diagnosis
- Results of ER may suggest a possible mental health need and the student's family may choose to seek further assessment from an appropriately licensed mental health professional or contact other agencies for coordinating interagency services
- Whether the team/district needs to pay for the assessment or recommend depends on if the IEP team needs DA to provide services.

## EBD Q&A

**How do you handle the differences among parent, teacher, and self-report of student's emotional or behavioral responses? (MDE FAQs)**

- **Differences are common and do not necessarily make one or the other invalid**
- **Inter-rater agreement is somewhat higher for disruptive and lower for internalizing**
- **Can be due to bias in viewing problems, different settings, less familiarity with student behavior**
- **Compare and explain differences using other methods and sources**
- **Raters can also include coaches, ministers, other family members, etc.**

# Observations

**Only Pre-K criteria requires “systematic” observation**

**MDE does not specify requirements for observations**

**Considerations for observer:**

- **Identify time of day, number of students present, number of adults present and their roles, activities students engaged in during observation, placement of student**
- **Qualitative and Quantitative: Latency, duration, frequency, intensity, triggers/antecedents**
- **Peer comparison**
- **Operationally define behavior, give examples**
- **Highlight positive behaviors observed**
- **Indicate additional supports provided to the student**
- **Teacher reporting if typical of student functioning**

# Teacher Interview

- No specific requirements by MDE
- Might want to consider
  - Highlight multiple strengths
  - Input on behavioral analysis as part of FBA
  - Academic more comprehensive reporting if concerns
    - Qualitative and quantitative
  - Social interactions adults and peers, maintaining friendships
  - Communication skills

# Parent Interview is Required

No specific questions required by MDE, however, MDE requires information required across settings

Consider:

- Parent-friendly FBA questions
- Interferes
- Affect educational progress
- Affect social interactions
- Compared to others of the same age
- Behaviors occur outside of home
- Self-care (Pre-K)
- Medical, cultural and developmental information

# Don't Forget About the Student Interview

- No specific MDE requirements

## Considerations:

- Student's insights into own strengths and weaknesses
- Input on school likes and dislikes
- What is motivating to the student
- Who are the important adults to the student at school
- Friendships
- Behavior associated with EBD (internalizing, externalizing, atypical):  
Triggers, feelings, why, what helps



# EBD Reevaluations

Does existing data support continued need for specialized instruction related to the disability or is additional testing needed?

If significantly different behaviors shift from externalizing to internalizing, still EBD, do not have to necessarily align with initial behaviors due to development of child.

Include quote

“According to results of this evaluation, STUDENT continues to demonstrate withdrawn/moodiness and/or impulsive hyperactive etc. that is .....when compared to peers And significantly interferes with...Any other important aspects?