



SPECIAL EDUCATION GUIDANCE

ER-1-EDB Criteria for Disability Category: Emotional Behavioral Disability

This form should be used when the IEP team is considering if a student meets criteria for the disability category of emotional behavioral disability as defined under [PI11.36\(7\)\(a\), Wis. Admin. Code](#). IEP teams use this form to explain or reference data or evidence considered and the disability category determination. This form is used in conjunction with the Evaluation Report (ER-1) as part of a comprehensive special education evaluation.

The intent of the form is to guide and document the IEP team's discussion as it considers criteria for emotional behavioral disability. The form also serves as documentation for a compliance review.

For more information on how to identify a student who is emotional behavioral disability, go to the [emotional behavioral disability webpage](#) at the Wisconsin Department of Public Instruction.

FORM CONTENT	CLARIFICATION/EXPLANATION
Date form completed	Enter the date of the IEP team meeting for when the IEP team determined if the student met the disability category criteria for emotional behavioral disability.
Initial Evaluation	Check "initial evaluation" if the student was not previously found to meet the disability category criteria for emotional behavioral disability. The IEP team must complete all sections of the criteria form.
Reevaluation	Check "reevaluation" if the student was previously found to meet the disability category criteria for emotional behavioral disability. A student must meet initial criteria during a reevaluation for this category. The IEP team must complete all sections of the criteria form.

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Section I. Emotional Behavioral Functioning</p>	<p>All three yes/no questions must be checked "yes."</p>
<p>The student exhibits at least one of the following:</p>	<p>Check all characteristics that apply. At least one must be checked to consider an emotional behavioral disability. Include documentation and data collected from Section II Requirements for each characteristic considered.</p>
<p>Behaviors that interfere with the development and maintenance of age and grade appropriate interpersonal relationships.</p>	<p>The student's behavioral response interferes with the ability to demonstrate age and grade interpersonal skills such as sympathy, warmth and empathy toward others, initiating positive interactions, establishing and maintaining friendships, give and take in interactions, communicating wants and needs, and other skills found demonstrated by the majority of their peers of similar age, background, culture, race, ethnicity, gender, sexual orientation, abilities, and/or socioeconomic status.</p>
<p>Observable affective or behavioral responses during routine daily activities inconsistent with the norms of the student or the student's community.</p>	<p>The observable affective or behavioral response of concern should be compared to the response of peers of similar age, background, culture, race, ethnicity, gender, sexual orientation, abilities, and/or socioeconomic status. Developmental norms and comparisons with peers in similar circumstances should be used to determine whether the affective or behavioral responses are unusual, inconsistent or inappropriate. Consideration should also be given if the affective or behavioral response is atypical, different or inconsistent for the student and for which no observable reason exists.</p>
<p>Pervasive unhappiness, depression or anxiety.</p>	<p>The student must demonstrate a consistent pattern of unhappiness, depression, or anxiety over a long period of time. This pattern is not a temporary</p>

	<p>response to situational factors or due to a medical condition. A diagnosis by a licensed mental health professional of depression or anxiety is not required to meet this characteristic.</p>
<p>Physical symptoms or fears associated with personal or school problems.</p>	<p>The physical symptoms or fears must be linked with personal or school problems with no known medical cause. Any known biological or medical condition should be investigated and ruled out.</p>
<p>Insufficient progress toward meeting age or grade level academic standards that cannot be explained by intellectual, sensory, or health factors.</p>	<p>The IEP team would rule out intellectual, sensory, or health factors and determine if a decline in progress or a lack of progress correlates to the student's mental health or behavioral responses.</p>
<p>Isolation from peers or avoidance of social interactions impacting the student's access and engagement in instructional activities.</p>	<p>The isolation or avoidance must be frequent and intense such that it interferes with the student's learning, participation, relationships or sense of safety and belonging. The IEP team may need to consider if the student prefers to work or be alone, or if the student demonstrates or expresses a sense of distress and dejection. If the student prefers to be alone, the IEP team will need to consider the impact of that preference on the student's ability to access, engage or make progress in age or grade level general education curriculum, instruction, environments, or activities. Instructional activities are broadly defined, and can be activities where parents, family members or community members pass on or teach skills and knowledge.</p>
<p>Patterns of behaviors across settings and individuals presenting risks to the physical safety of the student or others.</p>	<p>Documentation will indicate there is a pattern of behavior and not isolated incidents of a behavioral response that presents a risk to the physical safety of the student or others. It does not refer to simple conflict or incidents with one other individual or with certain peers. The IEP</p>

	<p>team must establish that the behavior is not in response to a specific setting, individual or relationship.</p>
<p>The behaviors must occur in an academic setting in school, in a non-academic setting in school, and in the student’s home or community.</p>	<p>All three must be checked to answer “yes.” Explain or reference data or evidence for each of the three settings.</p> <p>Check “yes” if the behaviors occur in an academic setting at school, a non-academic setting at school, and in the student’s home or community.</p> <p>Check “no” if the behaviors occur in none, one or two of the three settings.</p> <p>Evidence will include, but is not limited to, observational data from an academic setting in school, and a non-academic setting in school.</p> <p>Academic settings are settings in which state academic standards or functional skill competencies, such as Social Emotional Learning Competencies, are taught and assessed, such as direct instruction, independent work completion, group projects, classroom-based activities; community-based instruction; content areas, art, music, physical education; field trips.</p> <p>Non-academic settings are settings in which state academic standards or skill competencies, such as Social Emotional Learning Competencies, are not systematically taught or assessed. Non-academic settings in school may include: recess periods, meals, transition times, school bus (transportation to and from school, to and from field trips or any school related function), field trips, play time, on school grounds before and after school, while waiting for transportation or after arriving to school, extracurricular activities, and school sponsored social events.</p>

<p>The student demonstrates frequent and intense observable behaviors which adversely affects the student's educational performance, either:</p> <p>Over a long period of time; or</p> <p>Of sudden onset due to an emerging mental health condition which includes a diagnosis by a licensed mental health professional.</p>	<p>At least one must be checked to consider an emotional behavioral disability.</p> <p>Data or evidence must document frequent and intense observable behaviors. The observable behaviors of concern must be more frequent and intense than the normal or typically expected range of behavior for students of a similar age, grade, background, culture, race, ethnicity, gender, sexual orientation, and/or socioeconomic status. The scope and intensity must be outside of the typical developmental expectations and the norms of the student's family, community or culture.</p> <p>Data or evidence must document an adverse effect on the student's educational performance. Assessing an adverse effect requires the IEP team to consider all aspects of the student's functioning at school, including academic, cognitive, communication, physical and health, independence and self-determination, and social and emotional functioning.</p> <p>Data or evidence must document over a long period of time or of sudden onset due to an emerging mental health condition.</p> <p>If documenting "over a long period of time", data or evidence must include that the student exhibits one or more of the characteristics long enough to be considered chronic, habitual, or persistent. Determining whether a behavior has occurred over a long period of time depends on multiple factors including the individual student, chronological age, ecological factors, and intensity of the behavior.</p> <p>If considering sudden onset due to an emerging mental health condition, data or</p>
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	evidence must include written documentation of the diagnosis from the community-based licensed mental health professional.
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FORM CONTENT	CLARIFICATION/EXPLANATION
<p><u>Section II.</u> Requirements</p>	<p>Check “yes” if the IEP team considered current data from all of the assessment requirements. To check “yes,” all must be checked.</p>
<p>The IEP team conducted a comprehensive evaluation and considered current data from all of the following:</p> <p>The results of evidence-based positive behavioral interventions implemented within general education settings.</p> <p>Systematic observations of the student in both academic and non-academic settings documenting intensity, frequency, rate or duration of observable target behaviors, as well as other ecological factors that may be impacting the student’s behavior.</p> <p>Interviews of the student and parent or family that include gathering information regarding the student and family’s norms and values, as well as other ecological factors that may impact the student’s behavior.</p> <p>Interviews of the student’s teachers that include gathering information regarding the student’s strengths and ecological factors that may impact the student’s behavior. If documenting “over a long period of time”, data or evidence must include that the student exhibits one or more of the characteristics long enough to be considered chronic, habitual, or persistent. Determining whether a behavior has occurred over a long period</p>	<p>Reference current data documented in Section I.</p> <p>Document evidence-based positive behavioral interventions under previous interventions and their effects on the evaluation report, ER-1.</p>

of time depends on multiple factors including the individual student, chronological age, ecological factors, and intensity of the behavior.

If considering sudden onset due to an emerging mental health condition, data or evidence must include written documentation of the diagnosis from the community-based licensed mental health professional.

Check “yes” if the IEP team considered current data from all of the assessment requirements. To check “yes,” all must be checked.

Reference current data documented in Section I.

Document evidence-based positive behavioral interventions under previous interventions and their effects on the evaluation report, ER-1.

Interview of an LEA staff member, identified by the student, when possible, as having the most positive or a positive relationship with the student, that includes gathering information regarding the student’s strengths and ecological factors that may impact the student’s behavior. The LEA staff member may have been interviewed as one of the interviews of the student’s teachers, above.

Review of educational information maintained by the LEA, including health, academic and disciplinary records.

Results of standardized behavior rating scales, which are normed using nationally representative samples:

From a minimum of two sources from school OR documented why the team was

<p>unable to gather valid rating scale results from two sources on the ER-1.</p> <p>From at least one source from the home or community.</p> <p>The IEP team confirmed that normative data reflects the student's background OR documented that it did not in the ER- 1.</p> <p>If needed, explain or reference data or evidence not already provided in Section I.</p>	
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FORM CONTENT	CLARIFICATION/EXPLANATION
<p><u>Section III.</u> Additional Requirements</p>	<p>Both must be checked.</p>
<p>The IEP team considered the effects of any known history of trauma or mental health disorder on the student's functioning and did not identify or refuse to identify emotional behavioral disability based solely on a known history of trauma or mental health disorder.</p> <p>The IEP team discussed and determined, based on information and data collected, whether behaviors are a result of a difference between the norms of the student's family and community or an emotional behavioral disability. The IEP team did not identify a student as a student with an emotional behavioral disability when there is evidence that the difference is the primary causal factor of the behaviors.</p>	<p>The IEP team must summarize the discussion for each item.</p>

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Section IV. Disability Category Criteria Determination</p>	<p>Must meet all criteria in order to check "yes."</p>
<p>The documentation of the criteria above demonstrates a condition in which the student demonstrates frequent and intense observable behaviors, either over a long period of time or of sudden onset due to an emerging mental health condition which adversely affects the student's educational performance. The student meets the disability category criteria for emotional behavioral disability. Yes must be checked in all boxes, and all of the additional requirements met, before a student may be identified for the disability category.</p>	<p>Check "yes" if:</p> <p>Section I: All three sections of emotional behavioral functioning are checked "yes" Section II: Requirements is checked "yes" Section III: Both boxes for additional requirements are checked.</p> <p>Initial criteria must be met for an initial or reevaluation when considering an emotional behavioral disability. A student whose disability has an adverse effect on educational performance must be found to require specially designed instruction in order to be eligible for special education. Document the need for specially designed instruction on the ER-1 form.</p>



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[10/2022 Updated](#)

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