

SIGNIFICANT DISPROPORTIONALITY AND EMOTIONAL DISTURBANCE: DATA POINTS TO CONSIDER

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What is ED?

Emotional Disturbance (ED) refers to a person's impairment due to a variety of related conditions and manifests in specific behaviors. Section 300.8 (c) (4) of IDEA regulations stipulates the following regarding ED:

"Emotional disturbance 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 educational performance:

- (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.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section."

The term emotional disturbance serves as an umbrella term for a wide range of conditions including anxiety disorders, bipolar disorder, conduct disorder, eating disorder, obsessive-compulsive disorder (OCD), and psychotic disorder. Each one involves its own characteristics and treatment. As we can imagine, using the umbrella term of ED may not be sufficient in determining the particular condition and related treatment. One of the conditions commonly referenced under the ED umbrella is conduct disorder, i.e., behaviors that could involve aggression to people and animals, destruction of property, deceitfulness, lying or stealing, or truancy.

What are the policy and practice considerations with ED? What are the implications for disproportionality patterns?

Various studies highlight key findings that annotate policy and practice dimensions that have implications for how school districts are identifying Emotional Disturbance and patterns of who is so identified.

"Careful attention needs to occur in understanding such behaviors because they are generally observed in relation to our determinations of what are socially acceptable rules and ways of behaving."

1 A 22-year cross-sectional cohort study (Epstein, et.al., 2023) demonstrates that prevalence patterns of the five dimensions of ED have decreased in some areas and stayed the same over that timeframe. For example, the prevalence of students with ED classification involving relationship problems (e.g., few or no friends) and inappropriate behaviors (e.g., disrespecting teachers) have decreased. While the prevalence of other conditions such as inability to learn, unhappiness or depression, and physical symptoms showed very little difference over the 22 years. The authors¹ suggest these patterns may be connected to the focus of interventions. For example, Multi-tiered System of Supports or Positive Behavioral Interventions and Supports which focused greater attention on relationship problems and inappropriate behaviors than other conditions.

2 Studies on academic interventions for students identified with ED tend to focus on behavioral management and give very minimal attention to academic interventions. In other words, the interventions tend to focus on managing the behavior and less on improving the academic skills affected by the behavioral condition.²

3 Experts identify schools as struggling with staff preparation on 1) knowing how to sustain fidelity of intervention implementation given other competing priorities; and 2) having enough skills to address the complexity of the emotional and behavioral issues. Studies note that as a result students with ED diagnosis are moved to separate settings where more skilled teachers are available.³

Given the nature of these policy and practice findings, this should encourage closer attention to the policy and practice levers available and their utilization by school and district actors in understanding the patterns of significant disproportionality. Therefore, the blue box provides some suggested data sources to consider when examining these issues more closely.



Data Indicators For Consideration:

Suggested Data Sources (additional sources may be needed or available):

- **Tier 2-3 Intervention Referrals:**
 - Elements in tier 2 and 3 intervention forms (i.e., reasons for referrals, frequency of difficulties, quantitative and qualitative data on difficulties);
 - Alignment of difficulties and intervention including the research basis of intervention;
 - Rate of referral to tiers 2 and 3 (this includes disaggregation by race/ethnicity, language, and gender); and
 - File review of sample students from various racial/ethnic, linguistic, and gender groups with similar difficulties to examine common and different patterns of practices in files.
- **Special Education Referral Data:**
 - Rate of tier 2 and 3 interventions leading to child study team (CST) initial referral (this includes disaggregation by race/ethnicity, language, and gender) and
 - A close examination of the following across the CST referrals
 - Timeframe of referral (i.e., grade level; fall, winter and/or spring),
 - By whom (i.e., grade level; teacher gender and race/ethnicity), and
 - For what reason (i.e., academic and/or behavioral difficulties).

¹ Epstein, M. H., Cullinan, D., Lambert, M. C., Kauffman, J. M., Katsiyannis, A., & Mason, W. A. (2023). A 22-Year Cross-Sectional Cohort Study of the Emotional and Behavioral Characteristics of Students with Emotional Disturbance. *The Journal of Special Education*, 57(1), 36–46.

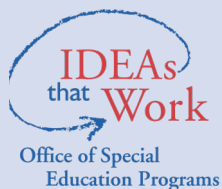
² Institute of Education Sciences (IES). Future Directions for Research to Improve Outcomes for Students with Emotional and Behavioral Disorders. Technical Working Group Meeting Summary (2017). <https://ies.ed.gov/ncser/whatsnew/techworkinggroup/pdf/EmotionalBehavioralDisordersTWG.pdf>

³ Ibid

- **Empathy Interviews and/or Surveys**

- Conduct empathy interviews and/or surveys with the purpose of understanding how stakeholders (i.e., parents, teachers, and students) experience the school and district policies and practices. More specifically, the intention is to ascertain how policies and practices are “landing upon” the various stakeholders in order to determine whether policies and practices are operating in neutral or divergent ways than from how they were developed.
 - Student topics: experiences with tiered supports (i.e., what is it like to go for additional help, is it supportive, are you learning to manage your behaviors and learn improved academic skills) and experiences of adult supports (i.e., how do the adults support your development, how can they improve their support).
 - Teacher topics: experiences with tiered supports (specifically academic interventions with students with ED), pre-referral process, special education eligibility criteria, discipline policies, and discipline practices.
 - Parent topics: experiences with tiered supports, pre-referral process, special education eligibility criteria, discipline policies, and discipline practices.

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