

Emotional Disturbance as a Disabling Condition

A Child who has a "emotional disturbance" (this is the term used by IDEA) qualifies for special education. Although this term can conjure up images of bizarre behavior and institutionalization, children with a wide range of emotional difficulties can qualify for special education in this category. When you look into the actual defining language in IDEA, you'll see that it encompasses issues that might affect most human beings at some pointing their lives, and certainly could arise for children who might have a learning disability. Some children with learning disabilities, especially those who not receive support and services, may have difficulties with peers and/or teachers, have trouble sleeping and eating, or experience fears and anxieties as a result of the consequences of the learning disability. For example, it would not be surprising if a child with a learning disability does not want to go to school and seems to feel sick a lot of the time.

IDEA defines an emotional disturbance as a condition that has existed over a long period of time and adversely affect your child's educational performance (20 U.S.C. 1401(3)(A), resulting in:

- ◆ inability to learn that is not explained by intellectual, sensory or health factors
- ◆ inability to build or maintain satisfactory interpersonal relationships with peers and teacher
- ◆ inappropriate behaviors or feelings under normal circumstances (for example, extreme frustration, anger, or aggression over minor setbacks or disagreements)
- ◆ general pervasive mood or unhappiness or depression, or
- ◆ tendency to develop physical symptoms or fears associated with personal or school problems (for example, a child might get a stomachache before tests or oral reports).

A child who is only socially maladjusted will not qualify for special education, although a child who is emotionally disturbed can also be socially maladjusted. A child with learning disability may also have some of the characteristics listed above but not qualify as having an "emotional disturbance" under IDEA. The IEP team still can (and should) address those emotional difficulties in the IEP by developing goals and providing services to meet those emotional needs. In this situation, you want to treat the emotional difficulties as a part of the learning disability. Rather than label the behaviors as an "emotional disturbance," simply have the IEP team address them as one of many aspects of your child's learning disability. For example, the IEP might describe how the teacher, teacher's aide, school counselor, and written goals might address your child's fears about taking written tests, or how your child might deal in the concrete and helpful way with peers who make fun of his or her difficulties in class.