6A-6.03016 Special Programs for Students Who are Emotionally Handicapped.

(1) An emotional handicap is defined as a condition resulting in persistent and consistent maladaptive behavior, which exists to a marked degree, which interferes with the student's learning process, and which may include but is not limited to any of the following characteristics:

(a) An inability to achieve adequate academic progress which 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; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) Criteria for eligibility. Students with disruptive behavior shall not be eligible unless they are also determined to be emotionally handicapped. A severe emotional disturbance is defined as an emotional handicap, the severity of which results in the need for a program for the full school week and extensive support services.

(3) A student is eligible for a special program for emotionally handicapped is there is evidence that:

(a) The student, after receiving supportive educational assistance and counseling services available to all students, still exhibits an emotional handicap;

(b) An emotional handicap exists over an extended period of time, and in more than one situation.

(c) The emotional handicap interferes with the student's own learning, reading, arithmetic or writing skills, social-personal development, language development or behavioral progress and control; and

(d) When intellectual, sensory or physical deficits exist, they are addressed by other appropriate interventions or special programs.

(4) Criteria for eligibility for programs for severely emotionally disturbed. A student is eligible for a special program for severely emotionally disturbed if the student meets the criteria in Rule 6A-6.03016(2), FAC., above and there is evidence that the student requires a program
which:

(a) Serves the student for the full school week in a special class;

(b) Provides a highly structured academic and affective curriculum, including but not limited to art, music and recreation services which are specifically designed for severely emotionally disturbed students;

(c) Provides for a lower adult to pupil ratio than programs for emotionally handicapped are designed to accommodate;

(d) Provides extensive support services specifically designed for severely emotionally disturbed students. These services include but are not limited to:

1. individual or group counseling,

2 parent counseling or education, and

3 consultation from mental health, medical or other professionals; and

(e) Cannot be provided in a less restrictive environment.

(5) Procedures for referral. Prior to the referral for student evaluation, the following procedures are required for students enrolled in public school programs. If a student is transferring from an agency which provides services to emotionally handicapped students, the requirements in
Rule 6A-6.03016(4)(a)(b)(c)(d)(e), FAC., shall be waived.

(a) Conferences concerning the student's specific problem. These conferences shall include the parents or guardian, administrative personnel, teaching personnel and student services personnel, as appropriate;

(b) Anecdotal records or behavioral observations made by more than one (1) person and in more than one (1) situation which cite the specific behaviors indicating the need for the referral;

(c) A minimum of two (2) interventions and adjustments that have been tried with the student. These interventions shall include, but not to be limited to, change in student's class schedule or teacher; change in student's curriculum; change in techniques of instruction; interventions provided by student services personnel; community agency intervention; or health and rehabilitative services agency intervention;

(d) Review of social, psychological, medical and achievement data in the student's educational records;

(e) Review of attendance records, and where appropriate, investigation of reasons for excessive absenteeism; and

(f) Screening for vision, hearing, speech and language functioning.

(6) Procedures for student evaluation.

(a) The minimum evaluation for determining eligibility for emotionally handicapped or severely emotionally disturbed shall include all information collected in Rule 6A-6.03016(4), FAC., and the following:

1. A medical evaluation when determined by the administrator of the exceptional student program or designee that the behavioral problem may be precipitated by a physical problem;

2. A comprehensive psychological evaluation conducted in accordance with Rule 6A-6.071(5), FAC., or by a psychiatrist which shall include the following information: an evaluation of intellectual ability and potential, an evaluation of the student's personality and attitudes, and behavioral observations and interview data relative to the problems described in the referral;

~~3. An educational evaluation which includes information on the student's academic strengths and weaknesses; and~~
~~4. A social or developmental history which has been compiled directly from the parent or guardian.~~
~~(b) For students enrolled in programs for emotionally handicapped, the minimum evaluation for determining eligibility for special programs for severely emotionally disturbed shall include evidence of the following procedures:~~
~~1. Conferences concerning the student's specific problem in the program for emotionally handicapped;~~
~~2. Anecdotal records or behavioral observations made by more than one (1) person in more than one (1) situation which cite the specific problems causing the need for a program for severely emotionally disturbed;~~
~~3. Interventions and adjustments that have been tried with the student while enrolled in the program for emotion-ally handicapped;~~
~~4. An update of the social history required by Rule 6A-6.03016(5)(a)4., FAC.; and~~
~~5. Additional psychological, psychiatric or other evaluations deemed appropriate by the administrator of the exceptional student education programs.~~
~~(7) Parent education. Each district shall make provisions for a parent education program for all parents of students placed in full-time special classes or emotionally handicapped and severely emotionally disturbed.~~

~~Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(18), (19), 229.565(3)(b),(c), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016.~~

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6A-6.03016 Exceptional Student Education for Students with Emotional or Behavioral Disabilities.

(1) Students with an emotional/behavioral disability (E/BD). A student with an emotional/behavioral disability has a chronic condition that is characterized by behavioral or emotional responses that differ significantly from age, cultural, gender or ethnic norms to such a degree that performance in the educational environment is adversely affected.

(2) Criteria for Eligibility.

A student with an emotional/behavioral disability:

(a) must demonstrate an inability to maintain adequate performance in the educational environment that is not exclusively due to physical, health/medical, sensory, socio-cultural, or developmental factors; and must demonstrate one or more of the following characteristics:

1. An inability to build or maintain appropriate interpersonal relationships with peers, teachers and other adults in the school setting;

2. Mood characterized by feelings of sadness, frequent crying, restlessness, loss of interest in friends and/or school work, mood swings, or erratic behavior;

3. The presence of symptoms that limit educational performance, such as fears, phobias, or excessive worrying

and anxiety regarding personal or school problems;

4. Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events;

5. Behaviors that are chronic and disruptive, such as noncompliance, verbal and/or physical aggression, lying/stealing, and/or poorly developed social skills that are not acceptable to peer groups in the community in which the student resides and are manifestations of one or more of the characteristics specified in 1-4.

a. The characteristics as described in (a) 1-5 must be present for a minimum of 6 months duration and in two or more settings, including, but not limited to, transition to and/or from school, or home/community settings. At least one setting must include school or transition settings

b. In extraordinary circumstances, (2)(a)5a may be waived when immediate intervention is required to address an acute onset of an emotional/behavioral characteristic as listed in (a)1-5 above.

c. The following characteristics are not indicative of a student with an emotional/behavioral disability:

i. Normal temporary (less than 6 months) reactions to life event(s) or crisis, or

ii. Social maladjustment as demonstrated by the student who exhibits antisocial behavior(s) such as willful theft or destruction of property; verbal and physical aggression with the intent to intimidate or harm others; lies to obtain goods or to avoid obligations; and/or truancy that are acceptable in the environment in which the student resides; engages in antisocial behaviors in the community as evidenced by parent reports, juvenile justice involvement, and/or agency reports; demonstrates the ability to maintain satisfactory peer relationships who share the same values and behaviors of the environment; does not exhibit guilt, anxiety, and/or depression; and

These characteristics are determined by a staffing committee to not be related to an emotional/behavioral disability.

(b) The student needs special education as defined in rule 6A-6.03411(1)(c), FAC.

(3) Prior to evaluation the requirements in rule 6A-6.0331(1)-(3), FAC, must be met.

Specific Authority 1001.02(1), 1003.57(5) FS. Law Implemented 1001.03, 1003.57(5), 1003.01(3), 1003.21(1), and 1011.62(1)(c) FS. History – New 7-1 77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016. Amended XXXXXX