**April 6, 2023, Emotional Disturbance and Autism: Overview of Eligibility**

**Questions and Answers**

1. **Is there any discussion at the Department of Elementary and Secondary Education (DESE) of changing the Emotional Disturbance verbiage to Emotional Disability for less stigmatizing and more inclusive language?**

Changing the name would require a change in the Missouri State Plan for Special Education. After completing some research, the Office of Special Education requests feedback from stakeholder groups before moving forward with proposing changes to the State Plan. The process for changing the State Plan also requires public comment periods. This request will be considered.

1. **In the case,** [**D.S. v. Trumbull Board of Education**](https://casetext.com/case/ds-v-trumbull-bd-of-educ)**, the Second Circuit US Court of Appeals, ruled that consent is not always required for Functional Behavior Assessments (FBAs). Is it still DESE's position that an evaluation must be opened prior to conducting an FBA?**

The Office of Special Education, [Effective Practices](https://dese.mo.gov/special-education/effective-practices/functional-behavioral-assessment-fba-and-behavioral) section, released four slideshows detailing DESE’s expectations of FBAs and behavior intervention plans (BIPs). According to the [FBA-BIP Part 1 Slideshow with Presenters Notes](https://dese.mo.gov/media/pdf/fba-bip-part-1-slideshow-presenters-notes), slide 6, “In the informal process, the school based team (including the parent who should be invited) using whatever FBA form they choose to use, should review existing information about the student in question. In this informal process, *existing* information is analyzed to develop a hypothesis for a Behavior Intervention Plan, which then becomes a part of the IEP. If at any point, the team determines that they don’t have enough existing information and need additional observations or any other type of procedure to get the information they need, they cannot move forward with that until they move into the special education re‐evaluation process and get parental consent to gather that information.”

1. **Regarding 800.10, are the last two items listed (d and e) more like evidence of there being an Emotional Disturbance and the first three (a, b, and c) are characteristics of an Emotional Disturbance?**

Full wording for indicator 800.10 Emotional Disturbance:

The evaluation report documents a comprehensive evaluation which confirms the presence of an emotional disturbance and includes a description of **one (1) or more** of the following characteristics:

800.10.a. Inability to learn that cannot be explained by intellectual, sensory or health factors.  
800.10.b. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers.  
800.10.c. Inappropriate types of behavior or feelings under normal circumstances.  
800.10.d. General pervasive mood of unhappiness or depression.

800.10.e. Tendency to develop physical symptoms or fears associated with personal or social problems.

It is understandable that 800.10.d can be considered a mood disorder type presentation and 800.10.e as an anxiety type presentation. However, each of the characteristics can stand alone and would be enough to support this single indicator.