**Emotional Disturbance**

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:

• An inability to learn which cannot be explained by intellectual, sensory, or other health factors.

• An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

• Inappropriate types of behavior or feelings under normal circumstances.

• A general pervasive mood of unhappiness or depression.

• A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an emotional disturbance under paragraph 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

**Eligibility Determination**

The New Mexico TEAM (DEC. 2017) guidelines were followed for this current assessment. Based on current assessments and data from multiple sources:

* A lack of appropriate instruction in reading or math  a determinant factor.
* Limited English proficiency a determinant factor;
* The child must meet all of the four following elements:

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| --- | --- |
|  | The ED characteristics have been present over a long period of time; |
|  | The ED characteristics must be to a marked degree; |
|  | The child’s educational performance must be adversely affected; and |
|  | The child must have one or more of the five characteristics |

|  |  |
| --- | --- |
|  | An inability to learn which cannot be explained by intellectual, sensory, or other health factors; |
|  | An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; |
|  | Inappropriate types of behavior or feelings under normal circumstances; |
|  | General pervasive mood of unhappiness or depression; and/or |
|  | A tendency to develop physical symptoms or fears associated with personal or school problems. |

It is the opinion of this examiner, that  eligibility category better describes the child’s disability

Based on the New Mexico TEAM (Dec. 2017) and this current assessment,        meet the requirements of the Emotional Disturbance definition.