

Rule 6A-6.03016 is substantially rewritten to read. (See Florida Administrative Code for present text.)

6A-6.03016 Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities ~~Special Programs for Students Who Are Emotionally Handicapped.~~

(1) Definition. Students with an emotional/behavioral disability (E/BD). A student with an emotional/behavioral disability has persistent (is not sufficiently responsive to implemented evidence based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331(1)-(3), FAC., must be met.

(3) Evaluation. In addition to the provisions in Rule 6A-6.0331(4), FAC., the evaluation for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, FAC.

(4) Criteria for eligibility. A student with an emotional/behavioral disability must demonstrate an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural,

developmental, medical, or health (with the exception of mental health) factors; and must demonstrate one or more of the following characteristics described in paragraph (4) (a) or (4) (b) of this rule and meet the requirements of paragraphs (4) (c) and (4) (d) of this rule:

(a) Internal factors characterized by:

1. Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends and/or school work, or mood swings, or erratic behavior; or

2. The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or

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

(b) External factors characterized by:

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

2. Behaviors that are chronic and disruptive such as noncompliance, verbal and/or physical aggression, and/or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in subparagraph (4) (a) 1-3. of this rule.

(c) The characteristics described in paragraph (4) (a) or (b) of this rule must be present for a minimum of six (6) months duration and in two (2) or more settings, including but not limited to, school, educational environment, transition to and/or from school, or home/community settings. At least one (1) setting must include school.

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

(e) In extraordinary circumstances, activities prior to referral for evaluation as described in subsection (2) of this rule and criteria for eligibility described in paragraph(4) (c) of this rule may be waived when immediate intervention is required to address an acute onset of an internal emotional/behavioral characteristic as listed in paragraph (4) (a) of this rule.

(5) Characteristics not indicative of a student with an emotional/behavioral disability:

(a) normal, temporary (less than six (6) months) reactions to life event(s) or crisis, or

(b) emotional/behavioral difficulties that improve significantly from the presence of evidence based implemented interventions, or

(c) social maladjustment unless also found to have an emotional/behavioral disability.

(6) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e) ~~229.053(1),~~  
~~230.23(4)(m), 228.041(18)~~ FS. Law Implemented 1001.03,  
1003.57(1)(e), 1003.01(3), 1003.21(1), 1011.62 ~~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, Amended

**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 if 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 subsection 6A-6.03016(2), F.A.C., 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 paragraphs 6A-

6.03016(4) (a), (b), (c), (d), and (e), F.A.C., 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 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 subsection 6A-6.03016(4), F.A.C., 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 subsection 6A-6.071(5), F.A.C., or by a psychiatrist which shall include the following information: an individual 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 emotionally handicapped;

4. An update of the social history required by subparagraph 6A-6.03016(5)(a)4., F.A.C.; 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 for emotionally handicapped and severely emotionally disturbed. Specific Authority 229.053(1), 230.23(4)(m), 228.041(18) 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.