

Greetings:

My name is Leah Henderson. I am a Licensed Master Social Worker (LMSW) currently serving as an Autism & Behavioral Specialist for the Central Kansas Cooperative in Education (CKCIE) in Salina, KS. I come to you today in an effort to elicit your support for HB 2322 to change the Special Education Eligibility Label: Emotional Disturbance. As a professional with over 22 years of practical experience (10 years post-master's licensure) in the areas of community mental health, crisis services, case management, program direction, speech & language services, early childhood education, residential services, education support, school social work, & hospital social work, I have had the opportunity to meet and serve countless families as they navigate the overwhelming journey of meeting their child's disability needs at home, at school and in the community.

During this time, I have learned that one of the most controversial and burdensome eligibility labels to encounter, for the special education team and parents alike is **Emotional Disturbance**. Research shows that negative connotations are not only present in the public arena, but in the world of education as well (Harry & Klingner, 2006). Quite simply put, the stigma is far reaching and detrimental to our children. Children identified as having an Emotional Disturbance are treated differently (Stinnett, Bull, Koonce, & Aldridge, 1999). Administrators in the field of education, often more readily place children with the Emotional Disturbance label in more restrictive environments and compound that placement with a failure to provide access to appropriate related services like counseling and social work (Lane, Wehby, Little, & Cooley, 2005) (LaPoint, 2000). This goes against the very fabric of what Special Education was designed to be...Which is specialized instruction provided in the Least Restrictive Environment (LRE) possible.

Gender inequalities and bias are ubiquitous under the label Emotional Disturbance. "The majority of students classified with Emotional Disturbance are male" (Coutinho, Oswald, Best, & Forness, 2002; Harry & Klingner, 2006). Special education teams demonstrate pronounced difficulty in identifying females with Emotional Disturbance, particularly those who appear withdrawn (Zahn-Waxler, 1993), as they worry about placing them in classes with their aggressive male counterparts (Janz Rutledge & Banbury, 2009).

"In child-focused stigma research, we know that public stigma is condition specific--i.e., the general public reacts and responds differently according to the mental disorder (label) that the person/child is presumed to have" (Mukolo, Heflinger, Wallston, 2010). I have watched, firsthand, as parents weigh the consequences of labeling their child with an Emotional Disturbance and securing much needed educational support for their child **OR** enduring continued academic failure for fear of stigmatization, isolation, and discrimination. I have supported parents as they share statements like: 'I will just never tell my child that they are now labeled with an emotional disturbance or more commonly stated: 'emotionally disturbed'. I have sat in a room with my special education teams as we poured over countless testing results in an attempt to discover an alternative eligibility criteria (to Emotional Disturbance) in an effort to avoid the pain of sharing those findings with parents.

We live in a time where information is at our fingertips, we are inundated with news briefs, social media, and countless search engines. A simple search of 'emotional disturbance' or 'emotionally disturbed' can warrant very unsettling findings. Special

Education lawyer Lori E. Arons, ESQ, states on her personal website that “The root cause of school shootings is emotional disturbance” (Arons, 2018). A 2017 article in **The New York Times** declares “Shooting of an Emotionally Disturbed Man” in their headline for an article on an officer involved shooting (Mueller, 2017). The undeniable fact is this: Our society views the words ‘Emotionally Disturbed’ and ‘Emotional Disturbance’ with not only fear, but condemnation.

Just imagine, if you were a parent or a grandparent of a child diagnosed with anxiety, obsessive compulsive disorder, or even an eating disorder, would you be comfortable consenting to the label Emotional Disturbance?

My efforts to change this label have spanned 3 years. With the support of Representative Blaker Carpenter, we spent countless hours garnering support for this change. In the very beginning stages of our efforts, The Kansas Special Education Advisory Council (SEAC) held a meeting on Thursday, January 14, 2020 with a panel of representatives from the Kansas School Social Work Association, Kansas Association of School Psychologists, the Kansas Parent Training and Information Center (Families Together), the Kansas Coordinating Council on Early Childhood Developmental Services, and the Association of Community Mental Health Centers of Kansas to discuss this proposed change...It was at that very meeting, over 3 years ago, that it was decided that the term Emotional Disturbance should be changed to **Emotional Disability**. Sadly, after *all* of our efforts, after the dream became HB 2487 and we garnered 118 yea’s of support, Covid halted its final pass and the bill died on the House floor in March 2020.

When we began this journey, before the pandemic, according to the **2023 Industry Outlook Report - K12 Mental Health** ‘one in five children aged three to 17 had a mental, emotional, developmental or behavioral disorder’--ONE IN 5!

The same report notes that ‘during the pandemic, 37% of high school students reported poor mental health, 44% had persistent feelings of sadness or hopelessness. About one in five seriously considered suicide and nearly **one in 10 attempted suicide**. Among children aged 5 to 11, early in the pandemic compared to the prior year: mental health–related emergency room visits increased by 24%.

Now more than ever, we must stop the stigmatization of mental health. Now more than ever, our children need to be protected from the labels that can hinder their access to appropriate education and make them targets based solely on a diagnosis.

The State of New York was on the same path we were 3 years ago and in March of 2022, they passed a bill to change the eligibility label from Emotional Disturbance to **Emotional Disability**. As of July of 2022, **23 states** have legally changed their terminology (13 using “Emotional disability” or “serious emotional disability”).

Compelled by my passion to improve the fields of mental health and education, I am once again proposing that Kansas State law change the Special Education Eligibility label Emotional Disturbance to **Emotional Disability**.

It is my continued hope that parents will never have to choose between special education support for their child or a life changing label.

Please consider joining me on this grassroots advocacy effort and let’s make a positive change for Kansas kids!

Respectfully,

Leah Beth Henderson, LMSW

**References:**

Arons, Lori. (2018, February 17) *The Root Cause of School Shootings*. Retrieved from <https://specialeducationlawyernj.com/the-root-cause-of-school-shootings/>

Amin, Reema. "To Reduce Stigma, New York Moves to Change 'Emotional Disturbance' Label to 'Emotional Disability'." *Chalkbeat New York*, Chalkbeat New York, 14 Mar. 2022, <https://ny.chalkbeat.org/2022/3/14/22978080/ny-emotional-disturbanceregents-state-students-with-disabilities>.

"Board of Regents Replaces the Term 'Emotional Disturbance' with 'Emotional Disability.'" *Harris Beach, PLLC. Attorneys at Law*, 29 July 2022, <https://www.harrisbeach.com/insights/board-of-regents-replaces-the-term-emotional-disturbance-with-emotional-disability/>

Bradley, R., Doolittle, J., & Bartolotta, R. (2008). Building on the Data and Adding to the Discussion: The Experiences and Outcomes of Students with Emotional Disturbance. *Journal of Behavioral Education*, 17(1), 4-23.

Coutinho, M., Oswald, D., Best, A. & Forness, S. (2002). Gender and sociodemographic factors and the disproportionate identification of minority students as emotionally disturbed. *Behavioral Disorder*, 27, 109-125.

"Emotional Disturbance Updated!" *Center for Parent Information and Resources*, Center for Parent Information and Resources c/o Statewide Parent Advocacy Network (SPAN), Nov. 2021, <https://www.parentcenterhub.org/emotional-disturbance/>.

Harry, B., & Klingner, J. (2006). *Why are so many minority students in special education? Understanding race & disability in schools*. New York: Teachers College Press.

Janz, Janice Rutledge & Banbury, Mary M. (2009) *Challenges in Classifying Students with Emotional Disturbance: Perspectives of Appraisal Professionals*. *Spaces for Difference: An Interdisciplinary Journal*, 2 (1). Permalink: <https://escholarship.org/content/qt5734n13w/qt5734n13w.pdf?t=kx54xt>

Lane, K., Wehby, J., Little, M. & Cooley, C. (2005). Academic, social, and behavioral profiles of students with emotional and behavioral disorders educated in self-contained classrooms and self-contained schools: Part I – Are they more alike than different? *Behavioral Disorders*, 30(4), 349-361.

LaPoint, V. (2000). Panel presentation: Juvenile justice and identification of mental health needs. In the Report of the Surgeon General's Conference on Children's Mental Health: A National Action Agenda. Retrieved January 1, 2008, from <http://www.surgeongeneral.gov/cmh/childreport.htm>

Mueller, Benjamin. (2017, August 1) *Shooting of Emotionally Disturbed Man Puts Focus on New Training*. *The New York Times*. Section A, Page 17. Retrieved from <https://www.nytimes.com/2017/08/01/nyregion/shooting-of-emotionally-disturbed-man-puts-focus-on-new-training.html>

Mukolo A, Heflinger CA, Wallston KA. *The stigma of childhood mental disorders: a conceptual framework*. *Journal of the American Academy of Child & Adolescent Psychiatry*. 2010;49(2):92-198.

Scanlon, D., & Mellard, D. (2002). Academic and participation profiles of schoolage dropouts with and without disabilities. *Exceptional Children*, 68(2), 239- 258.

Stinnett, T., Bull, K., Koonce, D., & Aldridge, J. (1999). Effects of diagnostic label, race,

gender, educational placement, and definitional information on prognostic outlook for children with behavior problems. *Psychology in the Schools*, 36(1), 51-59.

Wagner, M., Cameto, R., & Newman, L. (2003). Youth with disabilities: A changing population: A report of findings from the National Longitudinal Transition Study (NLTS) and the National L

Borlund, J. (1990). Postpositivist inquiry: Implications of the "New Philosophy of Science" for the field of the education of the gifted. *Gifted Child Quarterly*, 34(4), 161-167.

*Where Do We Go From Here? INDUSTRY OUTLOOK REPORT 2023 HOW K-12 SCHOOLS CAN SUPPORT THE MENTAL HEALTH OF STUDENTS AND*

*EDUCATORS*. <https://www.pearsonassessments.com/>,

<https://www.pearsonassessments.com/content/dam/school/global/clinical/us/assets/k-12/pearson-k12-dive-industry-outlook-report.pdf>.