

Media Review

Polly Nichols, Editor

PL 94-142 AS APPLIED TO DSM III DIAGNOSES: AN ANALYSIS OF DSM III DIAGNOSES VIS-A-VIS SPECIAL EDUCATION LAW

Jane E. Slenkovich
Kinghorn Press, Cupertino, CA, 1983

This book was written by a lawyer concerned with special education law. The book's focus is on the area of serious emotional disturbance (SED) as defined in Public Law 94-142. It is an important volume, not because of its analysis, but because of its implications for services for behaviorally disordered students.

The author begins the volume with an analysis of the definition of seriously emotionally disturbed. In this analysis, the position taken is that a child who merely exhibits one or more of the five definitional characteristics is not necessarily eligible for special education services. To qualify for special education services, the author asserts that it must be demonstrated that the characteristics are related to an emotional condition. If the student does not have an emotional condition, the exhibited behavior is viewed as irrelevant to an eligibility decision. The author clarifies this interpretation by further stating that under the law it would be very rare for a student who is labeled as acting-out, behaviorally disordered, or who is a law violator to be eligible for special education services.

Next, the definitional characteristics in the law are analyzed. In brief, the characteristics are interpreted as follows:

- A. The student is so disturbed that he or she "cannot learn";
- B. The student is so disturbed that he or she "cannot enter into relationships";
- C. The student is so disturbed that he or she exhibits "psychotic or bizarre behavior";
- D. The student is so disturbed that he or she exhibits "a heavy mood of depression"; and
- E. The student's symptoms must be "the outgrowth of an established emotional disturbance".

The author argues that the criterion "over a long period of time" means a minimum of 6 months in the case of schizophrenia, and at least one year, or preferably 2 years, for other conditions. The criterion "to a marked degree" means "be observable" to anyone. The criterion "adversely affects educational performance" receives a more detailed analysis but essentially comes down to performance below that "expected of a child of his age and ability" and not "benefiting from academics in regular education." Finally, the criterion "the condition must not constitute social maladjustment" is interpreted to mean that the child cannot be seriously emotionally disturbed if he or she is behaviorally disordered, conduct disordered, or antisocial unless he or she also has a diagnosed emotional condition; i.e., "the student will be eligible in spite of being socially maladjusted."

The balance of Slenkovich's analysis is directly tied to DSM-III diagnoses. The primary thread that seems to run through this analysis is that those disorders with a major affective behavior component meet the definition, e.g., Separation Anxiety Disorder, Overanxious Disorder, Elective Mutism, Organic Delusional Syndrome, Paranoid Disorder, Schizoaffective Disorders, Simple Phobia, Panic Disorder, Schizophrenic Disorders, and all major Affective Disorders. On the other hand, those disorders with a major social behavior

component do not meet the definition, e.g., Attention Deficit Disorder, Conduct Disorder, Oppositional Disorder, Identity Disorder, Schizophreniform Disorder, Multiple Personality, Psychosexual Disorders, Adjustment Disorders, Disorders of Impulse Control, and Anti-social Personality Disorder.

In this writer's opinion, the flaw in Slenkovich's analysis is that she interprets the statement "The term means a condition . . ." to mean "The term means an *emotional* condition . . ." Of course, it is easy to see how she arrives at this interpretation since PL 94-142 uses the labeling term *seriously emotionally disturbed* in its wording. Thus, she concludes that the legal intent was to define SED as an emotional condition that satisfies the criteria and characteristics provided for in the law. This is not an unreasonable interpretation, but it is one that allows exclusion from service many students who meet the criteria and characteristics but who do not have a diagnosed emotional condition. For example, a student who has a diagnosed Antisocial Personality Disorder and who has the disorder to a marked degree and over a period of time, has serious academic deficits, and meets characteristics A, B, and the first part of C would not be eligible for service because he does not have an emotional condition. An alternative interpretation is simply that the law defines SED as *any* condition that meets the criteria and characteristics provided for in the law.

In conclusion, this book makes clear the importance of the current debate over a change in the label in PL 94-142 from *seriously emotionally disturbed* to *behaviorally disordered*. A label can have far reaching implications as evidenced by the interpretation and analysis provided in Slenkovich's volume. If there were to be widespread acceptance of her interpretation, The impact on services for behaviorally disordered students would be considerable. Such acceptance is a clear possibility since the interpretation is being disseminated by Slenkovich through this book, another volume on special education law written by her, workshops, and consultancies.

This writer knows of one state which employs an interpretation of the definition of SED which closely resembles the interpretation in this book. It is of interest to note that the state referred to has one of the lowest service levels in the United States. The proportion of the school age population served under the SED label in this state is approximately .0007.

The analysis and interpretation of the definition of SED in PL 94-142 made by Slenkovich could easily be nullified by either of two minor changes in the wording of the definition. One change would be to replace the term *seriously emotionally disturbed* with the term *behaviorally disordered*. In this case, it should be made clear that the term is being used generically and applies to all disordered behavior (affective, cognitive, social, etc.) which meets the criteria and characteristics in the definition. The second possibility would be to change the phrase "a condition" to "any condition" as suggested earlier. This change would clarify that seriously emotionally disturbed is being defined as any disorder that meets the criteria and characteristics provided in the definition.

Clearly, the current debate over terminology is not superficial, but a debate whose outcome will have serious implications for handicapped students. As professionals dedicated to serving handicapped students, we need to give this debate our attention, carefully consider its implications, and make our opinions known regardless of the position we decide to take.

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PL 94-142 as applied to DSM III diagnosis: An analysis of DSM III diagnosis vis-à-vis special education law. Cupertino, CA: Kinghorn. Smith, C .R. (1985). The Israeli Special Education Law (1988) supports the inclusion of students with special needs in regular classes, within the general education system. The Law specifies who is a candidate for inclusion, the services provided and the training required for teachers in inclusive systems. Students can be included in mainstream classes based on a multidimensional diagnosis including psychological and educational tests. The students usually receive additional academic support from a special education teacher in their regular classrooms or in a resource room. The vague and incomplete federal definition of emotional disturbance has caused a great deal of controversy and debate since the inception of Public Law 94-142. The lack of resolution among professionals attempting to elucidate the distinction between emotional disturbance and social maladjustment has resulted in continued conflict. Included in this debate are (a) whether students who are socially maladjusted should be included in the federal definition of emotional disturbance; (b) whether students identified as socially maladjusted should receive services; and (c) whether differential treatment