



**South East SELPA
Behavioral Emergency Report
3434 Marten Ave.
San Jose, CA 95148**

Phone: 408.223.3771 / Fax: 408.532.9311

Educational providers must document and record all instances of emergency behavioral restraints and/or seclusion incidents involving students for annual reporting purposes to the state of California for students in general education, students with Section 504 plans, and students with exceptional needs (Assembly Bill 2657).

Emergency interventions, including behavioral restraint and/or seclusion “**may only be used** to control **unpredictable, spontaneous** behavior which poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior” [*Education Code* § 56521.1(a)].

Education Code § 49005.1 definitions:

- “**Behavioral restraint**” means a “mechanical restraint” or “physical restraint,” defined below. Behavioral restraint does not include postural restraints or devices used to improve a pupil’s mobility and independent functioning rather than to restrict movement.
- “**Mechanical restraint**” means the use of a device or equipment to restrict a pupil’s freedom of movement.
- “Mechanical restraint” does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. It also does not include the use of devices by trained school personnel, or by a pupil, prescribed by an appropriate medical or related services professional, if the device is used for the specific and approved purpose for which the device or equipment was prescribed, which shall include, but not be limited to:
 - Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.
 - Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.
 - Restraints for medical immobilization.
 - Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.
- “**Physical restraint**” is a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely. “Physical restraint” does not include (1) a physical escort, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil who is acting out to walk to a safe location or (2) the use of force by peace officers or security personnel for detention or for public safety purposes.
- “**Seclusion**” is the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving. “Seclusion” does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a non-locked setting and is implemented for the purpose of calming. Locked seclusion is a prohibited intervention.

BEHAVIORAL EMERGENCY REPORT CHECKLIST

Directions: Complete all steps below for any incident involving an emergency intervention, a behavioral restraint and/or seclusion, with serious property damage.

*Items #5 and #6 only apply to individuals with exceptional needs.

1. The parent and/or legal guardian shall be notified within one school day when an emergency intervention is used.

_____/_____
Staff initials date

2. The Behavioral Emergency Report shall immediately be completed by staff involved in the intervention/incident.

_____/_____
Staff initials date

3. The Behavioral Emergency Report shall immediately be forwarded to and reviewed by the designated responsible administrator.

_____/_____
Staff initials date

4. Place a copy of the Behavioral Emergency Report in the student's file.

_____/_____
Staff initials date

5. If the Behavioral Emergency Report is completed for an individual with exceptional needs who does not have a Behavior Intervention Plan, the designated responsible administrator shall, within two days, schedule an IEP to review the emergency report, to determine the necessity for a Functional Behavioral Assessment (FBA) and to determine the necessity for an interim Behavior Intervention Plan. If a FBA is not conducted and/or an interim Behavior Intervention Plan is not developed, the IEP team shall document the reasons for such decisions. Parent notice is given and consent must be obtained prior to commencement of a Functional Behavioral Assessment.

_____/_____
Staff initials date

6. If the Behavioral Emergency Report is completed for an individual with exceptional needs who has a Behavior Intervention Plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the Behavior Intervention Plan.

_____/_____
Staff initials date

7. The responsible administrator will forward a copy of the Behavioral Emergency Report to the Special Education Director and site administrator.

_____/_____
Staff initials date

8. The responsible administrator will ensure the incident is documented in the local student information system.

_____/_____
Staff initials date



South East Special Education Local Plan Area
3434 Marten Ave.
San Jose, CA 95148
Phone: 408.223.3771 / Fax: 408.532.9311

BEHAVIORAL EMERGENCY REPORT

**To be completed in the following circumstances: (1) when a behavioral emergency intervention has been used to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior; (2) when a behavioral restraint and/or seclusion is used; and/or (3) when a behavioral incident involving serious property damage occurs.*

****A separate Behavioral Emergency Report must be completed for each behavioral incident.**

Report Date: _____ Report Completed by: _____ School Site: _____
Pupil's Name: _____ Birth Date: _____ Gender: _____ Age: _____
Date of Incident: _____ Time of incident: _____
Setting and location of incident: _____
District of Residence: _____

Describe the incident, as observed, including what led up to the emergency and any interventions used, including implementation of any current behavior plan strategies:

Describe emergency behavior and interventions utilized to contain the unexpected behavioral emergency:

Name(s) of staff involved: _____

Indicate the type of behavioral emergency intervention(s) used per Education Code § 49005.1

Seclusion- *The involuntary confinement of a pupil alone in an unlocked room or area from which the pupil is physically prevented from leaving.*

Mechanical Restraint- *Use of a device or equipment to restrict a pupil's freedom of movement (does not include vehicle safety restraints, adaptive or mechanical supports for proper body positioning, devices used by peace officers or security personnel for safety purposes, or restraints for medical Immobilization).*

Physical Restraint- *A personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely.*

Injuries sustained by student: _____

Injuries sustained by others (including other students and staff): _____

Description of any property damage: _____

Other pertinent information: _____

The following two check boxes apply only to individuals with exceptional needs (check one):

Student does not have a current Behavior Intervention Plan (BIP): Within two days of the behavioral emergency, the designated responsible administrator shall schedule an IEP meeting to review the emergency report, to determine the necessity for a Functional Behavioral Assessment and to determine the need for an interim BIP. If the IEP decides an FBA need not be conducted and/or an interim BIP need not be developed, the IEP team must document the reasons for such decisions.

Student has an existing Behavior Intervention Plan (BIP): When an incident involving a previously unseen serious behavior problem occurs or where a previously designated intervention is not effective, student shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the plan.

COPIES OF BEHAVIORAL EMERGENCY REPORTS WERE SENT TO:

POSITION	NAME	DATE
Site Administrator		
Parent, Guardian, or Residential Care Provider**		
District of Residence*		
District of Special Education Accountability (if applicable)		
Student's File*		
Special Education Director		
Site Level Incident Reporter (documents incident in the Student Information System)		

*California Education Code requires that an "emergency intervention report shall immediately be completed and maintained in the individual's file".

**California Education Code requires parent or guardian, or residential provider shall receive a report within one school day. The report may be verbal or in writing.

Signature of Person Completing this Report: _____

Title: _____

Date: _____