



## **BEHAVIOR EMERGENCY REPORT (BER) GUIDELINES**

ECS56521.1(a): Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs or other and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to control the behavior.” EC56521.1(e): To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, shall be notified within one school day if an emergency intervention is used or serious property damage occurs.

## **BEHAVIOR INTERVENTION DEFINITIONS**

### **Definition of Mechanical Restraint: Education Code 49005.1:**

- (d) (1) “Mechanical restraint” means the use of a device or equipment to restrict a pupil’s freedom of movement.
- (2) (A) “Mechanical restraint” does not include the use of devices by peace officers or security personnel for detention or for public safety purposes.
- (B) “Mechanical restraint” 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, all of the following:
  - (i) 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.
  - (ii) Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.
  - (iii) Restraints for medical immobilization.
  - (iv) Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

### **Definition of Physical Restraint: Education Code 49005.1:**

- (f) (1) “Physical restraint” means a personal restriction that immobilizes or reduces the ability of a pupil to move the pupil’s torso, arms, legs, or head freely. “Physical restraint” does not include 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.
- (2) “Physical restraint” does not include the use of force by peace officers or security personnel for detention or for public safety purposes.



**Definition of Seclusion: Education Code 49005.1:**

- (i) “Seclusion” means 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 nonlocked setting, and is implemented for the purpose of calming.

**Identifying a behavior emergency:**

An individual can identify a behavior emergency by asking the following questions:

1. Is there a threat of serious physical harm to the student, to another student, or to a staff member?
2. Is the possibility of serious physical harm imminent?
3. Are less restrictive alternatives not appropriate given the severity of the behavior?

**Emergency procedures may not include:**

1. Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency procedure by staff trained in those procedures.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.
4. A procedure that precludes adequate supervision of the individual.
5. A procedure that deprives the individual of one or more of his or her senses.

EC56521.1(e): To ***prevent*** emergency interventions ***from being used in lieu of*** planned, systematic behavioral interventions:

1. The parent, guardian and/or residential care provider, if appropriate, shall be notified within one school day when an emergency intervention is used or serious property damage occurs.

**The Antelope Valley SELPA Behavior Emergency Report Form:**

1. The AV SELPA Behavioral Emergency Report (BER), (current version is available in the SEIS document library,) shall immediately be completed and maintained in the student’s file. The report shall include all of the following information:
  - a. The name and age of the individual with exceptional needs.
  - b. The setting and location of the incident.
  - c. The name of the staff or other persons involved.
  - d. A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.



- e. Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.
  - f. In addition to this information, the following information will also be submitted to the school site administrator, district special education administrator, (or designee) and SELPA:
    - Grade
    - Primary Ethnicity
    - Primary Special Education Designation
    - Time period of restraint – meaning the time the emergency intervention (hold) began and the time the emergency intervention (hold) ended.
2. The Behavioral Emergency Report (BER) shall immediately be forwarded to, and reviewed by the designated responsible administrator.
- a. A “designated responsible administrator” is the individual identified by the district to review BERs, collect data on the reports and recommend needed trainings at the site and district level to decrease the use of physical interventions. A “designated responsible administrator” may be a Principal or Assistant Principal at a school site, and a Special Education Director or Program Specialist at the District level.
  - b. The “designated responsible administrator” should review each report to ensure it has been fully and properly completed prior to signing the form.
  - c. The “designated responsible administrator” should ensure that all Behavior Emergency Reports are documented in the district’s student information system.
3. If the “Behavioral Emergency Report” was written regarding a student who **does not have** a behavioral intervention plan, the designated responsible administrator shall, within two days, **schedule** an IEP to determine whether an Functional Behavioral Assessment (FBA) should be conducted and/or an interim behavior intervention plan developed. Parent notice is given and consent must be obtained prior to commencement of an FBA. The IEP team must document the reasons for not conducting an FBA and/or developing an interim BIP.
- a. Parent is provided a Notice of Action (Prior Written Notice). This form must have a statement of the district’s intent to provide or not provide an assessment, in order to understand the function of the student’s behavior and provide a recommendation to the IEP team regarding the possible need for a Behavior Intervention Plan (BIP).
4. If the “Behavioral Emergency Report” was written regarding a student who **has** a behavioral intervention plan, any incident involving a previously **unseen** serious behavior problem or where a previously designed intervention is **not effective** should be referred to the IEP team to review and determine if the incident constitutes a need to modify the plan.
- a. An “unseen behavior” is a behavior not previously seen by school staff that requires an emergency intervention. An example of this may be a student, who



- has a BIP to address self-injurious behavior only, elopes from the school campus and a restraint is utilized in order to maintain the student's safety.
- b. After four to six weeks of BIP implementation, if a student fails to make progress towards utilizing the Functionally-Equivalent Replacement Behavior (FERB) instead of the targeted high-risk behavior, the team should meet to review and determine the need for a modified BIP. Failure to make progress towards the FERB goal indicates that the current plan is not effective in supporting the student to change the behavior.
  - c. Designated responsible administrators will monitor reports and follow-up with school personnel to ensure IEP meetings are scheduled, appropriate resources are provided for the implementation of the BIP, discuss a possible need to modify the BIP or call for an IEP meeting, as appropriate.
5. The designated responsible administrator will forward a copy of the completed BER to the district office for review by an identified responsible district designee.
  6. The district designee or designated responsible administrator should submit a copy to the AVSELPA office **within 20 school days**.
  7. The District-level designated responsible administrator will regularly report district BER data to the school superintendent and school board.

All School districts in the Antelope Valley SELPA and Non-Public Schools serving Antelope Valley SELPA students should only use techniques of emergency intervention taught by a certified instructor of Crisis Prevention Institute's Nonviolent Crisis Intervention® program.