

# SAN MATEO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

101 Twin Dolphin Drive · Redwood City, CA 94065 · (650) 802-5306 · selpa.smcoe.org

## Behavioral Emergency Report (BER) Dashboard General Information

### What is a **behavioral emergency**?

A “behavioral emergency” is the demonstration of a serious behavior problem which has not previously been observed and for which a Behavior Intervention Plan (BIP) has not been developed, or for which a previously designed BIP is not effective or de-escalation procedures have not been effective.

### What is an **emergency intervention**?

“Emergency Intervention” is defined as mechanical restraint, physical restraint, or seclusion. **Emergency interventions** can only be used to manage unpredictable, spontaneous, dangerous behavior that 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” [Education Code § 56521.1(a)].

### What do **Restraint** and **Seclusion** mean?

(Education Code § 49005) describes “**physical restraint**” as a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. “**Mechanical Restraint**” refers to the use of a device or equipment to restrict a student’s freedom of movement to manage the student’s behavior. “**Seclusion**” involves the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving (Education Code § 49005).

### When is a **Behavior Emergency Report (BER)** required?

“A behavioral emergency report (BER) is required when either: (1) an emergency intervention (mechanical restraint, physical restraint, or seclusion) is used; or (2) serious property damage occurs during a behavioral incident.”

## Timelines

<i>Timeline</i>	<i>Task(s)</i>
As soon as reasonably possible and no more than 24 hours*	Notify parent/guardian of incident
Within 24 hours of incident*	<ul style="list-style-type: none"> <li>● Complete BER form</li> <li>● Provide copy of completed BER to:                             <ul style="list-style-type: none"> <li>○ Parent / Guardian</li> <li>○ District Administration</li> <li>○ SELPA (<a href="mailto:SELPA@smcoe.org">SELPA@smcoe.org</a>)</li> </ul> </li> </ul>
Within 2 days*	<p>Schedule an IEP meeting to review the emergency report and determine the need for an Functional Behavior Assessment (FBA) and/or need for an interim plan within 30 calendar days</p> <ul style="list-style-type: none"> <li>○ Note: meeting must be scheduled within 2 days, and should be held as soon as reasonably possible</li> </ul>

\*[Ed Code 56521.1 (a)]

**Participating LEAs:** Bayshore Elementary School District, Belmont-Redwood Shores School District, Brisbane School District, Burlingame School District, Cabrillo Unified School District, Connect Community Charter, Design Tech High School, Hillsborough City School District, Jefferson Elementary School District, Jefferson Union High School District, KIPP Esperanza, KIPP Excelencia, KIPP Valiant Community Charter, La Honda-Pescadero Unified School District, Las Lomas Elementary School District, Menlo Park City School District, Millbrae Elementary School District, Oxford Day Academy, Pacifica School District, Portola Valley Elementary School District, Ravenswood City School District, Redwood City Elementary School District, San Bruno Park School District, San Carlos Charter Learning, San Carlos School District, San Mateo County Office of Education, San Mateo-Foster City School District, San Mateo Union High School District, Sequoia Union High School District, South San Francisco Unified School District, Summit Preparatory Charter High School, Woodside Elementary School District

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## Behavioral Emergency Report (BER) Dashboard Guiding Principles

### When can emergency interventions be used?

- 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 others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. [Ed Code 56521.1 (a)]
- Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plans that are designed to change, replace, modify or eliminate a targeted behavior.

### For how long can emergency interventions be used?

No emergency intervention shall be employed for longer than is necessary to contain the behavior. [Ed Code 56521.1 (c)]

### Which emergency interventions can be utilized?

The San Mateo County SELPA will not solely accept Crisis Prevention Institute (CPI) and Professional Assault Crisis Training (Pro-Act). Beginning in the 2025-26 School year, the San Mateo County SELPA is recommending that it's LEA partners utilize the **Safety Care Crisis Prevention Training**® (i.e., "Safety Care"); any/all emergency interventions are to be used only by staff who have received training and are certified in their use.

### What is prohibited?

Education Code 56521.2 specifically prohibits a local education agency (LEA), nonpublic school or nonpublic agency (NPS/NPA) serving individuals with exceptional needs from authorizing, ordering, consenting to, or paying for the following interventions or any other interventions like the following:

1. Any intervention that is designed to, or likely to, cause physical pain including but not limited to electric shock
2. Any Intervention that involves the release of noxious toxic or otherwise unpleasant sprays mist or substances in proximity to the face of the individual
3. Any intervention that denise adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. An intervention that is designed to subject, used to subject, or likely to subject the individual to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma
5. Any intervention that precludes adequate supervision of the individual
6. Any intervention that deprives the individual of one or more of their senses.

In addition, Education Code 56521.1 states that emergency interventions by LEA/NPS/NPA staff **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.
3. Prone restraint
4. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

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Behavioral Emergency Report (BER) Dashboard	
Forms and Resources	
<i>Form / Resource</i>	<i>Information</i>
<a href="#">SELPA BER Form</a>	Required BER form.
<a href="#">Debriefing Forms</a> <ul style="list-style-type: none"><li>• Form A</li><li>• Form B</li></ul>	Optional forms for teams to use to debrief following a behavioral emergency
<a href="#">Restraint and Seclusion Reference</a>	Examples and non-examples of Restraints / Seclusions