Behavior Emergencies

Situations that requires immediate, intrusive, or restrictive interventions to …

1. protect student and/or others from serious injury.
2. safeguard physical property.
3. deal with acute disturbance of teaching/learning process.

Source: Center for Effective Collaboration and Practice

Behavior Emergencies

A “Behavior Emergency” is the demonstration of a serious behavior problem: (1) which has not previously been observed and for which a behavioral intervention plan has not been developed; or (2) for which a previously designed behavioral intervention is not effective [§3001(c)] [emphasis added].

Source: Title 5, CCR
**Serious Behavior Problem**

“Serious behavior problems” are defined as the individual’s behaviors which are **self-injurious**, **assaultive**, or **cause serious property damage** and other severe behavior problems that are pervasive and **maladaptive for which instructional/behavioral approaches specified in the student’s IEP are found to be ineffective** [§3001(aa)] [emphasis added].

Source: Title 5, CCR

**Which of the following are behavioral emergencies?**

- **Banging head against and breaking a window**
  - Definitely a behavior emergency

- **Banging head on the floor, but the behavior stops as soon as attention is withdrawn.**

- **Throwing a pencil in the general direction of a staff member.**

- In small groups discuss these situations and from just mentioned definitions determine which of these are behavior emergencies.

**Which of the following are behavioral emergencies?**

- **Banging head against and breaking a window**
  - Definitely a behavior emergency

- **Banging head on the floor, but the behavior stops as soon as attention is withdrawn.**
  - Possibly a behavior emergency (especially if the behavior is new and planned ignoring is not part of a behavior plan)

- **Throwing a pencil in the general direction of a staff member**
  - Possible a behavior emergency (especially if the behavior was judged to be a potential threat to staff)

**BOTTOM LINE:** Professional Judgment is involved.
Behavior Emergency Interventions

Source: California Code of Regulations (CCR), Title 5, Education

Division 1. California Department of Education

Chapter 3. Handicapped Children

Subchapter 1. Special Education

Article 5. Implementation (Program Components)

§3052. Designated Positive Behavioral Interventions

Behavior Emergency Interventions

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. \[§3052(1)\] [emphasis added]

Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior. \[3052(1)(1)\] [emphasis added]

Whenever a behavioral emergency occurs, only behavioral emergency interventions approved by the special education local planning area (SELPA) may be used. \[3052(2)\] [emphasis added]

No emergency intervention shall be employed for longer than is necessary to contain the behavior. Any situation which requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation. \[3052(3)\] [emphasis added].

What does “prolonged” mean

Source: Title 5, CCR
Behavior Emergency Interventions

- Emergency interventions may not include:
  - Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room;
  - Employment of a device or material or objects which simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in such procedures; and
  - An amount of force that exceeds that which is reasonable and necessary under the circumstances. [3052(i)(4)(A)(B)(C)]

Source: Title 5, CCR

Behavior Emergency Interventions

- Conditions for use must be spelled out in advance by BIP team.
- May include severe interventions (e.g., seclusion).
- Typically involve the use of physical restraint.
- Procedures need to be agreed upon by the BIP team (including parents).
- Use of requires a written report, parental notification, and consideration of BIP modifications.

Source: Center for Effective Collaboration and Practice

Behavioral Emergency Reports

- To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent and residential care provider, if appropriate, shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. A “behavior emergency report” shall immediately be completed and maintained in the individual’s file. [§3052(i)]

Source: Title 5, CCR
Behavioral Emergency Reports

- The report shall include all of the following:
  - The name and age of the individual;
  - The setting and location of the incident;
  - The name of the staff or other persons involved;
  - A description of the incident and the emergency interventions used, and whether the individual is currently engaged in any systematic behavioral intervention plan; and
  - Details of any injuries sustained by the individual or others, including staff, as a result of the incident.  

[§3052(i)]

Source: Title 5, CCR

Sample Incident Report

Parental Reports and IEP Meetings

- Any time a “Behavioral Emergency Report” is written regarding an individual who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an IEP team meeting to review the emergency report, to determine the necessity for a functional analysis assessment, and to determine the necessity for an interim behavior intervention plan. The IEP team shall document the reasons for not conducting the assessment and/or not developing an interim plan [§3052(i)] [emphasis added].  

Source: Title 5, CCR
Parental Reports and IEP Meetings

Anytime a “Behavior Emergency Report” is written regarding an individual who has a behavior intervention plan, any incident involving a previously unseen 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 [§3052(i)] [emphasis added].

Source: Title 5, CCR

Do all behavior emergencies result in IEPs and BIPs?

1. Give examples of a behavior emergency that would definitely require an IEP and FAA/BIP?
2. When might it be questionable that a given behavior emergency requires an IEP and FAA/BIP?
3. When it is clear that an IEP and/or FAA/BIP is not needed following a behavior emergency?

Regardless, an emergency behavior report and caregiver notification is always required.

Determining the need for an FAA/BIP: Questions to ask.

1. Is the student eligible for special education?
2. If the student is eligible, is the behavior a “serious behavior problem” as defined by Education Code?
3. If the behavior is a “serious behavior problem”
   a) Are existing consequences/changes likely to solve the problem and as a result the behavior is unlikely to recur?
   b) Are existing instructional/behavioral approaches effective (as determined by the IEP team/BIP)?
   c) Achievement of IEP goals are not affected by the behavior?

Source: Browning-Wright et al. (2001)
Behavior Interventions: Preventing Escalation

- Planned ignoring
- Signal interference
- Proximity control
- Interest boosting
- Tension reduction through humor
- Hurdle help
- Restructuring routine
- Direct appeal to values
- Antiseptic bounce
- Distraction
- Infusion with affection
- Interpretation as interference
- Regrouping
- Limitation of supplies and tools
- Role modeling
- Pacing indicator

Source: San Joaquin County Office of Education

Last 3 Weeks

- Topics
  - 11-23-11, Individual meetings with instructor
  - 11-30-11, Legal and Ethical Issues (Quiz)
  - 12-7-11, Manifestation Determinations (Semester three portfolios are due)
- Readings
  - 11-30-11
    - U.S. Dept. of Ed. §300.24, §300.170, §300.226, §300.304, §300.310-311, §300.224, §300.530, §300.534-536
    - CA Education Code, §56520, §56523, §56525.
    - CA Code of Regulations, Title 5 §3001 (c)-(f), §3052 (a)-(j), §3065(d).