

EXPLANATION OF FLOWCHART ON EMERGENCY INTERVENTIONS IN CALIFORNIA FOR STUDENTS WITH IEPs

The issue of restraints and seclusion are now in both the state and national spotlights due to evidence of misapplication across the country (See: [School is Not Supposed to Hurt](#) and [Restraint & Seclusion in California Schools: A Failing Grade](#)) Increased scrutiny is now being placed on whether restraints are being used appropriately, i.e., only for safety situations where the student or others are at risk of imminent harm.

California Education Code requires the reporting of emergency interventions, and specifies that these they should only be used when lesser interventions on the behavior plan will not suffice. Essentially, only in an emergency would restraints be used, as lesser interventions would be used for any other situation. Specific reporting and documentation processes apply, and the IEP team is required to consider whether a Functional Analysis Assessment (FAA) should be triggered by the episode, and whether an Interim Behavior Plan should be implemented until such time as the FAA can be completed and the IEP team consider whether this functional analysis gave information that indicated a Positive Behavioral Intervention Plan (PBIP) is required. A PBIP is required for serious behavior that did not respond to lesser interventions specified in the IEP, which means, did not respond to Behavior Support Plans. A PBIP is a highly data driven plan extensively described in the California Education Code. (See: www.pent.ca.gov/frm/forms.html)

The following flow chart illustrates the process required when a restraint, or any other emergency intervention for a safety scenario, occurs. Note that the IEP team is required to consider both questions separately.

1. Is a Functional Analysis Assessment Required?

Logically, this is triggered because obviously the behavior was “serious” or we would not have applied an emergency intervention. Legally, this occurs because we applied an emergency intervention. The assessment is “indirect” in that we must perform an analysis of a one time occurring behavior, i.e., the emergency that just occurred. This requires retrospective analysis, a type of “behavioral autopsy.”

“NO” CONCLUSION: If the conclusion is that the behavior is unlikely to occur again or if analysis of the situation shows the emergency intervention was applied in error, and did not require it in the first place, then the IEP team will likely conclude a PBIP is not warranted and they describe the rationale for that conclusion in writing.

“YES” CONCLUSION: Unless this was a highly isolated, never seen before behavior or other rare circumstances, the FAA will provide the data on suggested interventions that the IEP team will use to develop the PBIP under BICM guidance, with BICM monitoring of the implementation for the duration of the plan.

2. Is an “Interim Behavior Plan” required?

Logically, we don't yet know if a function-based, PBIP is required until we complete the FAA. Legally, if we chose not to put a plan in place, we must provide a written rationale for that decision as well.

“NO” CONCLUSION: It is hard to imagine having all the data necessary to determine we don't need this temporary, “interim” plan until we have done a thorough investigation, a FAA. However, legally we are allowed to not develop one, but we must describe that rationale in writing.

“YES” CONCLUSION: Probably most episodes that generated an emergency intervention will require at minimum, a behavior plan to address what is believed to be the triggers and reasons for the behavior until we have enough data to objectively conclude a PBIP is not required.

WHEN EMERGENCY INTERVENTIONS ARE USED IN CALIFORNIA FOR STUDENT WITH IEPs

