

Maryland State Department of Education
Division of Early Intervention & Special Education Services
Policy and Accountability Branch
Monitoring and Accountability Section
200 West Baltimore Street
Baltimore, Maryland 21201-2595

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Early Intervention and Special Education Services Restraint and Seclusion Audit Tool



Accountability to Improve Performance

Directions for Completing Record Review

Each section of the *Early Intervention and Special Education Restraint and Seclusion Audit Tool* document can be used in isolation or combined with other sections of the document depending on the purpose of the review. The MSDE and/or local school system staff conduct record reviews, as part of focused monitoring activities, to:

- Evaluate compliance with **all** areas of Part B requirements;
- Evaluate compliance with **specific** areas identified through State data review, complaints, and due process hearings;
- Verify **correction** of identified noncompliance; and/or,
- Verify **sustained compliance** after corrective action has been closed.

Part B Requirements: Select as many sections of this document, or individual requirements within sections of this document, as necessary for the review. The specific numbered items in each section represent the requirements to be verified by written documentation in student records. Any requirements related to Prior Written Notice (PWN) must meet the standards of prior written notice to be compliant. To ensure record review results are valid in the identification of compliance, all reviewers must know each requirement and the evidence to substantiate the rating. The documentation of evidence may be located in the student's Individualized Education Program (IEP) or other local education agency forms used as part of the IEP process. Be thorough and fair when identifying evidence within the student's educational record. Invest ample time to properly train reviewers prior to the record review to ensure inter-rater reliability.

Engage in a thoughtful process, using appropriate random sampling procedures to ensure validity when selecting special education records for review. When planning to conduct a record review, each local education agency or public agency should consult with its MSDE-designated monitoring specialist for assistance with record sampling guidelines.

The following items are to be documented in the student's educational record for each incident of restraint or seclusion.

SECTION 1: Restraint

Item	Evidence	Requirement	Clarification
1.1	<p><i>Compliance (C) = The incident report clearly explains the emergency situation that warranted restraint to protect from imminent, serious, physical harm.</i></p>	<p>Physical Restraint.</p> <p>The use of physical restraint is prohibited in public agencies and nonpublic schools unless:</p> <ul style="list-style-type: none"> Physical restraint is necessary to protect the student or another individual from imminent, serious physical harm; and Other less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student. <p>COMAR 13A.08.04.05A(1)(a)</p>	
1.2a	<p><i>C = There is clear documentation of the review of contraindications to the use of restraint.</i></p> <p><i>NA = The student does not have restraint included on their IEP and BIP.</i></p>	<p>Physical restraint or seclusion may be included in a student’s behavioral intervention plan, Section 504 plan, or IEP to address the student’s behavior in an emergency situation, provided that school personnel:</p> <ul style="list-style-type: none"> Determine restraint or seclusion has been used with the student; Review available data to identify any contraindications to the use of physical restraint or seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate; <p>COMAR 13A.08.04.05C(5)(a)&(b)</p>	<p><i>The review of contraindications may be included in the IEP in the Behavioral Intervention section of the MOIEP or PWN.</i></p>
1.2b	<p><i>C = There is clear documentation of identified less intrusive, nonphysical interventions on the IEP and BIP.</i></p> <p><i>NA = The student does not have restraint included on their IEP and BIP.</i></p>	<p>Physical restraint or seclusion may be included in a student’s behavioral intervention plan, Section 504 plan, or IEP to address the student’s behavior in an emergency situation, provided that school personnel:</p> <ul style="list-style-type: none"> Identify the less intrusive, nonphysical interventions that will be used to respond to the student’s behavior until physical restraint or seclusion is used in an emergency situation; <p>COMAR 13A.08.04.05C(5)(c)</p>	

Item	Evidence	Requirement	Clarification
1.2c	<p><i>C = Documentation exists that the parent consented to the use of physical restraint.</i></p> <p><i>NC = No parent signature or documentation of no response within fifteen (15) days of the IEP team meeting.</i></p> <p><i>NA = The student does not have restraint included on their IEP and BIP.</i></p>	<p>Physical restraint or seclusion may be included in a student’s behavioral intervention plan, Section 504 plan, or IEP to address the student’s behavior in an emergency situation, provided that school personnel:</p> <ul style="list-style-type: none"> • Obtained written consent from the parent. <p>COMAR 13A.08.04.05C(5)(d)</p>	<p><i>A copy of the signed parental consent must be maintained in the student record.</i></p> <p><i>The date the signature was obtained must be added to the Behavioral Intervention section of the IEP.</i></p>
1.3	<p><i>C = There is clear documentation specifying student-specific instances when restraint may be required.</i></p> <p><i>NA = The student does not have restraint included on their IEP and/or BIP.</i></p>	<p>The student’s IEP or BIP describes the specific behaviors and circumstances in which restraint may be used.</p> <p>COMAR 13A.08.04.05A(1)(b), DEI/SES TAB 19-02</p>	
1.4a	<p><i>C = The Restraint and Seclusion Single Incident Form clearly documents the less intrusive interventions that were attempted prior to using physical restraint.</i></p>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> • Other less intrusive interventions that have failed or been determined inappropriate; <p>COMAR 13A.08.04.05A(3)(i), COMAR 13A.08.04.05A(4)</p>	
1.4b	<p><i>C = The Restraint and Seclusion Single Incident Form clearly documents the event(s) that immediately preceded the behavior that required the use of restraint.</i></p>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> • The precipitating event immediately preceding the behavior that prompted the use of restraint; <p>COMAR 13A.08.04.05A(3)(ii), COMAR 13A.08.04.05A(4)</p>	<p><i>The precipitating events explain what occurred before the specific behavior(s) that required the use of restraint. This information will support the identification of a possible antecedent to the escalation.</i></p>

Item	Evidence	Requirement	Clarification
1.4c	<i>C = The Restraint and Seclusion Single Incident Form clearly documents the specific behavior(s) that required the use of restraint.</i>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The behavior that prompted the use of a restraint; <p>COMAR 13A.08.04.05A(3)(iii), COMAR 13A.08.04.05A(4)</p>	
1.4d	<i>C = The Restraint and Seclusion Single Incident Form clearly lists the names of all staff who observed the behavior(s) that required the use of restraint.</i>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The names of school personnel who observed the behavior that prompted the use of restraint; <p>COMAR 13A.08.04.05A(3)(vii), COMAR 13A.08.04.05A(4)</p>	
1.4e	<i>C = The Restraint and Seclusion Single Incident Form clearly lists the names and includes signatures of each staff member who implemented and monitored the restraint.</i>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The names and signatures of staff members implementing and monitoring the use of restraint; <p>COMAR 13A.08.04.05A(3)(viii), COMAR 13A.08.04.05A(4)</p>	
1.4f	<i>C = Documentation exists demonstrating that personnel implementing and monitoring restraints are trained in the use of physical restraint.</i>	<p>Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C of this chapter.</p> <p>COMAR 13A.08.04.05A(1)(b)</p>	<i>Each LEA/PA and individual school should have available a current list of staff certified in an approved physical restraint program. This list should include the dates that the staff were certified as well as the certification expiration dates.</i>
1.4g	<i>C = The Restraint and Seclusion Single Incident Form clearly specifies what type of restraint was utilized.</i>	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The type of restraint; <p>COMAR 13A.08.04.05A(3), COMAR 13A.08.04.05A(4)</p>	

Item	Evidence	Requirement	Clarification
1.4h	C = The Restraint and Seclusion Single Incident Form clearly specifies the length of time of the restraint, including the start and end times.	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The length of time in restraint (not to exceed thirty (30) minutes); <p>COMAR 13A.08.04.05A(3)(v), COMAR 13A.08.04.05A(4)</p>	<p>The time documented is specific to the implementation of the approved restraint and does not include the time when precipitating events began.</p> <p>*A restraint cannot exceed 30 minutes in length.</p>
1.4i	C = The Restraint and Seclusion Single Incident Form clearly documents the student's behavior and reactions while in the restraint.	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The student's behavior and reaction during the restraint <p>COMAR 13A.08.04.05A(3)(vi), COMAR 13A.08.04.05A(4)</p>	<p>This should include a description of the student's physical and/or verbal behavior.</p>
1.4j	C = The Restraint and Seclusion Single Incident Form clearly lists the name and signature of the administrator.	<p>Each time school personnel use restraint on a student, school personnel involved in the restraint shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The name and signature of the administrator informed of the use of restraint. <p>COMAR 13A.08.04.05A(3)(ix), COMAR 13A.08.04.05A(4)</p>	
1.5	C = The Restraint and Seclusion Single Incident Form must be available in the student's educational record.	<p>The documentation described in §A(3) of this regulation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02</p> <p>COMAR 13A.08.04.05A(3), COMAR 13A.08.04.05A(4)</p>	<p>The Restraint and Seclusion Single Incident Form for the restraint must be kept in the student's record. It is recommended that the documentation also be uploaded to the student's electronic file.</p>
1.6	C = The Restraint and Seclusion Single Incident Form clearly documents the date, time, and method of contacting the parent about the restraint.	<p>Each time restraint is used, parents shall be provided oral or written notification within twenty-four (24) hours</p> <p>COMAR 13A.08.04.05A(5)</p>	

Item	Evidence	Requirement	Clarification
1.7	<p><i>C = There is documentation that an IEP team meeting was held within 10 business days of the incident.</i></p> <p><i>NA = The student's IEP and/or BIP already includes the use of restraint.</i></p>	<p>If the student's IEP or BIP does not include the use of restraint, the IEP team shall meet within ten (10) business days of the incident to consider:</p> <ul style="list-style-type: none"> • The need for a functional behavioral assessment; • Developing appropriate behavioral interventions; • Implementing a behavioral intervention plan; • Training for school personnel; and • Revisions to the Section 504 plan or IEP. <p>COMAR 13A.08.04.05C(2)</p>	<p><i>A PWN documents the team discussion of the incident and any necessary adjustments to the IEP and/or BIP, or a request for an FBA.</i></p>

SECTION 2: Seclusion

Item	Evidence	Requirement	Clarification
<p>2.1</p>	<p><i>C = The Restraint and Seclusion Single Incident Form clearly explains the emergency situation that warranted seclusion to protect from imminent, serious, physical harm.</i></p> <p><i>NC = The use of seclusion in any public agency</i></p>	<p>The use of seclusion is prohibited in public agencies.</p> <p>The use of seclusion is prohibited in nonpublic schools unless:</p> <ul style="list-style-type: none"> • Seclusion is necessary to protect the student or another individual from imminent, serious physical harm; • Other, less intrusive interventions have failed or been demonstrated to be inappropriate for the student; • A qualified health care practitioner is on-site and is directly observing the student during the seclusion; and • The health care practitioner concludes that seclusion is not contraindicated for the physical, psychological, or psychosocial health of the student. <p>COMAR 13A.08.04.05B(1)&(2)</p>	
<p>2.2a</p>	<p><i>C = There is clear documentation of the review of contraindications to the use of seclusion.</i></p> <p><i>NA = The student does not have seclusion included on their IEP and/or BIP.</i></p>	<p>For a student with seclusion included in their Individualized Education Program (IEP) or Behavior Intervention Plan (BIP), school personnel have:</p> <ul style="list-style-type: none"> • Reviewed available data to identify any contraindications to the use of seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate; <p>COMAR 13A.08.04.05C(5)(b)</p>	<p><i>The review of contraindications may be included in the IEP in the Behavioral Intervention section of the MOIEP or PWN.</i></p>
<p>2.2b</p>	<p><i>C = There is clear documentation of identified less intrusive, nonphysical interventions on the IEP and/or BIP.</i></p> <p><i>NA = The student does not have seclusion included on their IEP and/or BIP.</i></p>	<p>Provide a student placed in seclusion with:</p> <ul style="list-style-type: none"> • An explanation of the behavior that resulted in the removal; and • Instructions on the behavior required to return to the learning environment. <p>COMAR 13A.08.04.05C(5)(c)</p>	

Item	Evidence	Requirement	Clarification
2.2c	<p><i>C = Documentation exists that the parent consented to the use of seclusion.</i></p> <p><i>NC = No parent signature or documentation of no response within fifteen (15) days of the IEP team meeting.</i></p> <p><i>NA = The student does not have seclusion included on their IEP and/or BIP.</i></p>	<p>For a student with seclusion included in their Individualized Education Program (IEP) or Behavior Intervention Plan (BIP), school personnel have:</p> <ul style="list-style-type: none"> • Obtained written consent from the parent. <p>COMAR 13A.08.04.05C(5)(d)</p>	<p><i>A copy of the signed parental consent must be maintained in the student record.</i></p> <p><i>The date the signature was obtained must be added to the Behavioral Intervention section of the IEP.</i></p>
2.3	<p><i>C = There is clear documentation specifying student-specific instances when seclusion may be required.</i></p> <p><i>NA = The student does not have seclusion included on their IEP and/or BIP.</i></p>	<p>The student's IEP or BIP describes the specific behaviors and circumstances in which seclusion may be used.</p> <p>COMAR 13A.08.04.05B(2)</p>	
2.4a	<p><i>C = The Restraint and Seclusion Single Incident Form clearly documents the less intrusive interventions that were attempted prior to using seclusion.</i></p>	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> • Other less intrusive interventions that have failed or been determined inappropriate; <p>COMAR 13A.08.04.05B(8)(i)</p>	
2.4b	<p><i>C = The Restraint and Seclusion Single Incident Form clearly documents the event(s) that immediately preceded the behavior that required the use of seclusion.</i></p>	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> • The precipitating event immediately preceding the behavior that prompted the use of seclusion; <p>COMAR 13A.08.04.05B(8)(ii)</p>	<p><i>The precipitating events explain what occurred before the specific behavior(s) that required the use of seclusion. This information will support the identification of a possible antecedent to the escalation.</i></p>

Item	Evidence	Requirement	Clarification
2.4c	C = The Restraint and Seclusion Single Incident Form clearly documents the event(s) that immediately preceded the behavior that required the use of seclusion.	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The behavior that prompted the use of seclusion; <p>COMAR 13A.08.04.05B(8)(a)(iii)</p>	
2.4d	C = The Restraint and Seclusion Single Incident Form clearly lists the names and includes signatures of each staff member who implemented and monitored the seclusion.	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The names and signatures of the staff members implementing and monitoring the seclusion; <p>COMAR 13A.08.04.05B(8)(a)(vi)</p>	
2.4e	C = Documentation exists demonstrating that personnel implementing and monitoring seclusions are trained in the use of seclusion.	<p>Seclusion shall be applied only by school personnel who are trained in the appropriate use of seclusion consistent with Regulation .06C of this chapter.</p> <p>COMAR 13A.08.04.05B(6)</p>	
2.4f	C = The Restraint and Seclusion Single Incident Form clearly documents why seclusion was required.	<p>Before a health care practitioner may use seclusion as a behavioral health intervention for a student in a nonpublic school, the health care practitioner shall:</p> <ul style="list-style-type: none"> Receive training in all topics required under Regulation .06 of this chapter; and Be clinically familiar with the student. <p>COMAR 13A.08.04.05B(3)</p>	A "Health Care Practitioner" must directly observe the student during the seclusion.
2.4g	C = The Restraint and Seclusion Single Incident Form clearly specifies the length of time of the seclusion, including the start and end times.	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> Length of time in seclusion (not to exceed thirty (30) minutes); <p>COMAR 13A.08.04.05B(8)(a)(iv)</p>	<p>The time documented is specific to the implementation of seclusion and does not include the time when precipitating events began.</p> <p>*A seclusion cannot exceed 30 minutes in length.</p>

Item	Evidence	Requirement	Clarification
2.4h	C = The Restraint and Seclusion Single Incident Form clearly documents the student's behavior and reactions while in seclusion.	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The student's behavior and reaction during the seclusion <p>COMAR 13A.08.04.05B(8)(a)(v)</p>	This should include a description of the student's physical and/or verbal behavior.
2.4i	C = The Restraint and Seclusion Single Incident Form clearly lists the name and signature of the administrator.	<p>Each time a student is placed in seclusion, school personnel involved in the seclusion incident shall debrief and document the incident using a form developed by the Department that includes:</p> <ul style="list-style-type: none"> The name and signature of the administrator informed of the use of seclusion. <p>COMAR 13A.08.04.05B(8)(a)(vii)</p>	
2.5	C = The Restraint and Seclusion Single Incident Form must be available in the student's educational record.	<p>The documentation shall be maintained in the student's educational record.</p> <p>COMAR 13A.08.04.05B(9)</p>	The Restraint and Seclusion Single Incident Form for the seclusion must be kept in the student's record. It is recommended that the documentation also be uploaded to the student's electronic file.
2.6	C = The Restraint and Seclusion Single Incident Form clearly documents the date, time, and method of contacting the parent about the seclusion.	<p>Each time seclusion is used, parents shall be provided oral or written notification within twenty-four (24) hours</p> <p>COMAR 13A.08.04.05(B)(10)</p>	
2.7	<p>C = There is documentation that an IEP team meeting was held within 10 business days of the incident.</p> <p>NA = The student's IEP and/or BIP already includes the use of seclusion.</p>	<p>If restraint or seclusion is used for a student with a disability, and the student's Section 504 plan, IEP, or behavior intervention plan does not include the use of restraint or seclusion, the Section 504 or IEP team shall meet within 10 business days of the incident to consider:</p> <ul style="list-style-type: none"> (a) The need for a functional behavioral assessment; (b) Developing appropriate behavioral interventions; (c) Implementing a behavioral intervention plan; (d) Training for school personnel; and (e) Revisions to the Section 504 plan or IEP. <p>COMAR 13A.08.04.05(C)(2)</p>	A PWN documents the team discussion of the incident and any necessary adjustments to the IEP and/or BIP, or a request for an FBA.