



2014-2015
Annual Report
Use of Physical Restraint
in Delaware Public School Districts
and Charter Schools

As required under 14 *Del. C.* § 4112F(c)

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Note to the Reader

The 2014-2015 Annual Report on the Use of Physical Restraint in Delaware Public School Districts and Charter Schools presents detailed information regarding incidents of physical restraint. Collecting this incident-level data provides the Delaware Department of Education (DDOE) with a comprehensive picture of the number and types of incidents of restraint occurring among different student populations statewide. Because this is the first year for this report, the information presented herein provides Delaware with a starting point to accurately assess any trends over time and to further target solutions for districts and charters to mitigate possible areas of concern.

When examining organization-level data and any variances between groups and subgroups, consideration must be given to district and charter restraint activity born out of a true necessity to safely secure students from harm, as is the case during incidents of self-injurious behavior or to prevent students from fleeing school grounds. Further examination and analysis of these data will assist in informing the direction of DDOE's future guidance to districts and charters regarding best practices. Such technical assistance and trainings will promote the use of positive behavioral supports and interventions. Delaware will also maintain its adherence to nationally recognized models of de-escalation and physical restraint training, provide training supports to districts and charters on reporting requirements, and review and analyze trend data. Moving forward the Department of Education will examine the policies, procedures, and practices of districts and charters reporting low numbers of incidents (including no reports) of restraint and seclusion or in cases where data differed substantially from what was reported statewide.

The Delaware Department of Education collated data on the use of physical restraint from July 1, 2014 through June 30, 2015. The data contained in this report reflects the information provided by all Local Education Agencies (LEAs) in the state of Delaware during the 2014-2015 school year as required by 14 *Del. C.* § 4112F(c) relating to the rate of use of physical restraint in public schools. 14 *Del. Admin. C.* § 610 Limitation on the Use of Seclusion and Restraint contains the following provisions:

7.0 Annual Reporting Requirement

The Department shall issue an annual report on the use of physical restraint, which shall include rates of usage by school and by subcategories identified pursuant to Section 6.0, identify trends, and analyze significant results. The report shall be posted on the Department's website.

<http://www.doe.k12.de.us/cms/lib09/DE01922744/Centricity/Domain/78/14DEAdminCode610.pdf>

For the purpose of this report, specific subcategories were targeted to identify trends and make recommendations to address significant findings. An appendix is attached to the report further detailing rate of usage of physical restraint procedures by county, district and school.

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Background and Overview

Title 14, Delaware Administrative Code, Section 610, Limitations on the Use of Seclusion and Restraint, established regulations and set standards and procedures for the use of physical restraint. While the regulations prohibit the use of chemical restraint, mechanical restraint, and seclusion, the latter two are subject to use if authorized through the Delaware Department of Education's (DDOE) waiver granting process. In addition to permitting and prohibiting uses of restraint and seclusion, these regulations require training for public school, private program or alternative program personnel, documentation and reporting of incidents of restraint and seclusion, requirements of notification to parents, and waiver procedures for the use of mechanical restraint or seclusion. These regulations provide for the safety of all students in our public school system.

As per the regulations, DDOE is required to produce an annual public report on the use of physical restraints used by schools. The report is to include the following: rates of usage by school and by subcategories of age, race/ethnicity, and disability category; identification of trends; and analysis of significant results.

During the 2014-2015 school year, physical restraints were reported for both regular education students and students with disabilities through eSchool Plus, the statewide student database management system. When the use of physical restraint was needed for a student's behavior(s) that presented a significant and imminent risk of bodily harm to self or others, LEAs were required to complete the restraint and seclusion reporting screen in eSchool Plus. This report was to be completed and submitted within a 72 hour timeframe of the restraint occurrence or within 72 hours from the time the student's district of residence received notice of the restraint from the contracted specialized private program or alternative program.

These regulations require annual training in the use of crisis prevention and intervention techniques consistent with nationally-recognized training programs. The training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies and supports. This training shall also be designed to meet the needs of such personnel consistent with their duties and the potential need for emergency safety interventions. Except as provided in 14 Del.C. § 702(c), a student may be physically restrained only by public school personnel, contracted private program personnel or alternative program personnel who have completed training in physical emergency safety interventions.

Methodology

During the 2014-2015 school year, the DDOE collected and analyzed data at the incident level for each regular education and special education student reported as restrained. In addition, data were collected on the unduplicated count of students with and without disabilities who were reported as restrained. Unduplicated student count means that each student is counted only once, although he/she may have had more than a single incident reported. Collecting incident level data, as well as the unduplicated count of students with and without disabilities who were restrained, provides important information regarding the current use of restraint in Delaware.

Instances of restraint for the 2014-2015 school year were collected at the incident level from all LEAs in all three counties in the state of Delaware. LEAs include both districts and charter schools. In addition, instances of reported restraint were collected for students placed by LEAs in contracted specialized private programs located both in state and out of state. The DDOE required reporting of any seclusion or mechanical restraint if approved through the wavier process. Please note, no seclusion or mechanical restraint waivers were approved during the 2014-2015 school year. Although there were no approved waivers for mechanical restraint or seclusion, one LEA reported the use of mechanical restraint. The DDOE addressed the unauthorized use of the mechanical restraint with the LEA.

Data were collected via eSchool Plus, the statewide student database management system. A custom reporting screen was made to collect the data. According to 14 Del. Admin. C. § 610, the DDOE collected a number of data elements. The data elements collected for each incident of reported restraint included student behavior and description of events leading to physical restraint; de-escalation techniques used by school personnel prior to the restraint; a description of the student's behavior during the restraint; summary of any witness interviews (if applicable); any injury caused to the student, staff member(s), or other student(s), and any related treatment deemed necessary as a result of the restraint. Demographic information was also included on affected students which consisted of age, race, ethnicity, and disability category. LEAs provided a description of the interview conducted with the restrained student (if appropriate). If applicable, the LEA also reported on any IEP or support plan changes made as a result of the physical restraint. They also reported on any policy or procedures changes, as well as any staff training changes.

In addition to the regulation reporting requirements, the DDOE collected additional data elements via eSchool Plus to include the date and time of the action, the action duration in minutes, whether a crisis response team was used, whether staff involved in the restraint were trained in non-violent de-escalation/restraint techniques, and parent/guardian notification information.

Several edit checks were applied to ensure data integrity. The data were reviewed monthly to identify data reporting inconsistencies. In addition, the DDOE created a Cognos detail report that LEAs could utilize to review and analyze their own restraint reporting data.

Given the extensive amount of data collection required by the LEAs and the contracted specialized private programs, the DDOE provided support to them through multiple trainings and technical assistance when needed. More specifically, the DDOE provided training on 14 Del. Admin. Code § 610 during the summer School Climate and Discipline program summer professional development series and Special Education Leadership meeting. Training was provided on the reporting aspect in the Mandatory School Crime and Discipline reporting trainings held during the summer of 2014.

Per regulations 14 Del. Admin. C. § 610.4.2 the DDOE also provides a half-hour training webinar on how to report restraints via eSchool Plus. This webinar is provided through the DDOE Professional Development Management System (PDMS). Attendees must register for the training through PDMS and indicate that they have completed the training by completing the assurance in Schoology. For the 2014-2015 school year, 432 amount of LEA staff registered for the training with 331 self-reported as having had completed the training.

Definitions and Concepts

“Chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is either not medically prescribed for the standard treatment of a student’s medical or psychiatric condition or not administered as prescribed. (Authority: 14 **Del.C.** §4112F(a)(1)).

“Mechanical restraint” means the application of any device or object that restricts a student’s freedom of movement or normal access to a portion of the body that the student cannot easily remove. “Mechanical restraint” does not include devices or objects used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which they were designed and, if applicable prescribed, including the following:

- restraints for medical immobilization;
- adaptive devices or mechanical supports used to allow greater freedom of movement stability than would be possible without use of such devices or mechanical supports;
- vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- instruction and use of restraints as part of a criminal justice or other course; or
- notwithstanding their design for other purposes, adaptive use of benign devices or objects, including mittens and caps, to deter self-injury.

(Authority: 14 **Del.C.** §4112F(a)(2))

“Physical restraint” means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head. “Physical restraint” does not include physical contact that:

- helps a student respond or complete a task;
- is needed to administer an authorized health-related service or procedure; or
- is needed to physically escort a student when the student does not resist or the student’s resistance is minimal.

(Authority: 14 **Del.C.** §4112F(a)(3))

“Seclusion” means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a “timeout” procedure during which a staff member remains accessible to the student shall not be considered “seclusion.” (Authority: 14 **Del.C.** §4112F(a)(5))

“Timeout” means a behavior management technique in which, to provide a student with the opportunity to reflect or regain self-control, a student is separated from others for a limited period in a setting that is not locked and the exit is not physically blocked by furniture, closed door held shut from outside, or other inanimate object.

(Authority: 14 **Del.C.** §4112F(a)(6))

Summary

In total, 2,307 incidents of physical restraints were reported during the 2014-2015 school year to the Delaware Department of Education (DDOE).

Because this is the first year Delaware has collected physical restraint data, there are no data trends available to highlight; however, the data does demonstrate some trend information to consider:

- For the 2014-2015 school year, districts and charter schools in Delaware restrained a disproportionate number of students with disabilities (77%) who qualify for special education services under the Individuals with Disabilities Education Act (IDEA).
- The number of Black or African-American students restrained was also disproportionately high at 54%.
- More males than females - 77% vs. 23%, respectively - were restrained.

Student Demographics Unduplicated Counts of Student Restraints Disaggregated by Subgroup

The tables below represent the ethnicity, gender, age, and disability category of students who received restraint procedures during the 2014-2015 school year. *Please note that the numbers represent the total number of unduplicated students.* Unduplicated student count means that each student is counted only once, although he/she may have had more than a single incident reported. The data presented in all tables represent the time period from July 1, 2014 through June 30, 2015.

Please note the following suppression rules for all tables:

1. For State level data, any percentage above 99 or below 1 is reported as >99% and <1% respectively and student level data is suppressed with a “-.”
2. For District/Charter/Private Program data, counts for groups or subgroups with 15 or fewer students are suppressed and represented by “-“ within data reports. Complementary suppression of one or more non-sensitive cells in a table may be required so that the values of the suppressed cells may not be calculated by subtracting the reported values from the row and column totals.
3. Percentages are suppressed when the underlying student counts can be derived for groups or subgroups with 15 or fewer students.
4. An “*” represents 0.

Table 1. Race and Ethnicity

	Number of Students Restrained	Percentage of All Students Restrained
Two or More Races	15	3%
Black or African American	275	54%
American Indian /Alaskan Native	-	<1%
Asian/Pacific Islander	6	1%
Hispanic	32	6%
White	178	35%
Total	507	100%

Table 1 displays the race/ethnicity of students who received restraint procedures. Of students requiring physical restraint intervention, 54% were Black or African American, 35% were White, and 6% were Hispanic.

Table 2. Gender

	Number of Students Restrained	Percentage of All Students Restrained
Male	388	77%
Female	119	23%
Total	507	100%

Table 2 displays the gender of all students who received restraint procedures. Of those restrained, 77 % were male and 23% were female.

Table 3. Age

Age Range	Number of Students Restrained	Percentage of All Students Restrained
3-5	15	3%
6-8	153	30%
9-11	128	25%
12-14	121	24%
15-17	57	11%
18-21	33	7%
Total	507	100%

Table 3 displays the age ranges of all students who were restrained. The data indicates that 30% of those restrained were ages 6-8 and 25% were ages 9-11. Lower percentages of those restrained were ages 3-5 and ages 18-21. It should be noted, ages were calculated as of December 31, 2014.

Table 4. Disability Category

Disability Category	Number of Students Restrained	Percentage of All Students Restrained
Regular Education Students	115	23%
100 (Mild Intellectual Disability)	10	2%
200 (Emotional Disturbance)	101	20%
300 (Learning Disability)	38	7%
400 (Moderate Intellectual Disability)	26	5%
500 (Severe Intellectual Disability)	-	<1%
601 (Other Health Impairment)	57	11%
700 (Hearing Impairment)	-	<1%
1000 (Autism)	135	27%
1100 (Deaf Blind)	-	<1%
1300 (Traumatic Brain Injury)	-	<1%
1400 (Developmental Delay)	15	3%
Total	507	100%

Table 4 displays the number of students restrained that were regular education students, as well as the number of student within each special education disability category. Of the students identified in incident reports, 75% had an identified disability.

Total Number of Reported Incidents of Student Physical Restraint

The following tables include duplicated counts of physical restraint. That is, single students are represented multiple times in the counts below. It is important to note that in some cases, students demonstrated multiple episodes of behavior across a continuous interval of time. Multiple physical restraint interventions were recorded as a single incident since the chain of behaviors were caused by the same antecedent event.

Table 5. Reason for Physical Restraint

Imminent Risk of Harm to:	Number of Physical Restraints	Percentage of All Physical Restraints
Others	884	39%
Self and Others	1099	47%
Self	324	14%
Total	2307	100%

Table 5 displays the reason for which physical restraint was a necessary intervention. The reason for using physical restraint was higher when the student's behavior posed an imminent risk of harm to both the student and others (47%).

Table 6. Physical Restraint Duration

Physical restraint Duration	Number of Physical Restraints	Percentage of All Physical Restraints
≤ 5 minutes	1022	44%
6 - 9 minutes	877	38%
≥ 10 minutes	408	18%
Total	2307	100%

Table 6 displays the duration of all physical restraints. The majority of physical restraints were less than or equal to 5 minutes.

Table 7. Time of Day

Physical restraint Duration	Number of Physical Restraints	Percentage of All Physical Restraints
AM	1183	51%
PM	1124	49%
Total	2307	100%

Table 7 displays the number, as well as the percentage of physical restraints that occurred in the morning and in the afternoon and evening.

Table 8. Physical Restraints per Month

Month	Number of Physical Restraints	Percentage of All Physical Restraints
July 2014	13	1%
August 2014	44	2%
September 2014	235	10%
October 2014	345	15%
November 2014	189	8%
December 2014	250	11%
January 2015	254	11%
February 2015	253	10%
March 2015	228	10%
April 2015	200	9%
May 2015	249	11%
June 2015	56	2%
Total	2307	100%

Table 8 displays the number of physical restraints that occurred during each month.

APPENDIX A

Statewide

New Castle County	1589
Kent County	334
Sussex County	392
Charter Schools	9
Total	2307

New Castle County

Appoquinimink School District	
Early Childhood Centers	Number of Physical Restraints
Appoquinimink	*
Cedar Lane	*
Spring Meadow	-
Townsend	*
Elementary Schools	
Brick Mill	-
Bunker Hill	-
Cedar Lane	99
Olive B. Loss	-
Old State	59
Silver Lake	-
Townsend	*
Middle Schools	
Everett Meredith	*
Louis L. Redding	*
Alfred G. Waters	*
High Schools	
Appoquinimink	*
Middletown	*
Total Physical Restraints	173
Total Number of Students*	24

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
Asian/Pacific Islander	*
American Indian/Alaskan Native	*
Hispanic	*
White	-
Total	24

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	*
15-17	*
18-21	*
Total	24

Gender	Number of Students Restrained
Male	-
Female	-
Total	24

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	-
1400 (Developmental Delay)	-
Total	24

Brandywine School District	
Early Childhood Centers	Number of Physical Restraints
Charles W. Bush	*
Elementary Schools	
Carrcroft	*
Claymont	-
Forwood	*
Hanby	-
Harlan	*
Lancashire	*
Lombardy	-
Maple Lane	*
Mount Pleasant	45
Middle Schools	
P.S. duPont	-
Springer	*
Talley	*
High Schools	
Brandywine	*
Concord	-
Mount Pleasant	*
Special Programs	
Brandywine Community	*
Total Physical Restraints	63
Total Number of Students*	23

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	18
American Indian/Alaskan Native	*
Asian / Pacific Islander	*
Hispanic	*
White	-
Total	23

Gender	Number of Students Restrained
Male	-
Female	-
Total	23

Age Range	Number of Students Restrained
3-5	*
6-8	-
9-11	-
12-14	-
15-17	-
18-21	*
Total	23

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	23

Christina School District	
Early Childhood Center	Number of Physical Restraints
Christina	20
Elementary Schools	
Bancroft	*
Henry M. Brader	-
Brookside	*
John R. Downes	*
Elbert-Palmer	38
Albert H. Jones	-
Robert S. Gallaher	-
William B. Keene	-
May B. Leasure	134
R. Elisabeth Maclary	*
Thurgood Marshall	-
Joseph M. McVey	62
William A. Oberle, Jr.	*
Casimir Pulaski	*
Jennie E. Smith	*
Frederick Douglass Stubbs	44
West Park Place	*
Etta J. Wilson	*
Middle Schools	
Bayard	28
Gauger-Cobbs	-
George V. Kirk	24
Shue-Medill	30
High Schools	
Christiana	-
Glasgow	*
Newark	*
Special Schools	
Brennen	692
Delaware School for the Deaf	-
J.H. Douglass	*
Networks	*
Special Programs	
Sarah Pyle	*
Total Physical Restraints	1101
Total Number of Students*	189

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	121
American Indian/Alaskan Native	*
Asian/Pacific Islander	-
Hispanic	-
White	49
Total	189

Gender	Number of Students Restrained
Male	140
Female	49
Total	189

Age Range	Number of Students Restrained
3-5	-
6-8	61
9-11	56
12-14	50
15-17	-
18-21	-
Total	189

Disability Category	Number of Students Restrained
Regular Education Students	50
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	21
300 (Learning Disability)	16
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	25
700 (Hearing Impairment)	-
1000 (Autism)	62
1100 (Deaf Blind)	-
1300 (Traumatic Brain Injury)	-
1400 (Developmental Delay)	-
Total	189

Colonial School District	
Early Childhood Centers	Number of Physical Restraints
Colonial Early Education Program	*
Elementary Schools	
Carrie Downie	*
Castle Hills	-
Harry O. Eisenberg	*
New Castle	*
Pleasantville	*
Southern	23
Southern ILC	44
Kathleen H. Wilbur	*
Wilmington Manor	*
Middle Schools	
George Reed	*
Gunning -Bedford	*
Calvin R. McCullough	-
High Schools	
William Penn	*
Special Schools	
John G. Leach	*
The Wallace Wallin School	-
Total Physical Restraints	76
Total Number of Students*	28

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	20
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	28

Gender	Number of Students Restrained
Male	-
Female	-
Total	28

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	-
15-17	*
18-21	*
Total	28

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	28

New Castle County Vocational Technical School District	
High Schools	Number of Physical Restraints
Delcastle Technical	-
Hodgson Vo-Tech	-
Howard High School of Technology	-
St. Georges Technical	*
Total Physical Restraints	-
Total Number of Students*	-

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	*
Total	-

Gender	Number of Students Restrained
Male	-
Female	-
Total	-

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	*
12-14	*
15-17	-
18-21	*
Total	-

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	-

Red Clay School District	
Elementary Schools	Number of Physical Restraints
Austin D. Baltz	-
Brandywine Springs	*
Forest Oak	*
Heritage	-
Highlands	*
William C. Lewis	*
Linden Hill	-
Marbrook	-
Anna P. Mote	-
North Star	*
Richey	*
Warner	-
Richardson Park	*
Evan G. Shortlidge	*
Middle Schools	
Alexis I. duPont	*
Conrad School of Sciences	*
Henry B. duPont	-
Skyline	*
Stanton	*
High Schools	
Alexis I. duPont	*
Cab Calloway School of the Arts	*
Conrad School of Science	*
John Dickinson	*
Thomas McKean	-
Special Schools	
First State	*
Meadowood	33
Richardson Park Learning Center	22
Total Physical Restraints	87
Total Number of Students*	37

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	27
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	37

Gender	Number of Students Restrained
Male	-
Female	-
Total	37

Age Range	Number of Students Restrained
3-5	-
6-8	22
9-11	-
12-14	-
15-17	-
18-21	-
Total	37

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	37

Kent County

Caesar Rodney School District	
Early Childhood Centers	Number of Physical Restraints
J.R. McIlvaine	*
Elementary Schools	
W. Reily Brown	*
Allen Frear	*
Kent County ILC	-
W.B. Simpson	*
Star Hill	-
Nellie H. Stokes	*
George S. Welch	*
Middle Schools	
Dover Air Base	*
Fred Fifer III	-
F. Neil Postlethwait	-
High Schools	
Caesar Rodney	*
Special School	
John S. Charlton	44
Total Physical Restraints	52
Total Number of Students*	21

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	-
Hispanic	-
White	-
Total	21

Gender	Number of Students Restrained
Male	-
Female	-
Total	21

Age Range	Number of Students Restrained
3-5	*
6-8	-
9-11	-
12-14	-
15-17	-
18-21	*
Total	21

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	21

Capital School District	
Elementary Schools	Number of Physical Restraints
East Dover	-
Fairview	*
Hartly	*
North Dover	-
South Dover	*
Towne Point	*
Booker T. Washington	-
Middle Schools	
Central	-
William Henry	*
High Schools	
Dover	-
Special School	
Kent County Community School	111
Kent County ILC	-
Total Physical Restraints	132
Total Number of Students*	22

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
American Indian/Alaskan Native	-
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	22

Gender	Number of Students Restrained
Male	-
Female	-
Total	22

Age Range	Number of Students Restrained
3-5	*
6-8	-
9-11	-
12-14	-
15-17	-
18-21	-
Total	22

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	-
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	-
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	22

Lake Forest School District	
Early Childhood Centers	Number of Physical Restraints
Delaware	*
Elementary Schools	
East	*
Central	-
North	*
South	17
Middle Schools	
W.T. Chipman	-
High Schools	
Lake Forest	-
Total Physical Restraints	22
Total Number of Students*	-

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	-

Gender	Number of Students Restrained
Male	-
Female	-
Total	-

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	-
15-17	-
18-21	*
Total	-

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	-

Milford School District	
Early Childhood Centers	Number of Physical Restraints
Evelyn L. Morris	1
Elementary Schools	
Benjamin Banneker	*
Misphillion	16
Lulu M. Ross	-
Middle Schools	
Milford Central Academy	-
High Schools	
Milford	-
Total Physical Restraints	43
Total Number of Students*	19

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	19

Gender	Number of Students Restrained
Male	-
Female	-
Total	19

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	-
15-17	-
18-21	*
Total	19

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	-
1400 (Developmental Delay)	-
Total	19

PolyTech School District	
High School	Number of Physical Restraints
Polytech	*
Total Physical Restraints	*
Total Number of Students*	*

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	*
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	*
Total	*

Gender	Number of Students Restrained
Male	*
Female	*
Total	*

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	*
12-14	*
15-17	*
18-21	*
Total	*

Disability Category	Number of Students Restrained
Regular Education Students	*
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	*

Smyrna School District	
Elementary Schools	Number of Physical Restraints
Clayton	*
North Smyrna	-
Smyrna	-
Sunnyside	*
Middle Schools	
Clayton Intermediate	*
John Bassett Moore	*
Smyrna	-
High Schools	
Smyrna	-
Total Physical Restraints	-
Total Number of Students*	-

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	-
Total	-

Gender	Number of Students Restrained
Male	-
Female	-
Total	-

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	*
15-17	-
18-21	-
Total	-

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	-

Sussex County

Cape Henlopen School District	
Elementary Schools	Number of Physical Restraints
H.O. Brittingham	*
Milton	-
Rehoboth	-
Richard A. Shields	-
Middle School	
Beacon	*
Mariner	-
High School	
Cape Henlopen	*
Special School	
Sussex Consortium	216
Total Physical Restraints	234
Total Number of Students*	45

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	35
Total	45

Gender	Number of Students Restrained
Male	-
Female	-
Total	45

Age Range	Number of Students Restrained
3-5	-
6-8	16
9-11	-
12-14	-
15-17	-
18-21	-
Total	45

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	29
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	45

Delmar School District	
Middle School	Number of Physical Restraints
Delmar	*
High School	
Delmar	*
Total Physical Restraints	*
Total Number of Students*	*

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	*
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	*
Total	*

Gender	Number of Students Restrained
Male	*
Female	*
Total	*

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	*
12-14	*
15-17	*
18-21	*
Total	*

Disability Category	Number of Students Restrained
Regular Education Students	*
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	*

Indian River School District	
Elementary	Number of Physical Restraints
Georgetown Kindergarten Center	*
East Millsboro	*
Georgetown	*
Long Neck	*
Lord Baltimore	-
North Georgetown	*
Phillip C. Showell	-
John M. Clayton	-
Middle School	
Georgetown	*
Millsboro	-
Selbyville	*
High School	
Indian River	*
Sussex Central	-
Southern Delaware School for the Arts	*
Special School	
Carver Academy	-
Howard T. Ennis	-
Total Physical Restraints	31
Total Number of Students*	21

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
American Indian/Alaskan Native	*
Asian/ Pacific Islander	-
Hispanic	-
White	-
Total	21

Gender	Number of Students Restrained
Male	-
Female	-
Total	21

Age Range	Number of Students Restrained
3-5	-
6-8	-
9-11	-
12-14	-
15-17	*
18-21	-
Total	21

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	21

Laurel School District	
Elementary Schools	Number of Physical Restraints
Paul Laurence Dunbar	*
North Laurel	*
Middle School	
Laurel	*
High School	
Laurel	*
Total Physical Restraints	*
Total Number of Students*	*

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	*
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	*
Total	*

Gender	Number of Students Restrained
Male	*
Female	*
Total	*

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	*
12-14	*
15-17	*
18-21	*
Total	*

Disability Category	Number of Students Restrained
Regular Education Students	*
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	*

Seaford School District	
Elementary Schools	Number of Physical Restraints
Blades	-
Fredrick Douglass	31
Central	-
West Seaford	-
Middle Schools	
Seaford	-
High School	
Seaford	-
Total Physical Restraints	55
Total Number of Students*	20

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	-
Total	20

Gender	Number of Students Restrained
Male	-
Female	-
Total	20

Age Range	Number of Students Restrained
3-5	*
6-8	-
9-11	-
12-14	-
15-17	-
18-21	*
Total	20

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	-
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	-
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	-
Total	20

Woodbridge School District	
Early Childhood Centers	Number of Physical Restraints
Woodbridge	*
Elementary Schools	
Phyllis Wheatley	-
Middle School	
Woodbridge	-
High School	
Woodbridge	*
Total Physical Restraints	-
Total Number of Students*	-

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	-
Total	-

Gender	Number of Students Restrained
Male	-
Female	-
Total	-

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	-
12-14	-
15-17	*
18-21	*
Total	-

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	-

Charter Schools	
Schools	Number of Physical Restraints
Academy of Dover	*
Antonio Alonso	*
Las Americas ASPIRA Academy	*
Campus Community	*
Delaware Academy of Public Safety and Security	*
Delaware Met	*
Delaware Military Academy	*
Delaware College Preparatory	*
Early College High School	*
East Side Charter	*
Family Foundations Academy	*
First State Military Academy	*
First State Montessori	*
Gateway Lab School	-
Kuumba Academy	*
M.O.T. Charter	-
Moyer Academic Institute	*
Newark Charter	*
Odyssey Charter	-
Positive Outcomes Charter	*
Prestige Academy	*
Providence Creek Academy	-
Reach Academy	*
Sussex Academy	*
Thomas A. Edison Charter	*
Charter School of Wilmington	*
Total Physical Restraints	-
Total Number of Students	-

Race and Ethnicity	Number of Students Restrained
Two or More Races	*
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	*
White	*
Total	-

Gender	Number of Students Restrained
Male	-
Female	-
Total	-

Age Range	Number of Students Restrained
3-5	-
6-8	*
9-11	-
12-14	*
15-17	*
18-21	*
Total	-

Disability Category	Number of Students Restrained
Regular Education Students	-
100 (Mild Intellectual Disability)	*
200 (Emotional Disturbance)	*
300 (Learning Disability)	-
400 (Moderate Intellectual Disability)	*
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	*
700 (Hearing Impairment)	*
1000 (Autism)	*
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	*
1400 (Developmental Delay)	*
Total	-

Private Programs	
Program	Number of Physical Restraints
In-State	73
Out-of-State	114
Total Physical Restraints	187
Total Number of Students	29

Race and Ethnicity	Number of Students Restrained
Two or More Races	-
Black or African American	-
American Indian/Alaskan Native	*
Asian/Pacific Islander	*
Hispanic	-
White	17
Total	29

Gender	Number of Students Restrained
Male	-
Female	-
Total	29

Age Range	Number of Students Restrained
3-5	*
6-8	*
9-11	-
12-14	-
15-17	-
18-21	-
Total	29

Disability Category	Number of Students Restrained
Regular Education Students	*
100 (Mild Intellectual Disability)	-
200 (Emotional Disturbance)	-
300 (Learning Disability)	*
400 (Moderate Intellectual Disability)	-
500 (Severe Intellectual Disability)	*
601 (Other Health Impairment)	-
700 (Hearing Impairment)	*
1000 (Autism)	-
1100 (Deaf Blind)	*
1300 (Traumatic Brain Injury)	-
1400 (Developmental Delay)	*
Total	29

Appendix B

Request for Individual Student Waiver for Mechanical Restraint(s) or Seclusion
Mechanical Restraint and Seclusion Waiver Request Matrix

**REQUEST FOR INDIVIDUAL STUDENT WAIVER FOR
MECHANICAL RESTRAINT(S) OR SECLUSION**

STUDENT INFORMATION		
Student Name:	BD:	School:
Address:		Address:
Primary/Secondary Disabilities: <i>Indicate with (P) and (S) if applicable</i>		Communication System <i>Mark all included in IEP</i>
<input type="checkbox"/> Autism <input type="checkbox"/> Deaf-blindness <input type="checkbox"/> Deafness <input type="checkbox"/> Developmental delay <input type="checkbox"/> Emotional disturbance <input type="checkbox"/> Hearing impairment <input type="checkbox"/> Intellectual disability <input type="checkbox"/> Multiple disabilities <input type="checkbox"/> Orthopedic impairment <input type="checkbox"/> Other health impairment <input type="checkbox"/> Specific learning disability <input type="checkbox"/> Speech or language impairment <input type="checkbox"/> Traumatic brain injury <input type="checkbox"/> Visual impairment, including blindness <input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan		Receptive <input type="checkbox"/> Touch Cues <input type="checkbox"/> Objects <input type="checkbox"/> Tangible Symbols <input type="checkbox"/> Gestures <input type="checkbox"/> Sign Language <input type="checkbox"/> AAC device (specify) <input type="checkbox"/> Picture symbols <input type="checkbox"/> PECS <input type="checkbox"/> Speech Expressive <input type="checkbox"/> Touch Cues <input type="checkbox"/> Objects <input type="checkbox"/> Tangible Symbols <input type="checkbox"/> Gestures <input type="checkbox"/> Sign Language <input type="checkbox"/> AAC device (specify) <input type="checkbox"/> Picture Symbols <input type="checkbox"/> PECS <input type="checkbox"/> Speech ESL (English Second Language) <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>
Needs –Based Funding Category		
<input type="checkbox"/> Complex <input type="checkbox"/> Intensive <input type="checkbox"/> Basic		
Least Restrictive Environment/ Placement		Current IEP (date)
	Regular Setting includes pullout related services and team classrooms. Student served inside the regular classroom greater than or equal to 80% of the day.	
	Services Provided Both in Separate Special Education Classes and Regular Setting Student served inside the regular classroom greater than or equal to 40% of the day and no more than 79% of the day.	
	Separate Special Education in an Integrated Setting Student served inside the regular classroom less than 40% of the day.	
	Separate School Student served in public or private separate day school facility for greater than 50% of the school day or a residential facility if student does not live at the facility.	
	Residential Facility where student resides during the school week.	
	Homebound or Hospital	
	Correctional Facilities (only used by DSCYF and Prison Education) Students placed in short-term detention or correctional facilities.	

Therapeutic services (private)	Provider	Describe integration with school program
Student Health (If student has documented physical (i.e. brittle bones) or psychological considerations, written clearance for mechanical restraint or seclusion by appropriate professional must be provided.)		
1. Date of most recent evaluation for disability eligibility		
2. Does the student have any medical conditions that impact and/or contribute to his/her performance of problem behavior? (i.e. seizures, ADHD, TBI, migraines)*	<input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
3. What was the date of student's last medical exam?		
4. Date of last exams/screening for vision?		
5. Date of last exam/screening for hearing?		
6. Does the student take prescribed medication?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(If yes, please list below)
7. Are the medications taken regularly?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. When the student does or does not take his/her medication is a difference in target behavior(s) observed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
* Medical clearance in writing by appropriate professional must accompany this request.		
Parent /Guardian Information		
Name:		Name:
Address (if different from student):		Address (if different from student):
Telephone:		Telephone:
Relationship to Student:		Relationship to Student:

I have reviewed all documents and received a copy of this request for a waiver for seclusion or mechanical restraint (as described below) to be used within my child's Behavior Intervention Plan, in the event my child's behavior presents a **significant and imminent risk of bodily harm to self or others**. My signature authorizes my permission for this request. However, I understand that at any time, I can inform the school (**must be in writing**) that I withdraw my permission.

Parent/Guardian signature: _____ Date: _____

Print Name: _____

Parent/ Guardian Signature: _____ Date: _____

Print Name: _____

Requesting Administrator	Program/School:	District:
Name:	Title:	
Email:	Telephone:	Fax:

Signature: _____ Date: _____

Other Administrators	Print Name	Signature	Date
LEA Special Education Director (if applicable)			
Statewide Director (if applicable)			
Superintendent			

Problem Behavior:
Behavior 1:
A.) Describe the problem behavior(s) that present a significant and imminent risk bodily harm to self or others for which the waiver is being requested. Provide a measurable and observable description.
B.) Describe the imminent risk of bodily harm to self or others that is likely to occur unless action is taken to protect the student and others from harm.
C.) Has the student's behavior even resulted in bodily harm to self or others ? If yes, please provide dates, injuries, and actions performed following the injuries.
Behavior 2:
A.) Describe the problem behavior(s) that present a significant and imminent risk bodily harm to self or others for which the waiver is being requested. Provide a measurable and observable description.
B.) Describe the imminent risk of bodily harm to self or others that is likely to occur unless action is taken to protect the student and others from harm.
C.) Has the student's behavior even resulted in bodily harm to self or others ? If yes, please provide dates, injuries, and actions performed following the injuries.

Type of Waiver Requested: (check appropriate box)

“Mechanical restraint” means the application of any device or object that restricts a student’s freedom of movement or normal access to a portion of the body that the student cannot easily remove. “Mechanical restraint” does not include devices or objects used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which they were designed and, if applicable, prescribed, including the following:

- Restraints for medical immobilization;
- Adaptive devices or mechanical supports used to allow greater freedom of movement, stability than would be possible without use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Instruction and use of restraints as part of a criminal justice or other course; or
- Notwithstanding their design for other purposes, adaptive use of benign devices or objects, including mittens and caps, to deter self-injury. (Authority: 14 Del.C. §4112F(a)(2))

“Seclusion” means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a “timeout” procedure during which a staff member remains accessible to the student shall not be considered “seclusion.” (Authority: 14 Del.C. §4112F(a)(5))

Detailed Description of Each Proposed Action:

Mechanical Restraint

A.) Provide a description of proposed device.

B.) Indicate safety procedures duration.

C.) Provide a plan for monitoring.

D.) Provide a schedule of administrative sign-off during implementation of procedure.

Seclusion
A.) Describe the physical space.
B.) Describe the safety procedures.
C.) Provide the proposed duration.
D.) Provide a plan for visual monitoring.
E.) Provide schedule of administrative sign-off during implementation.

Interventions <i>(If you answer yes to question #1, please complete #2-4 and provide copy of FBA)</i>
1. Has a Functional Behavior Assessment (FBA) been conducted for target behaviors? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Date of last FBA?
3. Which behaviors described above are the target of the FBA?
4. Briefly describe hypothesis developed for each target behavior.
Behavior 1:
Behavior 2:

Description of Behavior Plan	<i>(Provide copy of Behavior Plan with application)</i>				
1. Is there an intervention that modifies the antecedents including the setting events identified in the hypothesis so that the problem behavior is prevented? Describe below.					
Behavior 1 <i>(identify behavior)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 50%;"><i>Describe:</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> No</td> <td></td> </tr> </table>	<input type="checkbox"/> Yes	<i>Describe:</i>	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<i>Describe:</i>				
<input type="checkbox"/> No					
Behavior 2 <i>(identify behavior)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 50%;"><i>Describe:</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> No</td> <td></td> </tr> </table>	<input type="checkbox"/> Yes	<i>Describe:</i>	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<i>Describe:</i>				
<input type="checkbox"/> No					
2. Is there an intervention that teaches the student replacement behavior? Describe below.					
Behavior 1 <i>(identify behavior)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 50%;"><i>Describe:</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> No</td> <td></td> </tr> </table>	<input type="checkbox"/> Yes	<i>Describe:</i>	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<i>Describe:</i>				
<input type="checkbox"/> No					
Behavior 2 <i>(identify behavior)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 50%;"><i>Describe:</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> No</td> <td></td> </tr> </table>	<input type="checkbox"/> Yes	<i>Describe:</i>	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<i>Describe:</i>				
<input type="checkbox"/> No					

3. Is the replacement behavior a functionally equivalent replacement behavior (FERB) or an alternative, socially valid skill? <i>(If more than one replacement behavior is being taught, please check all that apply).</i>			
Behavior 1	FERB	Alternate skill	
Behavior 2	FERB	Alternate skill	
4. Is there an intervention that reinforces the replacement behavior?			
Behavior 1:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Behavior 2:	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is there an intervention that reinforces the replacement behavior? Does the reinforcement provide the same function (identified in the hypothesis) for the replacement behavior that resulted from the problem behavior?			
Behavior 1:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Behavior 2:	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Is there an intervention that describes how others will respond after the problem behavior so that it no longer provides reinforcement/functional outcome?			
Behavior 1:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Behavior 2:	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Are de-escalation interventions described?			
Behavior 1:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Behavior 2:	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Are the behavior intervention strategies described in enough detail so that a person unfamiliar with the plan could implement it with accuracy?			
Behavior 1:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Behavior 2:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Reinforcement <i>(Provide current schedule, noting changes in environments, staffing or activities)</i>	
1. Type of choices offered the student each day? Provide an example of choices checked below.	
Between tasks	
Within tasks	
Where to do tasks	
The person with whom to do the task	
When to do the task	
Terminating the task	
Rejecting	
Other	
2. What reinforcement is provided to the student?	Specify:
3. How often is reinforcement delivered?	Specify:

Data (Provide 60 school days of behavioral data prior to the date of this request. For each problem behavior described above provide the following: information can be provided in a chart, table or quantified summary statement that can be interpreted by someone unfamiliar with the program/ student)

- Start date of data
- End date of data
- Baseline dates
- Post – intervention dates
- Average frequency/ duration/intensity of behavior within each phase of timeframe of measure
- How were decisions made if the data did not show reduced rate of problem behavior(s) after intervention was implemented? What modifications were made to the Behavior Plan and what were the results of the modifications?

1. Provide implementation fidelity data (i.e. teacher self-assessments, external direct observation, anecdotal).

Restraint /Seclusion

1. How often is mechanical restraint or seclusion used? (Provide mechanical restraint/seclusion data in the school year prior to July 1, 2014 if applicable OR if renewal request provide current data including dates, frequency and duration.)

2. What is the average duration of the mechanical restraint or seclusion action before the student returns to a safe state?

3. What is the range of duration? (Least to most)

4. Is physical restraint currently being used? _____ Yes _____ No
If Yes, provide 60 school days of data including dates, frequency and duration.

5. Is Time Out currently being used? _____ Yes _____ No
If Yes, provide 60 school days of data including dates, frequency and duration.

Classroom/School Information

1. How many adults are in the classroom?

2. What is the adult: student ratio in the classroom?

3. What is the adult: student ratio provided for this student?

3. Does the school implement a continuum of multi-tiered behavioral supports? _____ Yes _____ No
If yes, how are students with disabilities who are in self-contained or separate classes included in the continuum of support?

Please submit all of the following documents applicable to this waiver Request:

- _____ Parent/Guardian signature on Waiver Request Form
- _____ Consent to Release Information (with parent/guardian signature)
- _____ Medical clearance related to specific physical or psychological conditions
- _____ Student's IEP
- _____ Student's IEP progress data
- _____ Student's 504 Plan
- _____ Student's attendance record for 12 month period
- _____ Student's schedule
- _____ Functional Behavior Assessment (if completed)
- _____ Behavior Intervention and/or Support Plan
- _____ Implementation data for 60 school days prior to date of Request for all steps of Behavior Plan (chart, table, quantitative summary).
- _____ Mechanical Restraint/Seclusion data (dates, frequency, duration)
- _____ Peer Review Report
- _____ Incident Reports related to Request
- _____ Other data specified in the Request form

Mechanical Restraint and Seclusion Waiver Request Matrix

Student: _____ Program: _____ Date Reviewed: _____
 Reviewers: _____

Consideration Scoring Criteria

- 3 = Ideal
- 2 = Acceptable
- 1 = Less than Acceptable
- 0 = Inadequate

Recommendation: _____ Approved ($\geq 83\%$) (_____ with conditions)
 _____ Provisional Approval ($\geq 75\%$)
 _____ Not approved ($< 75\%$)

Duration of approval _____

Consideration 1: Does the waiver request provide data that show the requested action is necessary to maintain safety of the student and others?			
<i>If the score for Consideration 1 is less than 2, the waiver request will not be further considered.</i>			
3	2	1	0
<p>It provides clear and compelling data and /or supplemental information that clearly show that the requested action is necessary to keep the student and others safe and has been used correctly. <i>Data and/or supplemental information clearly evidence 100% of the following:</i></p> <ul style="list-style-type: none"> • Non-physical or other interventions have not and/or will not be effective • Student’s behavior for which the action is requested poses a threat of imminent bodily harm to self or others. 	<p>It provides adequate data and/or supplemental information that show the requested action is necessary to keep the student and others safe and has been used correctly. <i>Data and/or supplemental information evidence at least 50% (60%, if renewal) of the following:</i></p> <ul style="list-style-type: none"> • Non-physical or other interventions have not and/or will not be effective. • Student’s behavior for which the action is requested poses a threat of imminent bodily harm to self or others. • Action was NOT used as a punishment procedure in response to property destruction, disruption of school order, student’s refusal to comply with school rule(s) or staff directive (s); or verbal threats that do not constitute a threat of imminent and serious, physical harm. 	<p>It provides some data and/or some supplemental information about the necessity and use of the requested action but the <i>data evidence less than 50% of the following:</i></p> <ul style="list-style-type: none"> • Non-physical or other interventions have not and/or will not be effective. • Student’s behavior for which the action is requested poses a threat of imminent bodily harm to self or others. • Action was NOT used as a punishment procedure in response to property destruction, disruption of school order, student’s refusal to comply with school rule(s) or staff directive (s); or verbal threats that do not constitute a threat of imminent and serious, physical harm. • Crisis/Implementation fidelity data are present and reflect need for requested action. 	<p>It fails to provide any data and/or supplemental information that evidence the requested action is necessary and has been used correctly.</p>

<ul style="list-style-type: none"> • Action was NOT used as a punishment procedure in response to property destruction, disruption of school order, student's refusal to comply with school rule(s) or staff directive (s); or verbal threats that do not constitute a threat of imminent and serious, physical harm. • Crisis/Implementation fidelity data are present and reflect need for requested action. • If renewal request, data reflects requested action has been used correctly. 	<ul style="list-style-type: none"> • Crisis/Implementation fidelity data are present and reflect need for requested action • If renewal request, data reflects requested action has been used correctly. 		
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Consideration 1 Evidence Comments:

Consideration 2. Does the waiver request provide data and/or supplemental information that evidence (if present and applicable) other factors that may contribute to the problem behavior for which action is requested were considered and addressed?

3	2	1	0
<p>It provides clear and compelling data and/or supplemental information that other factors contributing to the problem behavior for which action is being requested were considered and, if present, addressed. The data and/or supplemental information provided evidence a concerted effort to identify possible contributors and if found, sincere attempts to address and resolve the factors. <i>Data and/or supplemental information provided show clear evidence of 100% of the following:</i></p> <ul style="list-style-type: none"> • It identified or ruled out potential factors that could contribute to the behavior. • Assessments (including social histories, interviews, etc., and extensive record reviews were conducted to determine the presence of other factors (e.g., medical, social, mental health). 	<p>It provides adequate data and/or supplemental information that show other factors contributing to the problem behavior were considered and, if present, addressed. The data and/or supplemental information provided evidence a reasonable attempt to discover factors that may be contributing to the problem behavior and make reasonable efforts to address the factors. <i>Data and/or supplemental information provided show evidence of at least 50% of the following:</i></p> <ul style="list-style-type: none"> • It identified or ruled out potential factors that could contribute to the behavior. • Assessments (including social histories, interviews, etc., and extensive record reviews were conducted to determine the presence of other factors (e.g., medical, social, mental health). 	<p>It provides some data and/or supplemental information that show other factors contributing to the problem behavior were considered but were not addressed adequately. The data and/or supplemental information provided evidence less than reasonable attempts were made to identify/confirm other factors that may be contributing and minimal attempts were described to address the factors that may be contributing to problem behavior. <i>Data and/or supplemental information provided show evidence of less than 50% of the following:</i></p> <ul style="list-style-type: none"> • It identified or ruled out potential factors that could contribute to the behavior. • Assessments (including social histories, interviews, etc., and extensive record reviews were conducted to determine the presence of other factors (e.g., medical, social, mental health). 	<p>It fails to provide data and/or information that evidence other factors contributing to the problem behavior were considered, or, if identified, no data and/or supplemental information were provided to show any attempts were made to address the factors.</p>

<ul style="list-style-type: none"> • Thorough plans for addressing other factors were described and the results of efforts reported (e.g., if a seizure disorder was identified as a possible contributor to the problem behavior, plans for obtaining medical records/treatment and/or plans for supporting the student/family (e.g., referrals, assignment to case manager, providing assistance in obtaining medical examination). • Waiver request provides medical documentation establishing need for requested action and medical clearance as required. 	<ul style="list-style-type: none"> • Plans for addressing other factors were described and results of efforts reported but may lack some detail (e.g., if a seizure disorder was identified as a possible contributor of the problem behavior, plans for obtaining medical records/treatment and/or plans for supporting the student /family (e.g., referrals, assignment to case manager, providing assistance in obtaining medical examination). • Waiver request provides medical documentation establishing need for requested action and medical clearance as required. 	<ul style="list-style-type: none"> • Plans for addressing other factors were described and results of efforts reported but lack detail (e.g., if a seizure disorder was identified as a possible contributor of the problem behavior, plans for obtaining medical records/treatment and/or plans for supporting the student /family (e.g., referrals, assignment to case manager, providing assistance in obtaining medical examination). • Waiver request describes a plan for obtaining releases from caregivers to talk to physicians but does not report any further actions after obtaining the consent to exchange information. 	
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Consideration 2 Evidence Comments:

Consideration 3: Does the waiver request provide data and supplemental information showing that the FBA in place for the student is current and technically adequate?

3	2	1	0
<p>It provides clear and compelling data and/or supplemental information that indicate the FBA developed for the student is technically adequate. The waiver request provides clear data and/or supplemental information that evidence the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. If the FBA is updated, the waiver request provides clear information showing how data were used to adjust the plan, including modifying the interventions to make them more effective and/or collecting additional FBA information or conducting a functional analysis to confirm or change the hypothesis. For any modifications made to the FBA, the waiver request provides additional data that clearly show the outcomes of the modifications. <i>The FBA consists of 100% of the following components:</i></p> <ul style="list-style-type: none"> • FBA was conducted and/or updated recently Date of FBA _____ 	<p>It provides adequate data and/or supplemental information that indicate the FBA developed for the student is technically adequate. If there are flaws, they are minor and do not significantly impact the implementation of the plan. The waiver request provides some data and/or supplemental information that evidence the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. If the FBA is updated, the waiver request provides some information showing that data were used to adjust the plan by modifying the interventions, collecting additional FBA information or conducting a functional analysis to confirm or change the hypothesis. If the FBA was modified, the waiver request provides some data/ supplemental information that show outcomes after modifications. <i>The FBA includes at least 50% of the following components:</i></p> <ul style="list-style-type: none"> • FBA was conducted and/or updated (within previous 90 days). Date of FBA _____ 	<p>Data and/or supplemental information provided by the waiver request indicate the FBA developed has flaws that impact the technical adequacy. The waiver request provides scant or ambiguous data that evidence the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. It is unclear if the FBA has been updated and/or if data show that the FBA has been updated, minimal data/information was provided that indicate how the plan was adjusted and how the team used the data after adjustment to evaluate the effectiveness of changes. <i>The FBA is missing more than 50% of the following components:</i></p> <ul style="list-style-type: none"> • FBA was conducted and/or updated recently. Date of FBA _____ • The behavior for which the FBA was conducted is the same behavior for which the action is being requested. • Setting events (if present) and antecedent events are identified and described in relation to prediction of the occurrence of the target behavior. 	<p>It fails to provide data and/or information that show the FBA developed is technically adequate.</p>

<ul style="list-style-type: none"> • The behavior for which the FBA was conducted is the same behavior for which the action is being requested • Setting events (if present) and antecedent events are identified and described in relation to prediction of the occurrence of the target behavior. • Responses of others following the target behavior are described in a way that the hypothesized function is confirmed. • A hypothesis statement is present and is linked to the FBA information. 	<ul style="list-style-type: none"> • The behavior for which the FBA was conducted is the same behavior for which the action is being requested. • Setting events (if present) and antecedent events are identified and described in relation to prediction of the occurrence of the target behavior. • Responses of others following the target behavior are described in a way that the hypothesized function is confirmed. • A hypothesis statement is present and is linked to the FBA information. 	<ul style="list-style-type: none"> • Responses of others following the target behavior are described in a way that the hypothesized function is confirmed. • A hypothesis statement is present and is linked to the FBA information. 	
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Consideration 3 Evidence Comments:

Consideration 4: Does the waiver request provide information showing that the BIP in place for the student is technically adequate?

3	2	1	0
<p>It provides clear and compelling data and/or supplemental information that evidence the BIP developed for the student is technically adequate. The waiver request provides clear data and/or supplemental information that show the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. If the BIP is updated, the waiver request provides clear information showing how data were used to adjust the plan, including modifying the interventions to make them more effective and/or collecting additional FBA information or conducting a functional analysis to confirm or change the hypothesis. For any modifications made to the BIP, the waiver request provides additional data that clearly show the outcomes of the modifications. <i>The BIP consists of 100% of the following components:</i></p> <ul style="list-style-type: none"> • The plan is linked to the hypothesis, and the plan includes at a minimum: 	<p>It provides adequate data and/or supplemental information that evidence the BIP developed for the student is technically adequate. If there are flaws, they are minor and do not significantly impact the implementation of the plan. The waiver request provides some data and/or information that show the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. If the BIP is updated, the waiver request provides some information showing that data were used to adjust the plan by modifying the interventions, collecting additional FBA information, conducting a functional analysis to confirm or change the hypothesis. If the BIP was modified, the waiver request provides some data information that show outcomes after modifications. <i>The BIP includes at least 50% of the following components:</i></p> <ul style="list-style-type: none"> • The plan is linked to the hypothesis, and the plan includes at a minimum: <ul style="list-style-type: none"> ○ one strategy to prevent the problem behavior (modifying the antecedent(s)) ○ one strategy to teach a socially valid replacement behavior 	<p>Data and/or supplemental information provided by the waiver request indicate the BIP developed has flaws that impact the technical adequacy. The waiver request provides scant or ambiguous data showing the action requested has not and does not inadvertently reinforce the problem behavior by providing the functional outcome. It is unclear if the BIP has been updated and/or if data show that the BIP has been updated, minimal data / supplemental information was provided that indicate the plan was adjusted and how the team used the data after adjustment to evaluate the effectiveness of the changes. <i>The /BIP is missing more than 50% of the following components:</i></p> <ul style="list-style-type: none"> • The plan is linked to the hypothesis, and the plan includes at a minimum: <ul style="list-style-type: none"> ○ one strategy to prevent the problem behavior (modifying the antecedent(s)) ○ one strategy to teach a socially valid replacement behavior ○ one intervention to reinforce the replacement behavior 	<p>It fails to provide data and/or supplemental information that show the BIP developed is technically adequate.</p>

<ul style="list-style-type: none"> ○ one strategy to prevent the problem behavior (modifying the antecedent(s)) ○ one strategy to teach a socially valid replacement behavior ○ one intervention to reinforce the replacement behavior ○ one intervention that changes the responses to problem behavior ● The interventions comprising the plan are described in enough detail that a person unfamiliar with the plan would implement it with fidelity. ● A plan for monitoring fidelity is provided and includes details (method of obtaining fidelity, frequency of fidelity measurement, who will be measuring fidelity) 	<ul style="list-style-type: none"> ○ one intervention to reinforce the replacement behavior ○ one intervention that changes the responses to problem behavior ● The interventions comprising the plan are described in enough detail that a person unfamiliar with the plan would implement it with fidelity. ● A plan for monitoring fidelity is provided and includes details (method of obtaining fidelity, frequency of fidelity measurement, who will be measuring fidelity). ● A progress monitoring plan providing method for collecting data, frequency, people responsible, and follow-up date for data review. 	<ul style="list-style-type: none"> ○ one intervention that changes the responses to problem behavior ● The interventions comprising the plan are described in enough detail that a person unfamiliar with the plan would implement it with fidelity. ● A plan for monitoring fidelity is provided and includes details (method of obtaining fidelity, frequency of fidelity measurement, who will be measuring fidelity). ● A progress monitoring plan providing method for collecting data, frequency, people responsible, and follow-up date for data review. ● Data and/or a summary showing that current behavior plan in place has been reviewed and adjusted/modified to increase effectiveness and reduce use of the action requested. Date of review_____ 	
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<ul style="list-style-type: none"> • A progress monitoring plan providing method for collecting data, frequency, people responsible, and a follow-up date for data review. • Data and/or a summary showing that current behavior plan in place has been reviewed and adjusted/modified to increase effectiveness and reduce use of the action requested. Date of review _____ 	<ul style="list-style-type: none"> • Data and/or a summary showing that current behavior plan in place has been reviewed and adjusted/modified to increase effectiveness and reduce use of the action requested. Date of review _____ 		
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Consideration 4 Evidence Comments: