



## DEPARTMENT OF EDUCATION


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August 14, 2014

### MEMORANDUM

TO: Special Education Directors/Supervisors

FROM: Mary Ann Mieczkowski, Director  
Exceptional Children Resources Group 

SUBJECT: Regulation 610/ Student Restraint and Seclusion

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All – DOE Regulation 610 pertaining to student restraint and seclusion is now final. You can view the final regulation at this link:

<http://regulations.delaware.gov/AdminCode/title14/600/610.shtml#TopOfPage>.

Some key specifics of the regulation include:

- Sets forth the permitted and prohibited use of restraint or seclusion including:
  - Standards on imposing physical restraint on a student when deemed necessary.
  - Prohibition on the use of mechanical restraint and seclusion unless an approved waiver has been issued by Secretary of the DDOE for an individual student.
  - Prohibition on the use of chemical restraints
- Defines terminology such as physical restraint, mechanical restraint, seclusion, timeout, public school personnel and other relevant terms.
  - Public school personnel does not include a school resource officer or other law enforcement officer who may have to physically restrain a student.
  - The definition of a “timeout” is not considered the same as a seclusion. Timeout is not prohibited and does not require a waiver.

- Except as provided in 14 Del Code §702(c), physical restraint can only be imposed by school personnel trained in the use of de-escalation and non-violent physical restraint techniques such as Crisis Prevention Institute training.
  - It is the responsibility of the district to select school personnel, coordinate and provide the training.
- In the rare instance it may be needed, sets forth the process for applying for an individual student waiver for mechanical restraint or seclusion.
  - Decisions shall be rendered within 60 days.
- Requires the reporting of any physical restraint by school personnel of a student to the DDOE within 72 hours via eSchool plus. Reporting will also be required as a condition to any approved waiver for mechanical restraint or seclusion. The guardian must also receive a copy of the written report.
  - A DOE custom screen titled “DOE Restraint Seclusion Reporting” has been created and can be found under the “Demographic” folder under the “Student Center” folder. It includes required reporting fields as outlined in the regulation.
  - A web-based training on how to report incidents of restraint and seclusion has been created and is available in PDMS. The course number is #####. The regulation requires that personnel responsible for reporting these data to the DDOE receive the training every three years. The training takes approximately 20 minutes.
  - A cognos report has been created so parent reports can easily be created once the report has been entered into eSchool.
- Requires guardian notification (in person, phone, voicemail, or email) as soon as possible, but no later than 24 hours after a physical restraint has been imposed upon a student.

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