Seclusion and Restraint Regulations

Special Education Leadership September 10, 2014



Discipline and School Climate Limitations on Use of Seclusion and Restraint

Final Regulation 610:

http://regulations.delaware.gov/AdminCode/title14/600/610.pdf



Purpose and Authority

Regulation identifies:

- Permitted and prohibited uses of restraint and seclusion,
- •Training requirements for public school, private program, or alternative program personnel,
- Required documentation and reporting of incidents of restraint and seclusion,
- Parental notification requirements, and
- Waiver procedures for individual students



Definitions

- Defines terminology related to specific restraint types and clarifies exclusions
- Note difference between time out and seclusion



Use of Restraints

Prohibits use of:

- Chemical restraint
- Mechanical restraint and seclusion, unless authorized by waiver



Use of Restraints

Identifies standards for use of physical restraint:

- Due to significant and imminent risk of bodily harm to student or others
- •Does not pose specific risks to student or interfere with ability to communicate...
- •Less restrictive interventions ineffective in stopping imminent risk of bodily harm...
- See §610.3.0 for full list of standards



Training of Personnel

Personnel imposing restraint must have annual training in:

- Use of crisis prevention, de-escalation, and positive behavior intervention strategies and supports
- Training must be consistent with nationally recognized training programs



Training of Personnel

Personnel responsible for reporting restraints to DOE:

- •Must complete training on reporting process at least once every 3 years.
- •Required training must be completed through the DDOE Professional Development Management System (PDMS).
- •To register for the course, search the key word 'restraint' in the course title field. Access to the course will be available the following day after registering.



Parental Notification of Restraint

- Notify parent same day in person, by phone, voicemail, or email
- IEP Team or Section 504 Team shall determine timeframe and manner of notification
- Parent report form:
- http://www.doe.k12.de.us/infosuites/students_family/climate/ files/Cognos_Report_for_Restraint_Seclusion_Letter.pdf
- See §610.5.0 for notification requirements

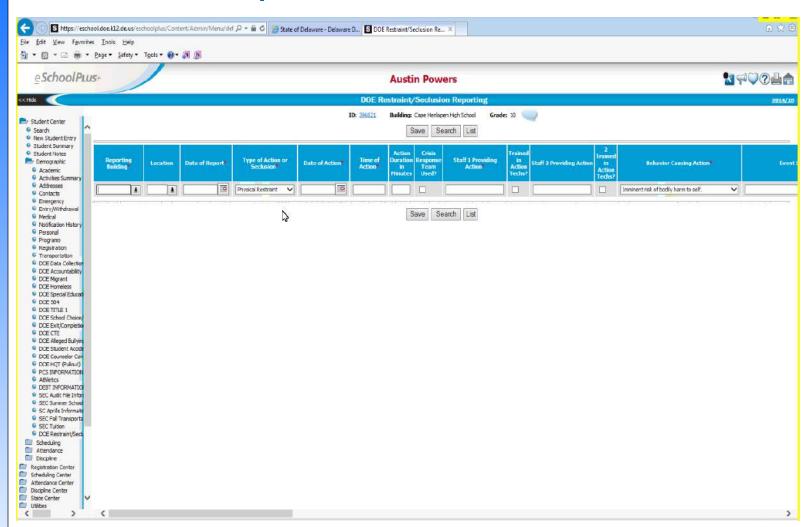


Uniform Data Collection

- Provide written report to DOE within 72 hours of action or the time LEA receives notice from private or alternative program
 - eSchool report
- Private and alternative programs to submit written notification to LEAs via
 - CDAP form
 - DOE/ DSCYF form ICT placements
- See §610.6.0 for written report details



eSchool Report





Annual Reporting Requirement

- DOE shall issue annual report detailing:
- Use of restraint including rates by subcategories
- Identify and analyze trends
- Post report to DOE website



Waiver

- Waiver request must be in writing using DOE format
- Based on compelling justification supported by documentation
- Include conditions and safeguards
- Authorization for waiver request signed by Parent or Guardian
- Parent also provides signed written consent to release information to DOE



Waiver

- Waiver requests considered by DOE personnel appointed by the Secretary
- Process informed by expert consultants
- Recommendation to the Secretary within 60 calendar days of receipt of waiver request
- Secretary will issue written decision within 10 calendar days to applicant and parent
- Secretary's decision shall be final
- See §610.8.0 for waiver request requirements



Questions?



MaryAnn.Mieczkowski@doe.k12.de.us John.Sadowski@doe.k12.de.us

