

# 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](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

https://eschool.doe.k12.de.us/eschoolplus/Content/Admin/Menu/def... State of Delaware - Delaware D... DOE Restraint/Seclusion Re...

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eSchoolPlus+ Austin Powers

DOE Restraint/Seclusion Reporting 2014/20

ID: 39621 Building: Cape Henlopen High School Grade: 10

Save Search List

Reporting Building	Location	Date of Report	Type of Action or Seclusion	Date of Action	Time of Action	Action Duration in Minutes	Crisis Response Team Used?	Staff 1 Providing Action	Trained in Action Techs?	Staff 2 Providing Action	2 Trained in Action Techs?	Behavior Causing Action	Event
			Physical Restraint									Imminent risk of bodily harm to self:	

Save Search List

Student Center

- Search
- New Student Entry
- Student Summary
- Student Notes
- Demographic
  - Academic
  - Activities Summary
  - Addresses
  - Contacts
  - Emergency
  - Entry/Withdrawal
  - Medical
  - Notification History
  - Personal
  - Programs
  - Registration
  - Transportation
  - DOE Data Collection
  - DOE Accountability
  - DOE Migrant
  - DOE Homeless
  - DOE Special Education
  - DOE 504
  - DOE TITLE 1
  - DOE School Choice
  - DOE Exit/Completion
  - DOE CTE
  - DOE Alleged Bullying
  - DOE Student Accidents
  - DOE Counselor Contact
  - DOE HQT (Pullout)
  - PCS INFORMATION
  - Athletics
  - DEBT INFORMATION
  - SEC Audit File Information
  - SEC Summer School
  - SEC Aprife Information
  - SEC Fall Transports
  - SEC Tutoring
  - DOE Restraint/Seclusion
- Scheduling
- Attendance
- Discipline
- Registration Center
- Scheduling Center
- Attendance Center
- Discipline Center
- State Center
- Utilities

# 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?



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