

Seclusion and Restraint Regulations

Special Education Leadership
September 10, 2014

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Discipline and School Climate Limitations on Use of Seclusion and Restraint

Final Regulation 610:

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

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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

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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

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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.

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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

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eSchool Report

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

eSchoolPlus+ **Austin Powers**

DOE Restraint/Seclusion Reporting 2014/15

ID: 396521 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				<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	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 Educat
 - DOE 504
 - DOE TITLE 1
 - DOE School Choice
 - DOE Exit/Completi
 - DOE CTE
 - DOE Alleged Bullyin
 - DOE Student Accide
 - DOE Counselor Cor
 - DOE HQT (Pullout)
 - PCS INFORMATION
 - Athletics
 - DEBT INFORMATIO
 - SEC Audit File Infor
 - SEC Summer School
 - SC April's Informat
 - SEC Fall Transporta
 - SEC Tutor
 - DOE Restraint/Sec
- 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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