

Training

The Director of Student Services and Director of Special Education for coordinating nationally recognized training in de-escalation and non-violent restraint techniques for appropriate staff.

Standards

School personnel may impose physical restraint only if it conforms with all of the following standards:

- a. The student's behavior presents a significant and imminent risk of bodily harm to self or others.
- b. The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication.
- c. The physical restraint does not interfere with the student's ability to breathe or place weight or pressure on the student's head, throat, or neck.
- d. The physical restraint does not recklessly exacerbate a medical or physical condition of the student.
- e. Less restrictive interventions have been ineffective in stopping the imminent risk of bodily harm to student or others, except in case of a rare and clearly unavoidable emergency circumstance posing imminent risk of bodily harm, including, without limitation, intervening in a student initiated physical assault or altercation.
- f. For a student with a disability as defined in Chapter 31 of Title 14 Delaware Code or 34 C.F.R. Part 104, the physical restraint does not contravene provisions in an individualized education program (IEP), behavior intervention plan, accommodation plan, or any other planning document for the individual student.
- g. Personnel use only the amount of force necessary to protect the student or others from the threatened harm.
- h. The physical restraint ends when a medical condition occurs putting the student at risk of harm or the student's behavior no longer presents an imminent risk of bodily harm to the student or others.
- i. The physical restraint is within the scope of force authorized by Section 468 of Title 11 Delaware Code.

- j. The physical restraint conforms to the applicable regulations promulgated by the Department of Education.

Reporting

When a physical restraint has been implemented with a student, the administration of the school shall contact the student's parent within 24 hours of the incident. The administration shall also report the incident to the Delaware Department of Education (DDOE) through recording the restraint in the appropriate DDOE data recording system. This report along with a written notification to the parent/guardian shall be completed within 72 hours of the restraint.

Additional guidelines

Nothing in these regulations prohibits a public school teacher, administrator, official employee or agent of the school board from:

1. Using reasonable and necessary force to quell a disturbance, including but not limited to a physical altercation, or prevent an act that threatens imminent bodily harm to any person.
2. Using reasonable and necessary force to obtain possession of a weapon, or other dangerous object within a student's control.
3. Using reasonable and necessary force for the purpose of self-defense or the defense of others under sections 464 and 465 of Title 11 Delaware Code.
4. Using reasonable and necessary force for the protection of property under section 466 Title 11 of Delaware Code
5. Using reasonable and necessary force to prevent a student from imminently inflicting bodily harm on that student's own self.
6. Using reasonable and necessary force to protect the bodily safety of others
7. Using incidental or minor physical contact necessary to maintain order and control.

EFFECTIVE: 10/1/97

REVISED: 11/15/10, 07/25/2016