DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4112F (14 **Del.C.** §4112F)
14 **DE Admin. Code** 610

FINAL

ORDER

610 Limitations on Use of Seclusion and Restraint

I. Summary of the Evidence and Information Submitted
Pursuant to 14 **Del.C.** §4112F, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint. The Department has made several changes to align the regulation with the most recent changes to Delaware Code.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2026.

The Department received two written comment submissions from the State Council for Persons with Disabilities and the Delaware Association of School Administrators. The written comments resulted in no additional amendments to the regulation.

Issue: The State Council for Persons with Disabilities (SCPD) recommends that the regulation require staff to be trained in safe restraint techniques that minimize the risk of injuries, and that this be added to subsection 4.1.1.

Response: The Department thanks the SCPD for its comment. Revisions to this regulation were made to align with the most recent amendments to Delaware Code. The Code requires annual training in crisis prevention and intervention techniques through nationally recognized training programs. Those programs include instruction in safe restraint practices designed to minimize the risk of injury to students and staff. Therefore, no additional regulatory language is necessary.

Issue: The SCPD recommends that the frequency of training for staff responsible for reporting be increased to annually.

Response: The regulation reflects the training frequency established in the most recent amendments to Delaware Code. No additional changes are made through this regulation.

Issue: The SCPD recommends that DDOE include data identifying districts or schools that failed to comply with reporting requirements, as well as data regarding waiver requests, in the annual reporting required under subsection 7.0.

Response: The regulation aligns with the reporting requirements established in Delaware Code. Data will continue to be collected and reported consistently with statutory requirements.

Issue: The SCPD questions the rationale for continuing to include a waiver process for these practices that are widely accepted as inhumane.

Response: The waiver process is included to comply with Delaware Code, which provides for such a process under specified conditions. The regulation reflects the statutory framework established by the General Assembly.

Issue: The SCPD questions whether DDOE will be making those reports available to the public.

Response: Reports are publicly available on the Educational Data Reports page of the Department's website.

Issue: The SCPD recommends that notification to the parent should be in the parent's preferred language.

Response: DDOE supports ensuring notifications are accessible to parents in their preferred language. Districts and charter schools are encouraged to continue complying with applicable federal and state language-access requirements.

Issue: The Delaware Association of School Administrators (DASA) commented on the Department's proposed addition of the phrase "significant and" in Sections 3.2.5 and 3.2.8 as part of the criteria for intervention. DASA expressed concern that the term "significant" is not clearly defined in this context, which may create ambiguity for educators when assessing immediate physical risks. DASA noted that requiring educators to determine the "significance" of harm during an active altercation may be impractical and could impact staff and student safety. DASA recommended refining the language to provide clearer guidance or relying on the established standard of "imminent risk."

Response: The DDOE appreciates the recommendation. However, the addition of the phrase "significant and" reflects recent amendments to Delaware Code. Because the language in the regulation is intended to align with the statutory requirements, the Department does not have the flexibility to modify this terminology in the regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint are necessary. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual.*

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint and to conform with the *Delaware Administrative Code Drafting and Style Manual.* Therefore, pursuant to 14 **Del.C.** §4112F, 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint is amended.

V. Text and Citation

The text of 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint is amended, and said regulation shall be cited as 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations.*

IT IS SO ORDERED the 13th day of July 2026
Department of Education

Cynthia Marten, Secretary of Education

610 Limitations on Use of Seclusion and Restraint

1.0 Purpose and Authority

~~1.1~~ The purpose of this regulation is to establish standards and procedures for the use of physical restraint, chemical restraint, mechanical restraint, and seclusion to provide safety for all individuals. The ~~regulations set~~regulation sets forth permitted and prohibited uses of restraint and ~~seclusion,~~seclusion; required training for public school, private program, or alternative program ~~personnel,~~personnel; required documentation and reporting of incidents of restraint and ~~seclusion,~~seclusion; required notification to ~~parents,~~parents; and waiver procedures for individual students. The regulation also implements the Delaware Department of Education's responsibilities for data collection, coordination with law enforcement agencies, annual public reporting, and school resource officer training and oversight as required by 14 **Del.C.** §4112F.

~~1.2 These regulations are promulgated in accordance with 14 **Del.C.** §4112F.~~

26 DE Reg. 472 (12/01/22)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following ~~meaning unless the context clearly indicates otherwise:~~meaning:

"**Alternative program"program**" ~~means a program established pursuant to 14 **Del.C.** Ch. 16.~~shall have the same definition as provided in 14 **DE Admin. Code** 616.

~~**"Chemical restraint"** means a drug or medication used on a student to control behavior or restrict freedom of movement that is either not medically prescribed for the standard treatment of a student's medical or psychiatric condition or not administered as prescribed. (Authority: 14 **Del.C.** §4112F(a)(1)).~~

"**Chemical restraint**" shall have the same definition as provided in 14 **Del.C.** §4112F.

"**Department**" means the Delaware Department of Education established pursuant to 14 **Del.C.** §101.

"**Individualized Education Program**" or "**IEP**" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with ~~Sections 7.0 through 11.0 of~~ 14 **DE Admin. Code** 925.

~~**"Mechanical restraint"** means the application of any device or object that restricts a student's freedom of movement or normal access to a portion of the body that the student cannot easily remove. "Mechanical restraint" does not include devices or objects used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which they were designed and, if applicable, prescribed, including the following:~~

~~• Restraints for medical immobilization;~~

~~• Adaptive devices or mechanical supports used to allow greater freedom of movement stability than would be possible without use of such devices or mechanical supports;~~

~~• Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;~~

~~• Instruction and use of restraints as part of a criminal justice or other course; or~~

~~• Notwithstanding their design for other purposes, adaptive use of benign devices or objects, including mittens and caps, to deter self-injury.~~

~~(Authority: 14 **Del.C.** §4112F(a)(2))~~

"**Mechanical restraint**" shall have the same definition as provided in 14 **Del.C.** §4112F.

"Parent" means:

- A biological or adoptive parent of a child;
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the ~~child (but not the State if the child is a ward of the State);~~child, but not the State if the child is a ward of the State;
- An individual acting in the place of a biological or adoptive parent ~~(including a grandparent, stepparent, or other relative)~~including a grandparent, stepparent, or other relative with whom the child lives and for whom a Relative Caregiver's School Authorization executed in compliance with 14 **Del.C.** §~~202(f)(1)~~§202 is on file;
- An individual who is otherwise legally responsible for the child's welfare; or
- A surrogate parent who has been appointed in accordance with ~~Section 19.0 of~~ 14 **DE Admin. Code** 926.

The biological or adoptive parent, when attempting to act as the parent under these regulations, and when more than one party is qualified under this definition to act as a parent, must be presumed to be the parent for purposes of this definition unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child, or to make educational decisions on behalf of a child, then ~~such~~ the person or persons shall be determined to be the "parent" for purposes of this definition.

~~(Authority: 20 U.S.C. 1401(23); 14 **Del.C.** §3110)~~

~~**"Physical restraint"** means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head. "Physical restraint" does not include physical contact that:~~

~~• Helps a student respond or complete a task;~~

~~• Is needed to administer an authorized health-related service or procedure; or~~

~~• Is needed to physically escort a student when the student does not resist or the student's resistance is minimal.~~

~~(Authority: 14 **Del.C.** §4112F(a)(3))~~

"**Physical restraint**" shall have the same definition as provided in 14 **Del.C.** §4112F.

~~**"Principal"** means the building principal, or the equivalent of the building principal, of any public school or charter school, or the building principal's designee.~~

~~**"Private program"**~~"**Private program**" means a non-public school or program contracted by a school district or charter school.

~~**"Public school personnel"** means an employee or contractor of a public school district or charter school. "Public school personnel" does not include the following:~~

~~• A law enforcement officer as defined in § 9200(b) of Title 11; unless the law enforcement officer meets the definition of a School Resource Officer/SRO; or~~

~~• An employee or contractor providing educational services within a Department of Correction or Division of Youth Rehabilitative Services facility.(Authority: 14 **Del.C.** §4112F(a)(4))~~

"**Public school personnel**" shall have the same definition as provided in 14 **Del.C.** §4112F.

"**School Resource Officer**" or "**SRO**" ~~means a contractor, subcontractor or employee of a public school district or charter school who is a sworn law enforcement officer as defined in 11 **Del.C.** §9200.~~shall have the same definition as provided in 14 **Del.C.** §4112F.

~~**"Seclusion"** means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a "timeout" procedure during which a staff member remains accessible to the student shall not be considered "seclusion." (Authority: 14 **Del.C.** §4112F(a)(5))~~

"**Seclusion**" shall have the same definition as provided in 14 **Del.C.** §4112F.

~~**"Student"**~~"**Student**" means any individual enrolled in a Delaware public ~~school or charter school,~~school, an alternative program pursuant to 14 **Del.C.** Ch. 16, or a private program pursuant to Title 14 **Del.C.** ~~Chapter 31, Section 3124.~~Ch. 31.

~~**"Timeout"** means a behavior management technique in which, to provide a student with the opportunity to reflect or regain self-control, a student is separated from others for a limited period in a setting that is not locked and~~

~~the exit is not physically blocked by furniture, closed door held shut from outside, or other inanimate object.~~ ~~(Authority: 14 **Del.C.** §4112F(a)(6))~~

"**Timeout**" shall have the same definition as provided in 14 **Del.C.** §4112F.

~~**"Written report"**~~"**Written report**" means printed paper filings and electronic filings that can be printed.

22 DE Reg. 55 (07/01/18)

26 DE Reg. 472 (12/01/22)

3.0 Use of Restraints

3.1 Public school personnel, private program personnel, and alternative program personnel are prohibited from imposing on any student:

3.1.1 Chemical restraint; and

3.1.2 Subject authorized by 14 **Del.C.** §~~4112F(c)(4)~~ §4112F and Section 8.0, mechanical restraint ~~and~~or seclusion.

3.2 ~~Such personnel~~Personnel may impose physical restraint only in conformity with all of the following standards:

3.2.1 The student's behavior presents a significant and imminent risk of bodily harm to self or ~~others;~~others.

3.2.2 The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of ~~communication;~~communication.

3.2.3 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;~~do either of the following:

3.2.3.1 Interfere with the student's ability to breathe.

3.2.3.2 Place weight or pressure on the student's head, throat, or neck.

3.2.4 The physical restraint does not recklessly exacerbate a medical or physical condition of the ~~student;~~student.

3.2.5 Less restrictive interventions have been ineffective in stopping the significant and imminent risk of bodily harm to the 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;~~altercation.

3.2.6 For a student with a disability as defined in 14 31 or 34 C.F.R. Part 104, the physical restraint does not contravene provisions in an IEP, behavior intervention plan, accommodation plan, or any other planning document for the individual ~~student;~~student.

3.2.7 Personnel use only the amount of force necessary to protect the student or others from the threatened ~~harm;~~harm.

3.2.8 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~~a significant and imminent risk of bodily harm to the student or ~~others;~~others.

3.2.9 The physical restraint is within the scope of force authorized by 11 **Del.C.** §468.

~~(Authority: 14 **Del.C.** §4112F(b))~~

26 DE Reg. 472 (12/01/22)

4.0 ~~Training of Personnel~~Authorized Personnel and Required Training for the Use of Restraint

4.1 Except as provided in 14 **Del.C.** §~~702(c),~~ §702, a student may be physically restrained only by public school personnel, private program personnel, or alternative program personnel who have completed training in physical restraint procedures.

4.1.1 ~~Such personnel~~Personnel shall receive annual training in the use of crisis prevention and intervention techniques consistent with nationally-recognized training programs, which shall meet the following minimum requirements:

4.1.1.1 The training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies and supports;

4.1.1.2 The training shall be designed to meet the needs of ~~such~~ personnel consistent with their duties and the potential need for emergency safety interventions; and

4.1.2 Each public school, private program, and alternative program shall provide the required training through the entity's respective programs and shall maintain written or electronic documentation of each training provided, which shall include a list of all personnel who participated in the training.

4.2 Any public school personnel responsible for reporting the ~~physical restraint~~use of physical restraint, mechanical restraint, or seclusion of a student to the Department ~~of Education~~ shall complete training on the reporting process approved by the Department ~~of Education and~~as well as any additional training ~~that~~ the Department ~~of Education~~ may prescribe.

4.2.1 The approved training shall be provided by the Department using a web-based platform ~~through the Department of Education's~~ including the Department's Professional Development Management ~~System (PDMS)~~System, or PDMS, or similar system. The training ~~will be provided on an annual basis~~shall be offered annually and made available throughout ~~each~~the school year.

4.2.2 ~~Such personnel~~Personnel responsible for reporting the ~~physical restraint~~use of physical restraint, mechanical restraint, or seclusion of a student shall complete the approved training at least once every 3

years and ~~during~~in any year in which reporting procedures ~~were changed from~~differ from those in effect during the previous year as ~~indicated~~determined by the ~~Department of Education.~~Department.

4.3 This section applies to public school personnel, private program personnel, and alternative program personnel and does not apply to School Resource Officers governed by Section 9.0 of this regulation and 14 **Del.C.** §4112F.

26 DE Reg. 472 (12/01/22)

5.0 Parental Notification of Use of ~~Physical~~ Restraint and Seclusion

5.1 Except as provided in subsection 5.1.1, ~~if~~when a student is physically restrained, mechanically restrained, or secluded, a reasonable attempt shall be made to notify the parent on the same ~~day,~~day as the incident, but in no event later than ~~twenty-four~~24 hours ~~after, the physical restraint is used. Such notification~~ after the use of physical restraint, mechanical restraint, or seclusion. Notification shall be made in person, by phone or ~~by~~ voicemail, or by ~~e-mail.~~electronic means of communication. The school shall maintain ~~written~~ documentation in the Department's student information system of both successful and unsuccessful attempts to notify the parent.

5.1.1 ~~Where physical restraint~~When the use of physical restraint, mechanical restraint, or seclusion is included in the student's IEP or Section 504 Plan, the IEP Team or Section 504 Team, including the parent, shall determine a timeframe and manner of notification of each incident of ~~physical restraint.~~restraint or seclusion.

5.2 The parent shall be provided a copy of ~~a~~the final written report no later than the date on which ~~such~~the required report is ~~filed with the Department of Education.~~submitted to the Department. The written report shall contain, at a minimum, the information required under Section 6.0.

26 DE Reg. 472 (12/01/22)

6.0 Uniform Data Collection and Reporting

6.1 ~~When an incident of physical restraint of a student by public school personnel, private program personnel, and charter school personnel occurs:~~Interviews

6.1.1 As soon as practicable ~~thereafter,~~after the use of physical restraint, mechanical restraint, or seclusion, a reasonable attempt shall be made to interview the student regarding the ~~incident; and~~incident.

6.1.2 ~~The school principal or charter school leader must provide a written report, in a uniform format as determined by the Department of Education, of the restraint to the Department of Education within 72 hours of the restraint, or within 72 hours of the time in which the student's district or charter school of residence receives notice of the restraint from the contracted private program or alternative program, whichever the case may be; and~~Witnesses shall also be interviewed, if applicable.

~~6.1.3 The written report shall include, at a minimum:~~

~~6.1.3.1 Details of the restraint incident, including, but not limited to, the student behavior and description of events leading to the use of physical restraint; de-escalation techniques utilized by school personnel prior to the restraint; a description of the student's behavior during the restraint; a summary of witness interviews, if applicable; any injury caused to the student, staff members, or other students; and any related treatment deemed necessary as a result of the restraint.~~

~~6.1.3.2 Demographic information on affected students to include age, race, ethnicity, and disability category;~~

~~6.1.3.3 A description of the interview conducted with the student, if applicable; and~~

~~6.1.3.4 If applicable, a description of changes to any or all of the following that resulted from the restraint incident:~~

~~6.1.3.4.1 For a student with a disability as defined in 14 **Del.C.**, Chapter 31 or 34 C.F.R. Part 104, the student's IEP, behavioral support, crisis intervention plan, accommodation plan, or any other planning document for the individual student;~~

~~6.1.3.4.2 School or local educational agency policy or procedure; or~~

~~6.1.3.4.3 Additional staff training.~~

6.2 Reporting Requirement to the Department

6.2.1 Public school personnel shall report the use of physical restraint, mechanical restraint, or seclusion to the Department using the Department's student information system. The report must be submitted within 72 hours of the incident if it occurs in a public school, or within 72 hours of the time the student's public school of residence receives notice if the incident occurs in a contracted private program or alternative program.

6.2.2 Each report shall include, at a minimum, the following information:

6.2.2.1 The description of the student's behavior and events leading to the use of physical restraint, mechanical restraint, or seclusion.

6.2.2.2 Response by personnel, including de-escalation techniques, utilized prior to or during the restraint or seclusion.

6.2.2.3 A description of the student's behavior during and after the restraint or seclusion.

6.2.2.4 A summary of student and witness interviews, as applicable.

6.2.2.5 Any injuries to the student, personnel, or other students and any treatment provided as a result.

6.2.2.6 Demographic information of the student, including age, race, ethnicity, and disability category, if applicable.

6.2.2.7 A description of any changes resulting from the incident to:

6.2.2.7.1 Public school, private program, or alternative program policies or procedures;

6.2.2.7.2 Staff training; or

6.2.2.7.3 For students with disability as defined in 14 **Del.C.** Ch. 31 or 34 C.F.R. Part 104, the student's IEP, behavioral support plan, crisis intervention plan, accommodation plan, or any other individualized planning document.

6.3 Department Request for Police Officer Standards and Training Commission Data

6.3.1 The Department shall request from the Police Officer Standards and Training Commission, or POST, any data POST collects on law enforcement officers' use of physical restraint, mechanical restraint, or seclusion on a student in a public school.

6.3.2 POST shall provide the requested data to the Department. For mechanical restraints, POST shall report the total number, disaggregated by whether the restraint was required and, if so, the reason it was required.

26 DE Reg. 472 (12/01/22)

7.0 Annual Reporting Requirement

7.1 The Department ~~of Education~~ shall issue an annual report by November 30 of each year on the use of physical restraint, ~~which shall include rates of usage by school and by subcategories identified pursuant to Section 6.0, identify trends, and analyze significant results. The report shall be posted on the Department of Education's website.~~ mechanical restraint, and seclusion. The report shall:

7.1.1 Include rates of usage by school and by the subcategories identified pursuant to Section 6.0;

7.1.2 Identify trends and analyze significant results; and

7.1.3 Incorporate data received from POST.

7.2 The report shall be submitted to the following: the Secretary of the Senate, Chief Clerk of the House of Representatives, Librarian and Director of the Division of Legislative Services, President of the Delaware School Boards Association, the president of each board of education of school districts, and the president of each board of directors of charter schools.

26 DE Reg. 472 (12/01/22)

8.0 Waiver

8.1 Any public school, private program, or alternative program ~~applicant for~~seeking a waiver of the prohibition on the use of mechanical restraints or seclusion for an individual student must ~~deliver the request in writing,~~submit a written request in a uniform format developed by the ~~Department of Education,~~Department, to the Secretary of the Department or Secretary's ~~designee setting forth the grounds for the request.~~designee. The request shall clearly state the grounds for the waiver.

8.1.1 The request shall be ~~based on~~supported by compelling justification ~~supported by~~and documentation, ~~including, but not limited to, educational records, reporting of incidents, and~~which may include:

8.1.1.1 Educational records;

8.1.1.2 Incident reports;

8.1.1.3 ~~the~~ The student's functional behavioral assessment and behavioral intervention plan, including implementation ~~data,~~data; and

8.1.1.4 ~~medical~~ Medical documentation, if applicable.

8.1.2 The request shall ~~contain a description of~~describe the conditions and safeguards that the applicant will utilize in connection with the waiver, ~~including, but not limited to:~~including:

8.1.2.1 A detailed description of the proposed continual visual staff monitoring of student;

8.1.2.2 A requirement that the parent be notified of each use of mechanical restraint or seclusion ~~which conforms to the procedure set forth~~in accordance with the notification procedures in Section 5.0 ~~for reporting physical restraint except that the provisions of subsection 5.1.1 shall not apply herein~~; and

8.1.2.3 A detailed description of the physical space ~~within~~in which ~~the~~ seclusion will occur, or ~~of~~ the type of mechanical restraints to be utilized, ~~whichever is~~as applicable.

8.1.3 The request shall include a written authorization signed by the parent agreeing to the issuance of a waiver ~~on the prohibition of the use of mechanical restraints or seclusion for that student~~ and a signed ~~written~~ consent for release of information to the Department ~~of Education~~ and the waiver review committee.

8.1.4 All privileged documentation shall be maintained confidentially by the Department ~~of Education~~ and the waiver review committee to the extent permitted by applicable law.

8.2 All requests shall be considered by a waiver review committee appointed by the ~~Secretary.~~Secretary of the Department or Secretary's designee. A decision by the ~~waiver review~~ committee shall be rendered no later than 60 calendar days ~~of~~after receipt of the waiver request.

8.3 The committee shall make a written recommendation to the ~~Secretary,~~Secretary of the Department or Secretary's designee, which shall include:

8.3.1 A summary of the compelling justification based on the documentation submitted in support of the ~~waiver requested;~~waiver;

8.3.2 Recommendations ~~to include~~including any specific conditions and safeguards, and a brief statement of the ~~reasons therefore;~~reasons;

8.3.3 A requirement that, ~~where~~if a waiver is issued, there be continual visual monitoring, parental notice of each use of mechanical restraint or seclusion, and collection of data ~~to include the number of times the student was subject to mechanical restraint or seclusion, the duration of each mechanical restraint or seclusion, and any other data as required by the Department of Education;~~including the number of incidents, the duration of each, and any other data required by the Department.

8.3.4 A statement ~~as to~~specifying the duration of the waiver, which shall not ~~to~~ exceed ~~a period of one~~1 calendar year.

8.4 The Secretary of the Department or Secretary's designee shall consider the entire record of the case and the committee's recommendations in reaching a final decision. The ~~Secretary's~~ decision shall be issued in writing and mailed to the applicant and the parent by certified mail no later than 10 calendar days ~~from~~after receipt of the ~~recommendation of the waiver review committee.~~committee's recommendation.

8.5 ~~The Secretary's decision shall be final.~~The decision by the Secretary of the Department or Secretary's designee shall be final.

18 DE Reg. 130 (08/01/14)
26 DE Reg. 472 (12/01/22)

9.0 ~~School Resource Officer (SRO) Training~~School Resource Office, or SRO, Training

9.1 SROs who assist with or independently intervene with students with disabilities shall annually receive the following awareness ~~level~~ training from the school district or charter school in which they are assigned:

9.1.1 Training which is consistent with that which is required of other public school personnel within ~~their~~ the SRO's school district or charter school for disability awareness and behaviors that may manifest as a result of disabilities;

9.1.2 Best practices for de-escalation techniques utilized in the school setting;

9.1.3 Current information on the intervention decisions and techniques used by school personnel within the school setting;

9.1.4 ~~Such other~~Other training as is necessary to protect the health and well-being of students with disabilities, including students with an IEP who enroll after the beginning of the school year, which shall include basic awareness training specific to IEPs, functional behavior ~~assessments~~ assessments, and behavioral intervention plans;

9.1.5 SROs shall participate in the annual SRO training provided by the Delaware State Police or equivalent training provided by the police agency employing the SRO.

9.2 The training ~~outline~~outlined in this regulation shall include reference to how it relates to the duties and responsibilities of the SRO as outlined in the SRO's employment contract and the Memorandum of Agreement between the school district or charter school and the police agency employing the SRO as required under 14 **DE Admin. Code** 601.

9.3 Prior to the start of each school year, or as soon as practical, but no later than 30 calendar days after the first student day of school, a representative of each school building shall meet with the SRO assigned to that school in order to be familiarized with behaviors related to disabilities that may occur in the school and typical responsive actions that may be taken by school personnel in that school.

9.4 Nothing within this regulation or contained within 14 **Del.C.** §4112F shall be interpreted as creating any additional restrictions on the sworn authority of law enforcement officers or their ability to carry out their required sworn duty.

9.5 Reporting and notification practices for incidents involving SROs governed by this section must be consistent with 14 **Del.C.** §4112F.

9.6 In accordance with 14 **Del.C.** §4112F, a school district or charter school may not employ or contract with a SRO governed by this Section who does not comply with the training requirements set forth in this Section. Nothing in this subsection shall prohibit the temporary use of a law enforcement officer who is not trained as a SRO to fill in for a SRO who is temporarily absent.

22 DE Reg. 55 (07/01/18)
26 DE Reg. 472 (12/01/22)

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18 DE Reg. 130 (08/01/14)
22 DE Reg. 55 (07/01/18)
26 DE Reg. 472 (12/01/22)