



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
Margaret M. O'Neill Bldg., Suite 1, Room 311  
410 Federal Street  
Dover, Delaware 19901  
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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

May 31, 2018

Ms. Emily Cunningham  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 21 DE Reg. 851 [DOE Proposed School Resource Training (May 1, 2018)]

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed Delaware Department of Education's (DDOE) proposed regulation to implement HB 142 (12 Del code 4112F (d)(1)) regarding training for School Resource Officers ("SROs"). HB 142's effective date is 7/1/2018. The legislation is an attempt to improve training of SROs to prepare them for their interactions with students with disabilities. This will hopefully lead to better interactions within the school and help address the trend toward criminalization of student behavior that can often be a manifestation of disability (the school to prison pipeline). The proposed regulation was published as 21 DE Reg. 851 in the May 1, 2018 issue of the Register of Regulations. SCPD has the following comments.

The proposed language regurgitates the language in the statute and does not add to or expound upon the content of any required training. The rationale given is that the statute is "prescriptive." The regulation requires, in general terms:

1. Annual "awareness level training" of SROs:
  - a. Consistent with what required of other school personnel of disabilities awareness and behaviors;
  - b. [including] best practices for de-escalation techniques;
  - c. [including] information on intervention decisions and techniques;
  - d. [including] such other training as is necessary to protect health and safety of students which shall include "basic awareness training" specific to IEPs, FBAs and Behavior support plans.

2. The SRO is required to participate in annual state police or equivalent SRO training or equivalent training provided by policy agency employing SRO.
3. The training is to include a cross reference to the duties and responsibilities of SROs highlighted in the respective MOU between district and police agency.
4. At the beginning of each school year or within 30 days after the “first student day of school,” the SRO will meet with school representative of the assigned building to become familiarized with behaviors related to disabilities that may occur in the school and typical responsive actions.

The legislation contemplates the issuance of regulations, in coordination with GACEC, which among other things covers “other training as is necessary to protect the health and well-being of students with disabilities *as promulgated in implementing regulation.*” §4112F(d)(1)(d). The regulations do not have to be limited to rehashing what the statute requires; however DDOE appears unwilling to deviate from the express statutory language in these draft regulations in order to flesh out training requirements. Furthermore, DDOE is giving complete discretion regarding training requirements and content to the districts and charter schools. This would appear to be an area where there should be uniformity in training. The knowledge base of SROs should not vary from school to school or district to district. All SROs should have the benefit of robust training in how to interact with students with disabilities.

The SCPD is asking that additional details to be added to the regulations, such as:

1. Adding a durational requirement; the disability-specific training should be at least 8 hours, perhaps. DDOE’s response to this request in preliminary comments was that it is up to the districts and charter schools to determine how much training to provide. The regulation ties the training to what is required for other personnel for “disability awareness and behaviors” in the school. However, there is no reference to any standard describing what that training (disability awareness and behaviors) actually entails.
2. Fleshing out what “awareness level training” means. We believe this is a “term of art” in first responder training; it would be helpful to know what it actually means. Does “awareness” mean basic familiarity or working knowledge? The DDOE indicates that “awareness level training” is described in the statute. This is circular reasoning, and some sort of qualitative standard or definition of “awareness” should be included in the regulation.
3. Require that SROs be updated not only at the beginning of the year but also when new students with IEPs start school throughout the year or when IEPs change throughout the year and the changes are relevant to behavioral interventions. (9.3) Because §4112F(d)(1)(d) requires basic awareness training specific to IEPs, functional behavior assessments and Behavior Plans, any time a new student arrives or their IEP changes, SROs should be informed so that they can safely and appropriately respond to any new challenges.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,

*Jamie Wolfe*

Jamie Wolfe

State Council for Persons with Disabilities

cc: The Honorable Susan S. Bunting, Ed.D. Secretary of Education  
Mr. Chris Kenton, Professional Standards Board  
Dr. Dennis Loftus, State Board of Education  
Ms. Mary Ann Mieczkowski, Department of Education  
Ms. Laura Makransky, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Ms. Valerie Dunkle, Esq., Department of Justice  
Ms. Laura Waterland, Esq.  
Developmental Disabilities Council  
Governor's Advisory Council for Exceptional Citizens

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