




STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: June 12, 2012

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell,  Chairperson
State Council for Persons with Disabilities

RE: S.B. 242 [Restraint & Seclusion]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 242 regarding the use of restraint and seclusion in public schools. Consistent with the Synopsis, based on national reports documenting misuse of seclusion and restraint within public schools, many states are adopting remedial statutory or regulatory standards. In addition, federal legislation has been introduced (i.e. S. 2020 and H.R. 1381) to protect school children against harmful and life-threatening seclusion and restraint practices. This bill is the product of research and deliberations of an interagency committee formed by the Governor's Advisory Council for Exceptional Citizens (GACEC) in 2010 to identify best practices and develop standards for Delaware public schools. SCPD is a member of that ad hoc committee which assisted in the development of S.B. 242. SCPD **strongly endorses** the proposed legislation.

SCPD believes that children deserve to receive a world-class education in a safe environment. Students and adults in schools, community or institutional settings have died from the use of restraint and seclusion. Frequently, these deaths result from the misuse, overuse or abuse of restraint and seclusion techniques. People with physical or developmental disabilities are at a higher risk of being exposed to these interventions, and students and adults lack comprehensive legal protection against improper use of restraint and seclusion.

In developing standards limiting and outlining how restraints and seclusion may be used, Delaware is taking a necessary step towards ensuring that schools are safe and healthy environments where students can learn. S.B. 242 addresses the lack of standards and the misuse of seclusion and restraint in our schools. It will help to keep our kids safer as they learn, develop and participate in instructional programs that promote academic achievement. For additional information on restraint and seclusion policy, see the U.S. Department of Education Restraint

and Seclusion Resource Document issued May 2012 – this can be located at:
<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

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

cc: Ms. Susan Haberstroh
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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