



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

February 27, 2026

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 29 DE Reg. 662/14 DE Admin. Code 610 DDOE Use of Seclusion and Restraint regulation (February 1, 2026)

Dear Secretary Marten:

The Governor's Advisory Council for Exceptional Citizens (GACEC) reviewed the earlier Delaware Department of Education (DDOE) proposal to amend 14 DE Admin. Code 610 Use of Seclusion and Restraint regulations. We appreciate the DDOE for making some edits to address the concerns that were noted in our earlier letter on April 28, 2025. We would like to reiterate some of the concerns that Council continues to have in reference to this regulation.

First, Council would like to thank DDOE for making changes in Section 3.0 as they are important to keep students safe. Physical restraints that are improperly done expose students to the risk of adverse medical outcomes or even death.

Section 4.0 provides that only staff trained in physical restraint procedures may restrain a student. Council would like to encourage a broader range of staff undergoing such training, as more staff trained in prevention and de-escalation may reduce the incidents of physical restraint. The regulation also does not explicitly require that staff be trained in safer restraint techniques that would minimize the risk for injuries. Council recommends that this additional requirement be added to the regulation.

In addition, Council would like to recommend that the frequency of training for staff responsible for reporting be increased to annually.

Lastly, this section clarifies that it does not apply to School Resource Officers and only applies to "public school personnel", which based on HB 78 does not include employees or contractors providing educational services within a Department of Correction or Division of Youth Rehabilitative Services facility. This is a significant concern.

Council appreciates the modifications made in Section 5.0 to clarify when parental notification should occur. However, Council would suggest that the DDOE strengthen notifications to parents and to DDOE from the local education agencies. Particularly, Council would suggest that notification be presented to parents in their preferred language.

In Section 7.0, Council suggests that DDOE include data on which districts/schools are found to have failed to comply with the reporting requirements, as well as including data on waiver requests in their annual reporting to the Secretary of the Senate, Chief Clerk of the House and others. Council fully supports the increased data reporting and queries whether the DDOE will be making those reports available to the general public.

In Section 8.0, Council would like to suggest that DDOE include information on what district/schools fail to comply with the reporting requirements as mentioned above. Council also questions the rationale for continuing to include a waiver process for these practices (mechanical restraint and seclusion) that are widely accepted as inhumane.

Overall, Council supports the changes made to the regulations and would hope that the DDOE will consider the comments and recommendations Council is making in this letter. However, Council would like to restate our opposition to the use of seclusion and restraint on children with disabilities. Other available options should always be considered.

Thank you for this opportunity to say thank you and share our continuing concerns with you. We look forward to a more collaborative partnership with you on behalf of the students of Delaware. Please contact us if you have any questions on our comments. Thank you for your consideration.

Sincerely,

William H. Doolittle

William H. Doolittle
Chairperson

WHD: kpc

CC: Shawn Brittingham, State Board of Education
Kathleen Smith, State Board of Education
Dale Matusevich, Department of Education
Emily Cunningham, Department of Education
Linnea Bradshaw, Professional Standards Board
Carla Jarosz, Esq.
Alexander Corbin, Esq.