



SPONSOR: Sen. Sokola

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 242

1 AMEND Senate Bill No. 242 by deleting lines 10 through 85 and substituting in lieu thereof as follows:

2 §4112E. Limitations on use of restraint.

3 (a) Definitions. The following words, terms, and phrases when used in this section, shall have the meaning
4 ascribed to them except where the context clearly indicates a different meaning:

5 (1) “Chemical restraint” means a drug or medication used on a student to control behavior or restrict
6 freedom of movement that is either not medically prescribed for the standard treatment of a student’s medical or
7 psychiatric condition or not administered as prescribed.

8 (2) “Mechanical restraint” means the application of any device or object that restricts a student’s freedom
9 of movement or normal access to a portion of the body that the student cannot easily remove. “Mechanical
10 restraint” does not include devices or objects used by trained school personnel, or used by a student, for the
11 specific and approved therapeutic or safety purposes for which they were designed and, if applicable, prescribed,
12 including the following:

13 a. restraints for medical immobilization;

14 b. adaptive devices or mechanical supports used to allow greater freedom of movement or
15 stability than would be possible without use of such devices or mechanical supports;

16 c. vehicle safety restraints when used as intended during the transport of a student in a moving
17 vehicle; or

18 d. instruction and use of restraints as part of a criminal justice or other course.

19 (3) “Public school personnel” means an employee or contractor of a public school district or charter
20 school. This definition does not include a law enforcement officer as defined in 11 Del. C. §9200(b).

21 (b) Prohibition and restriction on use.

22 (1) Public school personnel are prohibited from imposing on any student the following:

23 a. Chemical restraint; and

24 b. Mechanical restraint

25 (c) Department of Education Role; Regulations.

26 (1) The Department of Education, with the assent of the State Board of Education, may promulgate
27 regulations implementing this section.

SYNOPSIS

This amendment deletes the references to the use of physical restraints and seclusions on students by public school personnel. The amendment also clarifies a law enforcement officer is not considered public school personnel for purposes of this Act. The amendment also clarifies that mechanical restraints may be used in the context of instruction and/or as part of a criminal justice or other course. The amendment requires the State Board of Education to assent to any regulations promulgated by the Department of Education implementing this Act.

Author: Sen. Sokola