

**DELAWARE DEPARTMENT OF EDUCATION  
EXCEPTIONAL CHILDREN RESOURCES**

**FINAL REPORT  
ADMINISTRATIVE COMPLAINT RESOLUTION**

**DE AC 13-17 (June 28, 2013)**

On June 28, 2013, Student, through the Disabilities Law Program, filed a complaint with the Delaware Department of Education (“DOE”).<sup>1</sup> The complaint alleges that School (hereinafter sometimes referred to as “the School”), Christina School District (“Christina”), and Appoquinimink School District (“Appoquinimink”) violated certain state and federal regulations regarding the provision of a free, appropriate public education (“FAPE”) to Student. The complaint has been investigated as required by federal regulations at 34 C.F.R. §§ 300.151 to 300.153, and according to the DOE’s regulations at 14 DE Admin Code §§ 923.51.0 to 53.0. The investigation included a review of Student’s educational records and independent evaluations, separate in-person interviews with fifteen School staff members (including administrators), a telephonic interview with Christina’s Director of Special Education Services, and a telephonic interview with Appoquinimink’s Director of Special Education Services. The investigation also included a telephonic interview with Student’s parents (“Parents”).

**FINDINGS OF FACT**

1. Student is currently 12 years of age and attending the School.
2. Student has been attending the School since July 2003.
3. Student is identified as a student with a disability eligible to receive special education and related services. Student’s identification is based on Student’s diagnoses of autism, severe intellectual disabilities, intractable epilepsy, and encephalopathy.
4. Student is non-verbal and has a history of aggressive behaviors, including self-injurious behaviors and attempts to hit and kick staff members or other peers within Student’s proximity.
5. One of the antecedents to Student’s aggressive behaviors as extended or non-preferred tasks, including gym.
6. On June 28, 2013, the Disabilities Law Program filed this complaint with the DOE on Student’s behalf, alleging that Student was denied FAPE as a result of an incident alleged to have occurred on December 27, 2012. Specifically, the complaint alleges that the School denied Student FAPE by subjecting him/her to an abusive physical restraint that

---

<sup>1</sup> Due to the sensitive nature of the allegation, and to protect personally identifiable information about the child from unauthorized disclosure, this report identifies some people and places generically.

grossly deviated from the interventions authorized in Student's Behavior Intervention Plan ("BIP").

7. Student's Individualized Education Program ("IEP") in effect on December 27, 2012 includes a behavioral goal for Student and incorporates Student's BIP by reference. Student's mother participated in the creation of Student's December 27, 2012 IEP.
8. Student's February 8, 2012 BIP, which was in effect on December 27, 2012, identifies three types of target behaviors: (1) minor aggression ("non-forceful incidents (usually single incidents) of contact with another's body (light hitting or slapping)'), (2) major aggression ("repeated and/or forceful contact with another's body (including staff or peers)" such as "hitting, kicking, slapping, etc."), and (3) temper tantrums ("a combination of two or more of the following behaviors: dropping to the floor, kicking or hitting wall, and/or aggression lasting longer than 30 seconds" which "may be accompanied by crying/screaming").
9. When Student engages in minor aggression, the BIP essentially instructs staff to ignore the behavior and to prompt or redirect Student.
10. When Student engages in major aggression, the BIP directs staff to respond differently depending on whether Student is engaged in work sessions or on a walk. In each case, the BIP instructs staff to implement a "15 second standing restraint" before either directing Student to a break area (during work sessions) or to continue walking (during walks). If Student attempts to aggress immediately (i.e. within five seconds of being placed in the break area), the BIP instructs staff to implement Student's Safety Plan ("Safety Plan"). If Student attempts to aggress after 20 seconds in the break area, the BIP instructs staff to wait for two attempts at major aggression before implementing the Safety Plan. If Student aggresses after a restraint during walks, the BIP instructs staff to implement the Safety Plan and to direct Student to the nearest timeout room.
11. When Student engages in a temper tantrum, the BIP directs staff to again respond differently depending on whether Student is engaged in work sessions or on a walk. In each case, the BIP directs staff to physically prompt Student back to task and then break area (during work sessions) or to the classroom and then break area (during walks). In the classroom, the BIP directs staff to "[p]rotect [Student] and the environment using a mat when necessary" and to utilize the Safety Plan "[i]f [Student] attempts to leave [the] break area and engage[s] in continuous major aggression (more than 2)." During walks, if Student drops, staff is instructed not to lift Student, but to provide directions to Student to "stand up" before redirecting Student to the classroom and then to the break area.
12. Student's Safety Plan, which is part of the BIP, instructs staff to direct Student to a timeout room using the least restrictive prompt and to leave Student in the timeout room for two-minute intervals until Student makes no attempts at aggression and does not yell for at least fifteen seconds.
13. Student's February 8, 2012 BIP does not contain a requirement that School notify Parents

after each restraint. However, Parents stated that it had been the practice of School for several years prior to the 2012-2013 school year to communicate the use of restraints in a marble communication book sent to and from School with Student. Parents report that the level of communication changed beginning with the 2012-2013 school year, when Student's teacher changed.

### ***Winter Respite***

14. On October 11, 2012, School sent a memorandum to all parents regarding in-school respite services during the winter 2012 break. The memorandum indicated that respite services would be available December 26-27, 2012 from 8:15 am to 2:30 pm. The memorandum further indicated that the respite program would be "less than half staffed" and that "not all IEP objectives [would be] covered."
15. Student participated in the School's winter respite services on both days.
16. A copy of Student's "respite card" was available in Student's classroom. Respite cards for each student were available in his/her classroom during winter respite. The respite cards were filled out by each student's regular school year teacher and contained the following information for each student: communication, reinforcers, how and when the student could earn reinforcers, targeted behaviors and procedures, medications, allergies and food restrictions, activities that the student could do independently, and self-care information. While the respite cards identified the essential elements of each student's BIP (including reinforcers, targeted behaviors, and procedures), the respite cards did not specifically incorporate the entirety of any student's BIP *per se*.
17. The Paraprofessional assigned to Student's class ("Paraprofessional") reviewed Student's respite card prior to the start of respite on December 26, 2012.
18. On December 26, 2012, the teacher originally assigned to Student's class for the winter respite program – who was also Student's regular teacher during the 2012-2013 school year – informed the School that he/she would be attending a funeral the following day and, as a result, would not be available to work the following day.
19. Teacher, who was familiar with Student and aware that Student could present a behavioral challenge, volunteered to serve as the teacher for Student's class on December 27, 2012.
20. At all times relevant to this investigation, Teacher was a certified restraint instructor. However, Teacher stated that he/she was not familiar with the specifics of Student's BIP.
21. Teacher stated that he/she had not reviewed Student's respite card on December 27, 2012.

### ***December 27, 2012 Incident***

22. The complaint alleges that, on December 27, 2012: “[a]t approximately 1:30PM Student was in the gym with a staff member. Student was observed lying on [his/her] back tantruming on the floor, including crying and flailing. The staff member told Student to stand up. Student did not stand up and tried to hit the staff member. The staff member then stepped on Student’s chest, physically restraining [him/her]. When the staff member removed [his/her] foot from Student’s chest, Student continued to tantrum. Student attempted to kick the staff member. In response, the staff member grabbed Student by [his/her] ankle and dragged [him/her] across the floor.”
23. Attached to the complaint is an Observations and Concerns Form, which was filled out by Concerned Staff Member. The form states, in relevant part: “[Student] was on the floor, tantruming (crying and flailing). [Teacher] was interacting with [Student] & telling [him/her] to stand up. At one point, [Teacher] went up to [Student], got close & told [him/her] to stand. [Student] attempted to hit [Teacher], to which [he/she] stepped on [Student] (placed [his/her] foot on [Student’s] rib cage side near armpit). [He/She] removed [his/her] foot & [Student] continued to tantrum. [Teacher] came close again and [Student] attempted to kick [him/her]. [Teacher] grabbed [Student’s] ankle & dragged [him/her] across the floor.” The form indicates that the situation occurred on December 27, 2012 at 1:30 PM. Concerned Staff Member provided the same statement in his/her in-person interview.
24. This investigator has separately interviewed twelve School staff members – in addition to Concerned Staff Member and Teacher - who were present in the gym during different periods of time surrounding the alleged incident. Although some of those staff members were not present during the alleged incident itself, at least five staff members were present for a period of time beginning before ***and*** ending after the period in which Concerned Staff Member reported being present. One staff member reported entering and exiting the gym along with Concerned Staff Member.
25. Multiple staff members corroborated that the following occurred ***before*** Concerned Staff Member reported entering the gym: Student entered the gym at approximately 12:45 PM for “free play,” rather than gym class *per se*. Teacher went to an office adjacent to the gym while multiple other staff members and students were in the gym. Between approximately 1:15 and 1:30 PM, Student became dissatisfied and independently began to engage in self-injurious behavior by lying on the floor, kicking the wall and water fountain, and making vocalizations. Paraprofessional scooted Student towards the center of the gym by cradling Student under his/her arms, but Student returned to the same location and continued the same behavior. In response, Paraprofessional scooted Student farther from the wall, at which point Student appeared to calm down. Moments later, while Paraprofessional was interacting with another student, Student suddenly jumped up and hit the student and another staff member before attempting to hit Paraprofessional. Paraprofessional attempted to execute a standing restraint on Student, but Student immediately dropped to the floor and continued to aggress. Paraprofessional then yelled for Teacher, who was in an adjacent office. Concerned Staff Member entered the gym at

some point after Teacher emerged from the adjacent office.

26. Although there is variation among each staff member's recollection of the order in which the next sequence of events occurred, multiple staff members present for the period of time beginning before and ending after Concerned Staff Member reported being present corroborated the following: When Teacher emerged from the adjacent office, Teacher asked what Student's BIP called for. Paraprofessional stated that Student's BIP involved the use of a timeout room. Student then attempted to strike Paraprofessional. Teacher attempted to execute what was described by some as a "standing restraint" or "standing basket hold," and by Teacher as a "one-person assist," in an attempt to move Student to a timeout room. However, Student immediately dropped to the floor and continued to aggress. Teacher then attempted a second maneuver, which at least two staff members described as being a "two person assist" along with Paraprofessional, but Student again immediately dropped to the floor. Although it is not clear who entered the gym first, Administrator and Respite Coordinator entered the gym at approximately the same time. At some point just prior to or while Administrator and Respite Coordinator entered the gym, Teacher called Student's regular teacher for instruction regarding responding to Student's behavior. Administrator remained in the gym for only a short period of time, but Respite Coordinator remained. Paraprofessional at some point left the gym and returned with reinforcers for Student.
27. One other staff member, who entered and left the gym at the same time as Concerned Staff Member, stated that he/she observed Teacher attempt what he/she described as "a sloppy seated restraint" while he/she was in the gym.
28. Respite Coordinator instructed one staff member to take the student that had been hit by Student to the nurse and to complete an incident report for that student. Respite Coordinator also instructed other staff members to keep students away, which several staff members had begun doing by forming a line across the middle of the gym. Respite Coordinator agreed that it would be best to "wait Student out" under the circumstances.
29. All other staff members and students ultimately exited the gym to prepare for dismissal, leaving Teacher, Respite Coordinator, and Paraprofessional in the gym with Student.
30. Paraprofessional subsequently went to the classroom to retrieve Student's items for dismissal and returned, leaving Respite Coordinator and Teacher with Student.
31. While Paraprofessional was retrieving Student's items, Respite Coordinator stated that he/she recalled Student attempt to hit Teacher and Teacher attempt a restraint in response. Respite Coordinator did not recall whether the attempted restraint was a seated restraint or an attempted standing restraint during which Student dropped to the floor. Respite Coordinator reports that he/she did not believe the attempted restraint to be inappropriate at the time or anytime thereafter.
32. Teacher denied any contact with Student, aside from the first two attempts described above.

33. Paraprofessional returned to the gym with Student's belongings, which calmed Student. Student responded by voluntarily assisting in putting on his/her coat, safety harness, and book bag.
34. Teacher stated that he/she then looked in Student's book bag for Student's marble communication book, but noticed that the book bag was empty.
35. Teacher and Paraprofessional escorted Student to Student's bus. Paraprofessional informed the bus driver that Student "had kind of a bad day."
36. Although there was some variation in each staff member's recollection of what occurred in the gym, not one staff member corroborated the allegation that Teacher stepped on, kicked, or otherwise used Teacher's foot on Student. Nor did any staff member corroborate the allegation that Teacher grabbed Student's ankle or dragged Student across the floor.
37. At approximately 4:00 PM, Concerned Staff Member contacted Administrator regarding whether he/she should submit an Observations and Concerns Form about what he/she had seen in the gym. Due to what Administrator perceived to be Concerned Staff Member's carefree demeanor, and having been in the gym during at least a portion of the incident, Administrator understood the concern to be a concern regarding the number of students and staff members present in the gym during Student's prolonged tantrum, but not a concern regarding inappropriate contact. Concerned Staff Member asked if he/she could complete the form on Wednesday (the first school day back from winter break) and Administrator agreed.
38. On Wednesday, January 2, 2013, Concerned Staff Member provided the completed Observations and Concerns Form to Administrator.
39. At approximately 2:00 PM, Administrator provided the form to the School's Assistant Principal. At approximately 2:25 PM, consistent with Christina policy, Assistant Principal escorted Teacher from the building pending the outcome of an investigation into the allegations contained in the Observations and Concerns Form.
40. On January 3, 2013, Student's First Contact Administrator contacted Student's mother via telephone to inform her of the allegation.
41. Also on January 3, 2013, at Assistant Principal's request, the nurse checked Student for injuries. The nurse checked Student's rib cage area and ankles, but did not notice any injuries, bruises, or abrasions.
42. Parents state that they identified "what appeared to be a fading rug burn on [Student's] back." Parents acknowledged that Student often injures [his/her] knees, shins, and elbows, but state that "an injury on [his/her] back is unusual."

43. Parents spoke with School's Assistant Principal and Principal on January 4, 2013 regarding the allegation.
44. On or about January 4, 2013, School notified the police of the allegations contained in the Observations and Concerns Form.
45. Although the police were notified of the allegation, the State of Delaware Attorney General's Office did not criminally charge Teacher. Parents stated that they received information that this was due to conflicting reports regarding what occurred on December 27, 2012.
46. Parents reported little to no communication from School regarding the findings of School's investigation. School responded that any failure to communicate with parents regarding the investigation was due to the sensitive and confidential nature of the investigation.

### *Relevant Staff Information*

47. Although not all staff present during the incident were full-time School staff members, Teacher, Paraprofessional, and Concerned Staff Member were at all times relevant to this investigation, full-time School staff members.
48. All School staff members receive a copy of the School's Staff Manual.
49. With respect to "Incident Forms/Reporting," the School's Staff Manual states that Student Incidences Forms are "to be filled [out] upon the occurrence of a student incident, behavior, or observation of an action that either causes injury or may cause injury at a later time to students or staff. Incident reports are to be written to protect both students (form of proper notification of parents, administration etc.) and staff (notify administration)."
50. With respect to "Staff Observations/Concerns," the School's Staff Manual states that "reports of staff observations / staff concerns provide information to administration so that [administrators] can provide effective follow up if necessary, in order to ensure the safety of staff and students." The School's Staff Manual further states that the form "is to be filled out when [a staff member] ha[s] observed a situation about which [the staff member] ha[s] any questions or concerns regarding the behavior or conduct of **any adult that has come into contact with a [School] student or a [School] staff member.**" (emphasis in original). The form itself provides examples of the types of incidents to be reported, including when "[a] staff member uses a non-approved restraint technique."
51. Finally, with respect to "Emergency Procedures Report[s]," the School's Staff Manual states that the report is intended to "record each time one of the B- or C-level behavior management procedures or restraint procedures are implemented to address unexpected or emergency situations. Typically such emergency procedures are implemented to address a behavior that has rarely/never occurred, that constitute a physical danger to the

student, or other students, staff, or property, and are therefore not part of a behavior management plan.” The form itself provides examples of such incidents, which include situations in which a “[s]tudent injures self, another student, or [a] staff member,” there are “[n]o immediate signs of injury to student or others, but [it is] possible that bruising/injury may appear later – e.g., slams self to floor; bangs into table; bangs leg while exiting bus, etc.” or “[s]taff notices [a] bruise or mark on student.” In such cases, the injured individual is to be seen by the nurse “**as soon as possible**,” the staff member must contact an administrator by voice or face-to-face, and the staff member must complete an incident report form and take the form directly to the nurse for comments. (emphasis in original). The form states that the nurse will then contact the student’s parent(s) and forward the form to the Student Advisor.

52. The School’s Staff Manual states that “**Each report is to be filled out immediately (no later than the end of the day) and forwarded to the appropriate next point of contact.**” (emphasis in original). The Staff Manual states that “**[f]ailure to report incidents or concerns in a timely manner may result in disciplinary action. If you have any questions, please speak to an administrator.**” (emphasis in original).
53. In August 2012, Teacher, Paraprofessional, and Concerned Staff Member signed a one-page document entitled “Acknowledgement and Compliance Certificate: School Year 2012-2013.” Among other things, the document contains an acknowledgment that the staff member has received a copy of the Staff Manual and agrees to comply with all procedures contained therein. The document also contains an acknowledgment that the staff member has “received, read, reviewed and understand[s] [his/her] responsibilities as described by the [School’s] Staff Manual.”
54. In August 2012, Teacher and Paraprofessional also signed a one-page document entitled “Guidelines for Staff-Student Interactions: School Year 2012-2013.” Among other things, the document contains an acknowledgment that the staff member understands and accepts that “[a]n individualized behavior plan is developed whenever a student has challenging behaviors” and that “[he/she] must follow such behavior plans for any student for whom [he/she is] responsible.”

#### ***Relevant Actions Taken Since December 27, 2012***

55. On March 4, 2013, at Student’s Mother’s request, Student’s BIP was amended to include notification to parents in certain circumstances: “[Student]’s family will be contacted by phone if a behavior episode results in an injury or potential injury. They will be contacted if a behavioral episode requires the use of crisis procedures not outlined within this plan and/or if a tantrum lasts longer than 30 minutes.”
56. Since the December 27, 2012 incident, School has revised its procedures with respect to preparing for upcoming respite programs. For example, whereas administrators did not previously receive copies of student lists and groupings, School’s new procedure requires administrator review of such information several weeks prior to the start of respite services. Additionally, administrators now receive copies of “respite cards” for review.

For students present unique challenges, behaviorally or otherwise, administrators now follow up with staff as needed in order to gather additional information to include on the respite card.

### **COMPLAINT ALLEGATION**

As noted above, the complaint alleges that the School denied Student FAPE by subjecting him/her to an abusive physical restraint that grossly deviated from the interventions authorized in Student's Behavior Intervention Plan ("BIP").

### **CONCLUSIONS<sup>2</sup>**

This investigation is limited to determining whether there was a violation of Part B of the IDEA or state regulations concerning the provision of special education and related services.

While the IDEA emphasizes the use of positive behavioral interventions and supports to address behavior that impedes learning, the IDEA does not expressly prohibit the use of physical restraints. 14 DE Admin. Code §925.24.2.1; 34 C.F.R. §300.324(a)(3)(i). Here, the complaint does not challenge the authorization of restraint in Student's BIP. Rather, the complaint alleges that the School denied Student FAPE by significantly deviating from Student's BIP.

As discussed above, I have thoroughly investigated the factual allegations set forth in the complaint. Importantly, although multiple staff members were present during the alleged incident, not one staff member has corroborated the allegation that Teacher stepped on Student, kicked Student, grabbed Student by the ankle, or dragged Student across the floor. Because the allegation forming the basis for the complaint – that of Concerned Staff Member – has not been corroborated by any of the multiple staff members present, and because the facts as presented by all staff members other than Concerned Staff Member would not constitute a gross deviation from Student's BIP, **I have not identified a violation of Part B of the IDEA or corresponding state regulations with respect to the December 27, 2012 incident.**

### **CORRECTIVE ACTIONS**

The DOE is required to ensure corrective actions are taken when violations of the requirements are determined through the complaint investigation process. *See* 14 DE Admin. Code § 923.51.3.3. In this case, no violation of IDEA was found. Therefore, "no further action by the DOE shall be taken." 14 DE Admin. Code § 923.51.3.2.

### **DISCUSSION**

While the allegation regarding the December 27, 2012 incident has not been corroborated, Concerned Staff Member's delay in completing and submitting the Observations and Concerns Form raises some concern. I recognize that Concerned Staff Member made some contact with Administrator on the date of the incident, and that Administrator misunderstood the nature of the

---

<sup>2</sup> This analysis assumes, without explicitly deciding, that the School had an affirmative obligation to provide FAPE to Student during the winter respite program inasmuch as a substantial deviation from Student's BIP during respite would constitute a substantive denial of FAPE to Student.

concern. However, without deciding the extent to which the reporting procedures outlined in the School's Staff Manual applied to the winter respite program, if at all, I question Concerned Staff Member's delay in filling out the Observations and Concerns Form if he/she had any concern – as it appears from the content of the document that he/she did – about Student's safety. Although Concerned Staff Member's reporting delay raises concern, however, I conclude that the delay fails to amount to a violation of Part B of the IDEA or corresponding state regulations resulting in a substantive denial of FAPE to Student.

School's delay in notifying parents of the allegation also raises concern. Indeed, I recognize that there is disagreement among staff members regarding whether Student had even been restrained, or had been restrained in a manner that would warrant reporting. I also recognize that, even if Student had in fact been restrained, Student's BIP did not require parent notification after each restraint. However, the School did not notify Parents of the allegation until January 3, 2013, which was the day after administrators received the complaint and one full week after the incident. Notwithstanding the fact that administrators did not receive the complaint until January 2, 2012, and spent the remainder of that afternoon addressing the matter as it related to Teacher, School could undoubtedly notified Parents of the allegation that same day. Although School's delay in notifying parents of the allegation raises concern, however, I conclude that the delay fails to amount to a violation of Part B of the IDEA or corresponding state regulations resulting in a substantive denial of FAPE to Student.

Finally, Teacher's acknowledgment that he/she had not reviewed Student's respite card raises concern. However, because the allegation forming the basis for the complaint has not been corroborated by any of the multiple staff members present, I conclude that Teacher's failure to review student's respite card fails to amount to a violation of Part B of the IDEA or corresponding state regulations resulting in a substantive denial of FAPE to Student.

### **RECOMMENDATIONS**

Notwithstanding the fact that this investigator has not identified a violation of Part B of the IDEA or corresponding state regulations, the DOE recognizes the importance of all students' behavioral needs and the value of effective communication between schools and parents. As such, the DOE strongly recommends the following:

- (1) That Christina School District develop a plan for communicating the specific behavioral needs of Students receiving respite services at School to the staff members responsible for those students during the respite period. The plan should include a specific training requirement for respite staff and provisions to address how compliance will be monitored and data collected, reviewed and analyzed. Importantly, the plan should address how Christina School District will ensure that all respite staff are aware of the behavioral needs of all students for whom each staff member will be responsible during the respite period.
- (2) That Christina School District develop a plan to ensure that Christina School District and, where applicable, a student's resident school district, are provided timely notification of any allegation of an improper restraint occurring at any school within the Christina School District. The plan should include allegations of improper restraints occurring during the regular school year and during respite services at

School, although separate plans may be developed for the regular school year and for respite periods.

- (3) That Christina School District develop a plan to ensure that all district staff are aware of and understand all available reporting procedures, including staff members' affirmative duty to report. The plan should include a specific training requirement for staff.

Additionally, the DOE draws the parties' attention to and encourages the future use of the IEP Meeting Facilitation Services offered through the Conflict Resolution Program of the University of Delaware's Institute of Public Administration. IEP meeting facilitation involves the use of a neutral facilitator who is not an IEP team member, but whose role is to assist team members in communicating effectively in order to reach decisions that are in the best interest of the student. IEP meeting facilitation services are available to the parties free of charge and are intended to develop and sustain collaborative relationships between IEP team members, as well as to preserve and maintain a productive relationship between families and schools. Additional information on IEP meeting facilitation can be found at <http://www.ipa.udel.edu/crp/iepmgtfacilitation.html>.

Finally, on June 26, 2013, Delaware Governor Jack Markell signed into law Senate Bill 100, which amends Title 14 of the Delaware Code as it relates to corporal punishment, seclusion, and restraints in public schools. Among other things, Senate Bill 100 amends Chapter 41, Title 14 of the Delaware Code by adding Section 4112F, which is entitled "Limitations on use of seclusion and restraint" and becomes effective July 1, 2014. Title 14, Delaware Code, Section 4112F(b)(2) allows for the use of physical restraint by public school personnel under limited circumstances. For students with disabilities, the law specifically provides that the physical restraint must not "contravene provisions in an individualized education program (IEP), behavior intervention plan, accommodation plan, or any other planning document for the individual student[.]" 14 Del. C. § 4112F(b)(2) (effective July 1, 2014). The statute further directs the DOE to promulgate regulations implementing Section 4112F, including a "[r]equirement of timely parental notice in [the] event of [the] use of physical restraint[.]" 14 Del. C. § 4112F(c)(1)(b) (effective July 1, 2014). The DOE will comply with the statute's directive by promulgating regulations implementing Title 14, Delaware Code, Section 4112F at a future date.

By: /s/ Michelle E. Whalen  
Michelle E. Whalen, Esq.  
Assigned Investigator

Date: August 26, 2013