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AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS.

Delaware PTA stands in support of strong legislation to regulate the use restraint and seclusion on our children, and the national model and proposed federal legislation. Unfortunately Delaware's Senate Bill 100 (SB100) falls far short of this standard, and all national models for protecting the safety, welfare and dignity of our most vulnerable children, including children with disabilities, children with mental health care needs, and children who have experienced repeated trauma.

Delaware PTA was shocked that SB100 formally permits the use of mechanical restraints in Delaware no matter how narrowly crafted, making Delaware only the 5th state to potentially adopt such practices in code or state regulation. We do understand that there might be a need for a transition period from the current use of mechanical restraints, but permanence in law of the use of mechanical restraints on children in educational settings is unacceptable to Delaware PTA.

Further, SB100 fails to include a provision for parental permission before the use of mechanical restraints or seclusion in the educational setting, which infringes on the fundamental right and responsibility of parents to protect their children from such trauma which may result from these practices.

Additionally, SB 100 bill as it stands is packed full of exceptions and loopholes in comparison to the original SB 242 (146th), which was created and approved by the membership of the Governors Council For Exceptional Citizens in 2012. These changes could be exploited by individuals who wish to subvert the intent of this effort, either by malicious interpretation or from feeling that they have no alternatives due to inadequate support.

Delaware PTA intends to stand in strong and public opposition to SB100 as it is currently drafted, but will work tirelessly to amend, or promote a substitute to ensure that Delaware has strong laws to protect our children. Administrative convenience and for profit corporate interests should not stand in the way of the strongest laws possible.

With SB100 having an effective date of 7/1/2014, there is still an opportunity to develop improved wording, in the next weeks, or for introduction and passage early in 2014 so that the implementation is not delayed.

Yes there are many who believe that compromising the safety, welfare and dignity of our children is a necessary evil to pass something in this area, Delaware PTA does not, and firmly believes that a strong bill is possible, but requires a willingness to stand strong in protecting our children.