

Summary of Public Comments on Proposed Amendments to 603 CMR 46.00 and 18.00 regarding Physical Restraint December 2014

The following pages represent a brief overview of each public comment received. There were 130 public comments, some delivered in written form, and others at a public hearing held on November 10, 2014. Commenters reflected a wide range of constituents, including 13 commenters from public school districts, 26 parents, 17 organizations of various types, 25 individuals, both professional and those with no identified professional affiliation, 11 commenters from educational collaboratives, 27 commenters from private approved special education schools, and 11 advocates or advocacy organizations.

	Contributor	Public Comment
1	Parents: Stephen & Sherry Lawrence	Generally support the proposed changes. Particularly concerned about not treating “seclusion” as time-out. Strongly support notice to parents. Would like real-time report to Department. Family has contacted state legislators on the issue because of impact to child. Supports ban on prone restraint.
2	Organization: Mass. Applied Behavior Analysis (over 120 members)	Does not support the “narrow focus on prohibition of procedures rather than development of guidelines/monitoring system”...”disregarding the students’ right to effective treatment...” Believes only a minority of students may need more restrictive procedures, but for that small group, those procedures are necessary and these students have a “right” to effective procedures. Removal of options will only remove potentially safe and effective management techniques. Proposed limitations will almost certainly result in increased risk. Recommended: require FBA before any use of prohibited procedures by a “behavior professional” including proactive procedures that are less restrictive and clear criteria holding clinicians accountable. Develop a peer review process to monitor behavior plans and develop objective criteria of essential elements. Org. supports the training requirements proposed.
3	Public school nurse; K. Richardson	Supports the proposed amendments. Says “they do not go far enough.” Supports monthly review of data with report to Principal, Superintendent and Department. Wants immediate notice to parents, not just within 24 hours. States that “time-out” is used as seclusion in the school setting. Students should not “leave” the classroom. Classrooms should develop “quiet” areas. Time recommended one minute for each year of child’s age. Goal is to interrupt the behavior and whatever antecedent or consequence event is reinforcing the behavior. Parents should not be “forced” to consent to prone restraint.
4	Special Ed. Attorney; B.Simon	Supports the ban on prone restraints. Supports language of “emergency” and not including restraints in any behavior plan or IEP. Would support language requiring notification to parents of multiple “time-outs”. Would like shorter time-outs for younger students. Supports the individual and monthly reviews; would like the reports to be sent to the Department quarterly and to be available to parents.
5	Provider’s Council; Michael Weeks CEO	(Two different letters – same general content) Believes any effort to revise these regulations should be done in collaboration with the human services community. Some of the prohibited actions are necessary to ensure the safety and protection of students and those around them. Wants actions postponed. Particularly concerned about implementation date being too soon. Concerned that with changes some individuals would be forced to remain in more restrictive settings.
6	Children’s League of Mass; Erin Bradley, Exec. Dir.	Opposes an across-the-board ban on prone restraints. “Without the ability of providers to use prone restraints, there is no good alternative for highly acute clients beyond a hospital bed or jail cell.” Very concerned about the

		timeline for implementation. Fully supports letter from Massachusetts Administrators for Special Education (ASE)(#64).
7	Parent; M.Hume	Supports the proposed amendments; wants more protections. Does not want definition of restraint to apply only if the student is resisting. Considers this a loophole. Wants language ensuring that parental consent for prone restraint may not required by schools for admission or continued enrollment. Suggests time-out for young children at five minutes and twenty for older students. Asks for a required review of time-out. Would like data and reviews sent to Department quarterly.
8	Approved Private School; Judge Baker Children's Center	Strong opposition to ban on prone restraints. Use a version of prone restraint (T-Hold) that does not put any pressure on the student's torso. Found it be the safest method.
9	Rector of St. Peter's Episcopal Church; Rev. Dr. Christian Brocato	Supports the proposed amendments. Wants to protect children as human beings with special needs. Fully supports the ban on prone restraints. Would like more reporting related to multiple uses of time-out.
10	Approved Private School; St. Ann's Home	Over 60% of admitted males have history of aggressive behavior. "It is important to know that not all prone restraints are unsafe any more than...standing or seated restraints are safe."
11	Private Approved School; Bay Cove Human Services	Strong concerns with ban on prone restraints. "Need appropriate tools to manage aggressive behaviors and dangerous situations when they occur ...immeasurably safer for everyone..."
12	Private Approved School; Dearborn Academy	Opposed to the ban on prone restraints; "would result in the need for substantial changes and staffing and personnel costs to manage student behaviors...would actually jeopardize the safety of both staff and students..."
13	Private Approved School; Justice Resource Institute, S. Ward	Opposed to the ban on prone restraints. Similar comments to others. Also spoke at public hearing.
14	Private Approved School; Stevens Treatment Programs	Opposed to the ban on prone restraints. Similar comments to others.
15	Mass. Hospital Association; Anuj K. Goel, Esq., Vice President, and David Matteodo, Executive Director	Opposed to the ban on prone restraints. "...ban...will result in some students with highly aggressive behavior being forced to remain in highly restrictive hospital settings...would remove students from structured and cost effective educational settings...add burden to local police Departments and emergency medical services..."
16	Private Approved School; Solstice Residential Program	Concerned that the deaths of adult inmates at Bridgewater are driving this ban on prone restraints given that there is no empirical evidence to make such a ban.

17	Private Approved School; Crossroads School, M. Brock	Opposed to the ban on prone restraints. Similar comments to others.
18	Parent; G. Smith	Appreciates the gravity of the issue and impact on individuals. Provided DVD from the Department of Mental Health on restraints. Supports the ban on prone restraints. Refers to research on danger (attached to email) and medical studies documenting the “clinically significant” reduction in cardiac functioning due to being placed in the prone position (also attached). Provided multiple public comments: remove “against the student’s resistance” from restraint definition. Wants tighter language on physical restraint exceptions. (specific language is recommended.) Time-out should be less than five minutes. Should define the space used for time-out as meeting standards for occupancy. Concerned with school-home communication. Allow physician’s letters to exempt students from time-out or restraint “medical contraindication.” Remove 46.03(1)(d) allowing plan to use restraint for student with repetitive self-injurious behavior.
19	Parent; M. Askew	Supports proposed changes and asks Department to go further. Describes significant negative effects of prone restraint on her son. One quote “I told them I couldn’t breathe and they just said you can breathe if you can talk. They don’t understand. I have a very short neck and I am very large and I get panicked when I am afraid I cannot breath.” Subsequently, student was unable to attend school with severe negative reactions to having been multiply restrained. Commenter wants loopholes closed by removing language “against student’s resistance.” Experienced four different schools requiring consent to restraint as a condition to admission. Wants time-outs reported to state and parents. Believes schools use time-out to mean “seclusion.” Strongly supports individual reviews. Wants “prevention plans” developed for any student with multiple restraints. Supports monthly reviews that are publicly available and sent to Department.
20	Parent, G. Merriam	Presented at public hearing also. Daughter significantly traumatized from age six on both being restrained and seeing restraints to others. Absolutely supports ban on prone restraints. Wants to remove “against students resistance” from definition of restraint. Supports removal from IEPs and wants additional language to ensure that schools cannot make admission or participation contingent upon parental consent to restraint. Supports limits on time-out but prefers shorter limits for young children (five minutes) and twenty for secondary level. Supports individual and quarterly reviews. Wants quarterly reviews publicly available and sent to Department.
21	Parent, Wendy Ernst; and son, Robert Ernst	Both commenters also spoke at the public hearing. Generally sees proposed amendments as improvement but wants more. Supports ban on prone restraint. Supports removal of “against the student’s resistance” from definition. Supports shorter time for time-out for younger students. Thinks amendments should be applicable to anyone under contract with

		the school district. Would support more required training for all staff not just staff that gets in-depth training.
22	Auburn Public Schools; P.Kaufmann	Concerned that time-out of 30 minutes is too restrictive. Does not support removing any use of restraint from IEPs or Behavior Plans or 504 Plans. Recommends that “refresher” training not have a specific time period, but rather a range that would be acceptable. Opposes the proposed individual review.
23	The Education Law Task Force (ELTF)	Two members of the ELTF also testified at the public hearing: The ELTF endorses also the comments from the Disability Law Center (see #83). Generally supportive of proposals with detailed suggestions about alignment between regulations and strengthening the various proposed provisions. Supports time-out limitations; recommends five minutes for elementary and fifteen for older students; wants time-out data also collected, reviewed and reported. Supports ban on prone restraint and would like in-depth training for any staff member using any other floor restraint. Supports applicability of amendments to any contracted staff of the school district. Supports review of data by racial/ethnic groups to monitor impact on such groups relative to discriminatory impact. Would like more robust reporting and review by Department and collection quarterly, not annually. Suggests additional language to ensure parental consent is not a condition of service or placement. Suggests better differentiation between medication restraint and prescribed medication. Recommended proposed language included for many provisions.
24	Bi County Collaborative Director: A.Grubert	Paperwork demands for individual review are excessive. Supports reporting for any injury should include staff as well as student. Does not support mandatory refresher training at 8 hours, states CPI has a three hour training that is sufficient. Concerned at limit of 30 minutes for time-out.
25	Organization; MA Association of Approved Private Schools	Written and oral testimony. Represents eighty-five approved providers. Supports having stronger amendments, but not these. Proposes quarterly analysis of data; wants IEP Team to continue to be able to address restraint; supports banning “locked” seclusion, and mechanical restraints. Supports proposed training requirements. Supports prone restraint if staff is fully trained and with specific additional requirements detailed in comment. Includes articles, research, and other letters on subject of use of prone restraint.
26	President of Latham Centers Private Schools	Opposes ban on prone restraint. Assures that it is only used as last resort. Also presented at public hearing.
27	Greater Boston Legal Services	Supports the ELTF (see #23) recommendations and DLC’s recommendations (see #83), most particularly in support of the ban on prone restraints. Does <u>not</u> support “carve out” for a plan to address repetitive self injurious behaviors. Recommends time-out limits to be five and fifteen minutes, based on age, and require reporting and individual student reviews of use of time-out

28	Nat'l Assoc. for the Advancement of Colored People – New England	Offers specific recommendations to definitions and review requirements related to organizational consistency. Generally supports proposals.
29	Individual; Howard Trachtman	Supports the ban on prone restraint and is in favor of more restrictions. Supports more congruency with EEC amendments. Agrees with other commenters that “against the student’s resistance” should be removed from proposed restraint definition. Believes parents can be coerced to agree to restraint and would welcome protection from retaliation. Supports reporting requirements and would like a monitoring requirement to enforce reporting. Parents/clinicians should be involved in monthly data review. Parents should be informed of any restraint and any time-out. Supports shorter time-out limits. Writes as an advisory chair for National Association for Mental Illness for reduction of use of seclusion and restraints, but does not purport to represent the organization.
30	New England Center for Children; Clinician Dr. Jason Bourret	Has worked for over a decade with individuals with severe intellectual disabilities and opposes a blanket regulatory ban on prone restraint. Believes it is the lack of training or improperly done prone restraints that has caused the issues.
31	Parent; N. Leonard	Likes intent of proposed changes, but is concerned that son has times when prone restraint may be necessary. Doesn’t feel use of time-out will always be voluntary.
32	Stoneman, Chandler & Miller Attorneys	Practice represents primarily school districts and public schools. Support increased review and training requirements. Says time-out definition is necessary, but proposed definition is overly restrictive and beyond Department authority – suggests removal of “the student shall not be involuntarily confined.” Believes that any time limit on time-out is inappropriate and unnecessary. Includes language recommendations with comments.
33	Triton Regional School District; Superintendent	Does not support the across the board ban on prone restraint. Does not support a time limit on time-out. Considers additional review and reporting requirements to be unrealistic and micromanaging of schools. Does not support the 8 hour refresher training requirement.
34	Springdale Education Center: (9 Individuals)	Nine form letters signed by different individuals protesting the proposed ban on prone restraint.
35	Bi-County Collaborative: N. Regan	Does not support ban on prone restraints.
36	Individual with a Disability	Strongly supports ban on prone restraints. States that restraints are traumatizing. Wants language to ensure parents are not coerced into “consenting” for repetitive self-injurious behaviors. Supports time-out limits but suggests five minutes for young students and twenty for older students. Would like required reporting to the state on time-outs. Supports the review requirements and would like them for time-out also. Wants reports sent to state quarterly on both restraints and time-outs.

37	American Civil Liberties Union of MA	Generally supports amendments. Supports the comments of the ELTF and the DLC (see #83). Recommends specific language related to law enforcement and contractors hired by schools, requiring such individuals to comply with 603 CMR 46.00. Strongly supports ban on prone restraints.
38	Individual; J.Turpin	Supports proposed amendments and strongly supports the ban on prone restraints. “Staff are taught that restraints are used to control people when they can’t control themselves. What staff are not always taught...[is] how to better interact with the people in their care to decrease the potential for physical escalation.” Supports removal of “against a student’s resistance.” Supports language to protect parents from coerced consent. Supports time-out limits of five/twenty. Supports review and reporting requirements for excessive use of time-out. Supports those requirements proposed for review.
39	Elementary School Employee (Teacher?)	Opposes language in time-out definition “student shall not be involuntarily confined” because it is too restrictive. Against 30 minute limitation for time-out. Would support annual 8 hour trainings with 4 hour refresher training every six months.
40	Office of the Child Advocate: Gail Garinger	“Each episode of restraint is a nonconsensual, traumatic incident to the [child] and is potentially physically and emotionally harmful to...other[s].” The Child Advocate supports the ban on prone restraint with a reasonable timeline for implementation as opposed to immediate implementation. The Child Advocate supports regulations that support positive behavioral supports, de-escalation of aggression, and minimal use of restraints.
41	Mass Advocates for Children’s Trauma and Learning Policy Initiative and the Federation for Children with Special Needs	Support the proposed amendments and suggest improvements. Fully supports ban on prone restraint. Supports including in required training the impact of trauma on learning, behavior and relationships to promote a positive trauma-informed whole school environment approach to learning. See specific language recommended. Support time-out definition with five minute/elementary, fifteen minute/middle, twenty minute/secondary limits.
42	Parent; David Ernst	Generally supportive. Supports time-out with shorter time period. Supports unified amendments with EEC. Wants “against the student’s resistance” removed from the proposed restraint definition. Supports ban on prone restraints. Wants protection against coerced consent. Supports application of amendments to contractors of school. Wants more staff in-depth trained in public schools. Supports reviews data, and proposes a trigger for review of time-out that is excessive with public reporting.
43	Needham Public Schools; Superintendent	Time-out definition needs additional work. 30 minutes is arbitrary and unnecessary. Duration decisions should be at the school level.
44	Parent; S.Stern	Fully supports the ban on prone restraints.
45	Shrewsbury Public School Committee;	Prefers current definition of seclusion and time-out. Believes limit of time-out should be locally determined. Does not support 8 hours of

	Superintendent	refresher, would like fewer hours. Finds language such as “oral and written comments by the student and parent” vague and problematic. Would prefer another try at amendments before promulgation.
46	Center for Law and Education	Supports the proposed amendments. Particularly supports the ban on prone restraints. Provides detailed language recommendations for consideration.
47	Cape Cod Collaborative: Executive Director	Against the ban on prone restraint. Suggests an alternative definition for mechanical restraint because of safety equipment related to transportation or positioning. Believes current definition of seclusion/time-out is better. Does not support 30 minute limit, wants discretion of principal (or designee) at 30 minutes with written justification for continuing. Offers an alternative definition for seclusion.
48	Association for Behavioral Healthcare	Would prefer withdrawal of proposals until more discussion is had. If Board acts, recommends at least 18 months to implementation. Against ban on prone restraint.
49	LABBB Collaborative; D. Goodell & P. Barbieri	Opposes revised definitions of seclusion and time-out. Does not support 30 minute limit for time-out. Believes that individual review requirements would mean staff would not to meet daily. Recommends a weekly requirement. Asks about using restraint in addition to time-out when the student does not voluntarily go to time-out space.
50	Parent; R. Smith	Writing on behalf of families whose first language is not English. Want to make sure regulations require report to parents in language of the home.
51	Murphy, Hesse, Toomey & Lehane	Concerned with time-out limit of 30 minutes. Suggests removal of “student shall not be involuntarily confined” in time-out definition.
52	Lawyer’s Committee for Civil Rights and Economic Justice	Endorses ELTF (see #23) comments, particularly to “extend regulations to law enforcement and school resource officers and address racial disparities” Recommends that the use of restraints be covered in any memoranda between programs and local law enforcement departments. Include data on time-out for documentation, review, and report to Department.
53	Special Ed. Teacher & Behavior Analyst; J. Fredette	Supports amendments generally. Encourages more differentiation in time-out definition: 1. Nonexclusion time-out; 2. exclusion time-out; (see detail) Would support additional requirement to have a school nurse or other medical professional perform a “body check” following a restraint to ensure no injury is missed.
54	Hudson Public Schools; Superintendent and Pupil Services Director	Supports “last resort” use of physical restraint and increased data collection and some review. Opposes removal of restraint from IEPs, new definitions of time-out and seclusion and the 30 minute limit on time-out. Proposes retention of current definitions or change to Civil Rights Data Center (CRDC) definition with a requirement to collect time-out data exceeding 30 minutes. Also likes CRDC’s definition of Mechanical Restraint. (see detail) Believes there should be carve out for “repetitive assault” as well as the currently proposed “self injury” and asks for define of “repetitive” with respect to plans addressing such behaviors. Recommends additional language on “role of student family and staff in

		prevention...,” questions 8 hour refresher training, and, for notice to parents of restraints, recommends language similar to that required for disciplinary actions under state discipline law and regulations (allowing email). Thinks review requirements may need work.
55	Mental Health Legal Advisors Committee of the Supreme Judicial Court	Regulations need to promote Leadership as a core strategy. Supports ban on prone restraints and would go further to ban restraints that “put pressure on the torso or neck, supine restraint, or any methods of restraint that impede or restrict breathing.” Such prohibitions should apply to School Resource Officers (modify 46.03(4)(b). Regulations should establish detailed criteria for training. Want school nurses clearly having a role to ensure safety and monitor restraints when possible and report abuse if seen. (see specific regulatory recommendations.) Wants more pro-active regulation. Delete reference to “prone restraint” in 46.05 (3). Time-out reporting should be as strong as restraint reporting. Department should review data more regularly.
56	Mass. Organization of Educational Collaboratives	On behalf of 27 Collaborative Members, support the increased data collection. Prefers current definitions of seclusion and restraint; wants the 30-minute limit on time-out to be a situation-assessment time limit with appropriate reporting after (if time-out is continued). Recommends that in-depth training be 12 hours with additional 4 hours in six months. Wants Prone Restraint available only under very rare circumstances and with a high level of oversight and accountability. Supports role of nurses in “body check” following restraint.
57	Health Law Advocates	Supports DLC comments (see #83) regarding banning prone restraints and all restraints that prevent communication or restrict breathing.
58	Southern Worcester County Collaborative	Would prefer Collaboratives be governed by the EEC amendments. Opposes 30-minute limit on time-out as proposed. Recommends a “release contingency time-out” and provides support for that in research, but supports 30 minutes as a “goal.” Would like a specific state-approved training methodology for restraint and points to other state agencies with “state approved” sites that require detailed restraint curriculum submissions.
59	Parent; K. Untermeyer	Remove phrase “against the student’s resistance” in proposed definition of restraint. Wants further protection against compelled parental consent. Wants time-out limits to be five minutes (younger students) or twenty minutes (older students). There should be individual reviews also of excessive time-outs.
60	MA Association of School Superintendents	Opposes across-the-board ban on prone restraints. Opposes time limit on time-out. Believes the reporting requirements for every restraint are unnecessary and burdensome. Prefer a shorter time period for refresher training.
61	Individual; J. Ryan	Wants requirement for less restrictive considerations in amendments. Supports ban of prone restraint; suggests banning all floor restraint. Suggests required organization of data required. Add functional behavior assessment for any student with multiple restraints. Wants time-out limited to one minute per year of the student’s age. Ensure restraint

		training includes de-escalation procedures.
62	Teacher: S. O'Bara	Concerned that language of time-out definition would result in students leaving time-out when they are not ready.
63	Northhampton Public Schools; Superintendent	Opposes proposed definition of time-out as making time-out into seclusion if student is "prevented from leaving." Strike phrase "shall not be involuntarily confined."
64	Administrators of Special Education, Elementary School Principals Assoc, and Murphy, Lamere and Murphy Law Offices	Three organizations unite to strongly oppose ban on prone restraints, additional restraint reporting requirements (at the time of new discipline reporting requirements), time limit on time-out (with definitional questions), and ending the reporting of staff injuries. Cites several unintended consequences.
65	Tri-County Private Approved Schools	Opposes ban on prone restraint.
66	Peer Advocate for Adults with Trauma; M. Cohen	Supports ban on prone restraint. Remove "against the student's resistance" From the proposed definition of restraints. Make time limit on time-out five or ten minutes, depending on the age of the student, and specify that space used must be clean and appropriate. Add to definition "Repeated separation of students, two or more times, which does not have a calming effect, is not considered time-out and shall not be used. When the student's physician or psychologist confirms in writing that time-out does not have a calming effect, time-out shall not be used."
67	Approved Private School, RCS Learning Center	Oppose ban on prone restraints.
68	Parents: Nick & Gail Biancucci	Also testified at Public Hearing. Oppose the ban on prone restraints.
69	Approved Private School: Crossroads, R. Hand	Opposes ban on prone restraints.
70	Individual: P. Goldstein-Dea	Supports ban on prone restraints. Remove "against the student's resistance" From the proposed definition of restraint. Remove exceptions. Time-out limit should be five minutes with all spaces conforming to building codes for occupancy. Supports same language proposed in Comment 66 above on repeated separation. Wants two or more restraints to result in a functional behavioral assessment.
71	Parents: Alan and Jeanine Freimont	Oppose ban on prone restraints.
72	Approved Private School; Learning Center for the Deaf	Opposes ban on prone restraints.

73	Approved Private School; Nashoba Learning Group	Opposes ban on prone restraints.
74	Individual; K.Simonian	Same comments as #70 above.
75	Individual; R.Bussell	Same comments as #70 above.
76	Approved Private School; Crossroads, A. Cammilleri	Opposes ban on prone restraints.
77	Special Education Director J. Hoell of North Attleboro P.S.	Recommends that the language “shall not be involuntarily confined” be struck from the time-out definition. Does not support additional reporting requirements. Staff injuries should be reported.
78	Parent: N. Gardner	Feels her child was traumatized by restraint as was her family. Includes personal story from herself and her son. Son is now homeschooled. Supports ban on prone restraint. Wants removal of “against the student’s resistance” from definition of physical restraint. Time-out limits should be five/twenty. Would like reporting to family and Department for excessive use of time-out. State should get and review data at least quarterly. Schools should review time-out data also monthly.
79	Special Education Director E. Fitzmaurice	Would like language about maintaining a safe environment for staff as well as students. Is concerned about 30 minute limit to time-out. Does not like the language of “shall not be involuntarily confined” in time-out definition.
80	Handle with Care Behavior Management System, Inc.; Service Provider	Comment: “Staff do not lose their rights when they go into work, and they are entitled to know their rights, especially when unelected bureaucrats are proposing rules that exceed the scope of their authority, threaten a person’s safety and violate their natural rights and civil liberties.” Attached a legal synopsis. It asserts that Department has no legal authority to ban prone restraint or to ban inclusion of restraint in an IEP.
81	Cardinal Cushing Approved Private School	Opposes ban on prone restraint. Would support additional safeguards and training required.
82	Melmark Approved Private School; Rita Gardner	Serves most severe behavior disorders in state. Periods of initial transition for students is often highly aggressive or self-injurious. Melmark uses a “human rights committee” to review data. Opposes the across the board ban on prone restraint. Believes it is a training and enforcement issue and not the restraint method in and of itself. She also testified at the public hearing.
83	Disability Law Center (DLC)	Overall, appreciate the work. Strongly supports ban on prone restraints. Submitted a lengthy “white paper” on the risks of prone restraints with research citations. Supports reporting requirements, but believes that reporting should occur quarterly. Recommends that time-out be restricted and that local reviews of the use of time-out take place as with restraints,

		and that data be reported to the Department as well. Position is that time-out is overused and extensive time-out is used not as a behavioral support. Offers many language and regulation recommendations with justifications. Note: DLC's comments were supported also by several other organizations. DLC representatives presented at the public hearing and another Board meeting during the public comment period.
84	ACCEPT Collaborative; A. Donovan	Encourages more differentiation in time-out definition: 1. Nonexclusion time-out; 2 exclusion time-out; Define difference between exclusion time-out and seclusion by defining "involuntary confinement." Supports shorter time limits (fifteen minutes), but wants ability to extend the length with more reporting and documentation. Wants training to be 12 hours with additional 4 in six months. Would support additional requirement to have a school nurse or other medical professional perform a "body check" following a restraint to ensure no injury is missed.
85	North River Collaborative; S. Folino	Commenter is certified Crisis Prevention Institute trainer. CPI's training requires 8 initial hours and 3 refresher hours. Believes that time is sufficient.
86	Parent; R. Herman	Does not want detention during lunch or recess.
87	NY Professor of Psychology; P. Sturmev	Make explicit the connection between restraint interfering with learning and thus students who are restrained multiple times should be receiving a functional behavioral assessment (FBA). Supports increased data and reporting and believes districts and the Department should rigorously enforce the IDEA and the requirement for an FBA.
88	North Attleboro Middle School; V. Ekk	Objects to the language of "may not be involuntarily confined" in the time-out regulation. Proposed reporting requirements seem excessive.
89	Behavior Analyst, Walpole Public Schools; J. McKay	Supports amendments generally. Encourages more differentiation in time-out definition: 1. Non-exclusion time-out; 2. exclusion time-out. Supports shorter time limits (fifteen minutes), but wants ability to go longer with more reporting and documentation. Wants training to be 12 hours with additional 4 in six months. Would support additional requirement to have a school nurse or other medical professional perform a "body check" following a restraint to ensure no injury is missed.
90	Clinical psychologist; D. Whelan	Supports amendments.
91	Behavior Specialist with PhD; K. Otten	Provided full resume to show credentials. Two instances of restraint should trigger a functional behavioral assessment. All data should be reported to the Department at least 4 times per year. Supports banning prone restraints.
92	Advocate; J. Duncan	Believes School Resource Officer is used to getting around reporting requirement; wants loophole closed. Thinks schools do what is easy, not what is right.
93	Parent: A. Shear	Supports ban on prone restraints.

94	Parent: R. Curtin	Supports ban on prone restraints.
95	Parent: M. Malone	Supports ban on prone restraints.
96	Parent: D. Conley	Strongly supports ban on prone restraints.
97	Individual S. Engler	Supports ban on prone restraints. Remove “against the student’s resistance” from the proposed restraint definition. Remove exceptions in physical restraint definition. Reduce limit on time-out to five minutes in well kept spaces. Supports language from comment at #66 regarding “repeated separation of students...” Two or more restraints should trigger an FBA and all reports (restraint and time-out) should be sent to the Department at least quarterly.
98	Private Approved School, Summit Academy; A. Panikian	Opposed to ban on prone restraints. Remove 30minute time limit for time-outs.
99	MA Developmental Disabilities Council	Make clear no adverse consequences attach to refusing consent. Remove language “against student’s resistance” from the proposed restraint definition. Remove 30 minutes from time-out definition. Clarify “imminent harm, serious harm, and physical harm”. Should require documentation of attempts to reach parent including a protocol if the parent is not reached within the first 4 hours after the incident. Supports reviewing trauma history. Supports informing the parent of restraint; would like the same requirement for time-out. Supports that a review is warranted if time-out is used more than five hours in a three-month period and wants time-out data in the report on physical restraints sent to the Department.
100	Parent; J. Edwards	Supports ban on prone restraints. Remove “against the student’s resistance” from the proposed restraint definition. Do not allow separate agreement for restraint when a student has repetitive self-injurious behaviors. Supports not having restraints in IEP or behavior plan. Wants protection for parents refusing consent to the use of restraints. Report on excessive use of time-out. Wants quarterly reporting to Department.
101	Approved private school, Key Program; W. Lyttle	Comment is directed to EEC; opposed to ban on prone restraint.
102	Individual; J. Connolly	Dissertation topic on use of seclusion. Research shows that use of time-out/seclusion, repeated over time, worsens outcomes rather than improving them.
103	Parent; P. Brodsky	Absolutely never use restraints. Period.
104	Parent & Nurse; L. McGrath	Supports ban on prone restraints.
105	Behavior Analyst; P. Reedy	Purpose of time-out is not calming. It is reducing the frequency of an interfering behavior. Not always a place, it can be time-out from a reinforcement. Remove “shall not be involuntarily confined” in proposed definition of “restraint.”

106	Grafton Special Ed Administrator; A. Lundwall	Supports “last resort” language, increased data collection, and monthly reviews. Against the ban on prone restraint. Suggest an alternative definition for mechanical restraint because of safety equipment related to transportation or positioning. Believes current definition of seclusion/time-out is better. Does not support 30-minute limit on time-out; wants discretion of principal (or designee) at 30 minutes with written justification for continuing. Offers an alternative definition for seclusion. Wants clarity on “engaging parents...” and the “role of the family...” Prefers shorter time for refresher training.
107	CASE Collaborative; S. Daigneault	In agreement with majority of proposed changes, except individual reviews with “oral and written comment by the student and parents” -- many students can’t write and parents don’t want to. Monthly reviews are another layer of meetings and paperwork that would be unnecessary. Opposes deletion of the section on “special circumstances”– would like to waive some of the reporting requirements if parents agree. Doesn’t want limit on time that restraints can be used for repetitive self-injurious behavior. Doesn’t support 30-minute limitation on time-out.
108	New England Center For Children Clinical Director, R. Graff	Also spoke at public hearing. Opposes ban of prone restraint. No deaths because of prone restraint since 16 years ago. Believes MA has safeguards in place. Singling out prone suggests all other restraints are safe. Feels there is no empirical evidence to demonstrate that prone restraint is unsafe when practitioners are properly trained and implementing the restraint properly. “You cannot ban everything that has the potential to be dangerous.”
109	Parent; V. Marra	Believes restraints should have been reported for anything five minutes or over. States that is when parents are notified.
110	North Shore Ed. Consortium Collaborative; F. Rosenberg	Opposes across the board ban on prone restraints and believes the language of time-out is overly restrictive. Remove “shall not be involuntarily confined” from the proposed definition of restraint. 30-minute limit on time-out should be replaced with professional judgment.
111	Crisis Prevention Institute; D. Ogala	Supports the ban on prone restraint. Suggests adding section on transitional holds to get students off the floor. Detailed suggestions on various of the regulations are provided.
112	Private Approved School, Springdale Education Center; P. Cutler	Opposes ban on prone restraint.
113	Individual; R. Gibson	Supports the ban. Wants “against the student’s resistance” removed from the proposed definition of restraint. Does not want separate written agreement for repetitive self-injurious behaviors. Wants time-out limits of five/twenty minutes, depending on the age of the student. Excessive time-out should be reported. Supports the individual review requirement for restraints and would like it for excessive time-out also. Would like experts involved. Wants data sent to state quarterly in format accessible to parents and would like time-out data included.
114	National Alliance	Supports ban on prone restraint. Recommends that amendments be

	on Mental Illness; L. Martinelli	applicable to School Resource Officers. Supports increased training requirements and reporting requirements. Wants enforcement of same. Supports individual student and administrative reviews and parental roles, but wants more explicit language about the parent role throughout. Likes time-out being defined as to calm student, but not the 30-minute limit; prefers five/twenty minutes (see DLC #83). Reporting should include data on time-outs and regulations should ensure that space used for time-outs is a safe, clean and positive environment. Wants protections for parents who do not consent to use of restraints. Wants more focus on debriefing with family involved.
115	Boston Center for Independent Living; B. Henning	Commenter also testified at Public Hearing. Strongly supports ban on prone restraint. Wants removal of “against the student’s resistance” in the proposed definition of restraint. Does not support separate agreements for repetitive self-injury and wants protections for parents who do not consent to the use of restraints. Supports time-out definition except wants five/twenty minutes instead based on the age of the student. Recommends required reporting of excessive time-out and individual reviews when it occurs. Likes the monthly review but thinks it should be sent to the state quarterly in family- friendly format. Reports to state should include excessive time-out.
116	Private Approved School, Walker; S. Getman	Opposes ban on prone restraint. Uses TCI method and believes that if prone restraint is prohibited it would be impossible for the program to turnaround its practice within 3 months (assuming start of amendments).
117	Private Approved School, Perkins School for the Blind; J. Rines	Opposes the definition of time-out language “physically prevented from leaving” as too restrictive.
118	Social Worker in Lowell Public Schools, F. McOsker	Suggests title: Verbal De-Escalation, Intervention, and Physical Restraint. Wants clarity on “prone” restraint ban; Names ten programs that do restraint training, all with different hourly programs. Recommends an acceptable range or a state-approved program. States that DMH provides training at no cost twice a year. Supports the Individual Review, would prefer 4x/14 days or 6x in 30 days. Likes concept of monthly review but would like resources. Suggests specific post-restraint protocols for students and staff health. Likes more congruity between Department and EEC but points again to the training requirements. Concerned about the elimination of special circumstances provision for students on the autism spectrum or ELL students. Confused about the written agreement allowed for repetitive self-injurious behavior and asks how it accords with requirement for “individual review?” Would like a clear distinction between time-out and seclusion. Further comments on Section 18 and would like clarification on governing amendments for residential schools.
119	Bronfenbrenner Center for Translational	Commends efforts. Provides several publications and studies and will send book on request. “Multiple studies...show that a child can be seriously injured or killed in any form of restraint. Each restraint

	Research at Cornell University	methodology...has its own risks, liabilities, and safety limitations especially when we factor in the child's unique physical, emotional, and developmental conditions...risks escalate...when...fail to develop clinically relevant safety plans...and individual crisis management plans...[or if they] employ strategies that enforce compliance and control..."
120	Individual at Public Hearing: D. Warner	Individual is a certified instructor for CPI and recommends the approach taken by CPI in use of seclusion or time-out. Supports avoiding the use of all physical restraint as much as possible. Provided documentation of the CPI approach which is included as part of the public comment.
121	Individual at Public Hearing: B. Roy	Represents an organization C.I.S. (?) Would like regulations to better define "force" and believes 8 hours for refresher training has no basis in research as necessary.
122	Individual at Public Hearing, Private Approved School, Walker; M. Panayoutou	Opposes ban on prone restraint and states that supine restraint is not always safer.
123	Individual at Public Hearing, Private Approved School, Manville; J. Prince	The school serves complex students who may come with as many as five prescriptions for different psychotropic medications. They may have long histories of aggressive behavior. Breaking patterns is difficult. Opposes ban on prone restraints, uses "T hold," and considers it safe and not restrictive of breathing.
124	Individual at Public Hearing, Parent; N. Macias-Smith	Supports proposed amendments.
125	Individual at Public Hearing Gloucester Public Schools; Stephen Douglas	Takes issue with the definition of physical restraint and the reporting requirements. Particularly objects to having to document and report any use of any force. Considers this to be an unreasonable "hands off" policy.
126	Individual at Public Hearing, Parent; M. Marsh	Opposes the ban on prone restraint and the definition of restraint using the words "against the student's resistance." Believes school staff need tools.
127	Individual at Public Hearing, Wellesley Public Schools; L. Cimeno	Does not agree with limit of 30 minutes for time-out.
128	Individual at Public Hearing, Shrewsbury Public Schools; M. Maguire	Opposes new definition of time-out, particularly the time limit.
129	Individual at Public Hearing, Parent; M. Andrews	Opposes ban on prone restraint. Has 12-year-old son who is on a cocktail of medications and has hurt others. She sees the need for prone restraint.

130	Individual at Public Hearing, Assabet Valley Collaborative; C. Cummins	Supports the need for some changes. Supports better data and periodic reviews. Concerned about ban on prone restraint. Recommends that urgent changes be made soon, but encourages further discussion before some of the larger changes.
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