



THE COMMONWEALTH OF MASSACHUSETTS

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Commissioner Mitchell D. Chester
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Commissioner Thomas L. Weber
Department of Early Education and Care
51 Sleeper Street, 4th Floor
Boston, MA 02210

Dear Commissioners Chester and Weber:

Joined by members of your respective senior staffs, I recently met with representatives from the Disability Law Center (DLC) to discuss restraint and seclusion regulations and policies relating to public and day schools, residential special education schools, and residential schools. The DLC's representatives shared with us findings from a recent review they conducted of the use and implementation of those regulations and policies. The findings were informative, and they demonstrate the need for updated regulations regarding the use of restraint and seclusion.

The relevant regulations from the Department of Elementary and Secondary Education (603 CMR 18 and 603 CMR 46) were originally promulgated in 2001 and have not been revised or amended in the 13 years of their existence. The relevant regulation from the Department of Early Education and Care (102 CMR 3) was originally promulgated in 1999 and has not been revised since that time. I understand that, prior to my meeting with the DLC, both of your departments were already preparing to update those regulations during the 2014-15 school year, in light of experience and recent guidance, including from the United States Department of Education. I commend your departments' efforts to begin the process of modernizing, updating, and amending those regulations and related policies.

I believe there is an urgent need to review and revise your respective departments' regulations and policies on restraint and seclusion. I fully expect that you and your departments will continue a full review of those regulations and policies, working with relevant stakeholders, including the DLC, in that process. Please have your departments produce drafts of amended regulations on restraint and seclusion by September 2014, to be presented to and considered by your respective boards at that time.

In the meantime, I urge you to provide notice to your departments' key stakeholders that such a review has commenced and that the departments will be reaching out for their input and recommendations throughout the next three months. Your stakeholders should also be notified that it is the expectation of my office and your departments that draft amended regulations will be formally presented to your respective boards in September 2014.

I appreciate your attention to these important issues and your continued commitment to the health, wellbeing, and achievement of the children of the Commonwealth.

Sincerely,

Matthew H. Malone
Secretary of Education

cc: Kate Cook, Chief Legal Counsel to the Governor
James E. DiTullio, General Counsel, Executive Office of Education