

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**September 2014**

**HIGHLIGHTS OF PROPOSED AMENDMENTS  
TO 603 CMR 46.00: PHYSICAL RESTRAINT**

- Prone restraint is prohibited in public education programs, including public schools and Department-approved public and private day and residential special education schools and programs;
- Increased emphasis on use of restraint only in emergency circumstances and only as a last resort;
- At least 16 hours of in-depth competency-based training is required for program staff who serve as school-wide restraint resources for administering restraint, and a refresher course of no less than 8 hours is required in subsequent school years. Currently, 603 CMR 46.00 only recommends 16 hours of training and does not address refresher training;
- If restraint is used on any student on 2 occasions within 7 days or 3 times within 30 days, the administrator and program staff must conduct an individual student review that includes oral and written comments by the student and parent regarding use of the restraints. The goal of the focused review is to reduce and, where possible, eliminate the use of restraint with that student;
- The school/program administrator and staff must conduct a monthly administrative review of school-wide data to monitor implementation of the restraint prevention and management policy and use of restraint generally. The goal is for them to make adjustments to practice, to reduce the use of restraints where possible;
- The school/program must submit a written report to the Department postmarked no later than 3 school days after the use of a restraint that resulted in any injury to a student, Currently, schools/programs are required to report only serious injuries;
- The school/program must collect and report restraint data to the Department;
- Revised definitions of restraint, types of restraint, and prohibited restraints in the proposed regulations are more closely aligned with the Department of Early Education and Care (EEC) regulations to provide clarity and consistency for Department-approved and EEC-licensed private residential schools.
- Elimination of 603 CMR 46.07: Special Circumstances, which currently allows the use of physical restraint for a student with a disability under a IEP or Section 504 plan that the parent has accepted, and allows parents to waive reporting requirements in certain circumstances following the use of a restraint provided the restraint does not result in serious injury or extend for 20 minutes or more;
- For students with repetitive self-injurious behaviors, the parent and school administrator may agree in writing to the use of restraint as an emergency procedure of last resort for a limited and specified period of time with the goal of reducing and eliminating the use of restraint; detailed reporting to the parent must occur during the period.
- Includes a definition of “time-out” to distinguish it from seclusion, which is prohibited, and clarifies that time-out is a behavioral support strategy that is used for the purposes of calming and ends when the student is calm or 30 minutes has passed, whichever occurs first; during time-out the student is continuously observed and is not involuntarily confined; time-out may not exceed 30 minutes.

**HIGHLIGHTS OF PROPOSED AMENDMENTS  
TO 603 CMR 18.00**

- Clarification of restraint reporting by approved private residential special education programs to the Department.
- Clarification that the use of restraint and behavioral support strategy of time-out during a school day is governed by 603 CMR 46.00 regulations. EEC regulations govern the use of restraint in the residential special education programs outside of the school day.