# Summary of Public Comment for Proposed Amendments to 603 CMR 46.00 and 603 CMR 18.00

## Introduction

The Massachusetts Department of Elementary and Secondary Education (Department) invited public feedback on proposed changes to the state’s Regulations on Prevention of Physical Restraint and Requirements If Used (603 CMR 46.00) and Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs (603 CMR 18.00) from March 25 to May 2, 2025. During this period, the Department received a total of 93 comments via email and 24 comments through a dedicated public comment survey tool. Redacted versions of all survey responses and emails are available upon request.

Among the 24 comments submitted through the survey tool, 15 came from individuals representing their school, district, or organization, while 9 were submitted by individuals on their own behalf. The breakdown of comments by role is as follows (respondents were able to select multiple roles):

* 39% from approved special education schools and collaboratives
* 23% from parents and community members
* 15% from individuals identifying as “other”
* 12% from members of advocacy organizations
* 8% from district administrators
* 2% from students
* 1% from teachers
* 1% from school administrators

All comments, with personal data redacted as required, are available upon request.

For the purposes of this summary, the Department has summarized the number of responses from individuals for each comment as follows: Some (1-24%), Many (25-49%), Majority (50-74%), or Most (75-100%).

## Summary of Public Comment

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| **Summary of Public Comment Themes and Department Response** | |
| **Public Comment Received** | **Department’s Response** |
| **General** | |
| **Most stakeholder groups requested that DESE adopt clearer definitions—particularly for the terms time-out, seclusion, calming space, and exclusion.**  (Ability Votes, Administrators for Special Education, Alliance Against Seclusion and Restraint, Association for Autism and Neurodiversity, Brandon School, Campaign for Trauma-Informed Policy and Practice, Cape Cod Collaborative, Cardinal Cushing Centers, CETRE, LLC, Chicopee Public Schools, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Crossroads School, Department of Developmental Services, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Judge Rotenberg Educational Center, Learning Center for the Deaf, Lighthouse School, Inc., Lives in the Balance, Ludlow Public Schools, Massachusetts Advocates for Children, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Association of School Superintendents, Massachusetts Down Syndrome Congress, Massachusetts Organization of Educational Collaboratives, May Institute, Mental Health Legal Advocates, Monson Public Schools, Nancy J Duggan Educational Consultants LLC, Perkins School of the Blind, RFK Community Alliance, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, The New England Center for Children, Think:Kids at MGH, Unsilenced, Walker, Ware Public Schools, and many individuals) | Change. To provide greater clarity, DESE has moved language from 603 CMR 46.07(5) Safeguards to 46.02 Definitions of Seclusion. Specifically, the additional language in 603 CMR 46.02 will state that: *“The term does not include: a classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom; a behavior support technique that is part of the district’s, school’s or program’s designated procedures for behavior support which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave and it is implemented for the purpose of calming; or placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction.”*  DESE also plans to provide guidance and technical assistance relating to the implementation of the proposed regulatory updates. |
| **A central tension throughout the comments is the debate over whether any form of seclusion should be permitted. Community and advocacy groups, including many parents, overwhelmingly call for a complete ban on seclusion, for a variety of reasons, including potential trauma that its use may cause.**  (Ability Votes, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Campaign for Trauma-Informed Policy and Practice, CETRE, LLC, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, Think:Kids at MGH, Unsilenced and many individuals) | No changes. |
| **Districts, collaboratives, and some special education schools that submitted public comments argue that seclusion—if tightly defined, supervised, and used only in emergencies—is necessary in emergency circumstances.**  (Administrators for Special Education, Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Judge Rotenberg Educational Center, Learning Center for the Deaf, Lighthouse School, Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Association of School Superintendents, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Perkins School for the Blind, RFK Community Alliance, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | No changes. |
| **Successful implementation of the proposed changes will require a delayed or phased timeline beyond September 2025, funding and staff support, and clear, practical guidance from DESE tailored to diverse school settings.**  (Administrators for Special Education, Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Hudson Education Association, Learning Center for the Deaf, Lighthouse School, Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Association of School Superintendents, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Perkins School of the Blind, RFK Community Alliance, Southeast Educational Collaborative, The New England Center for Children, Walker, and Ware Public Schools and many individuals) | Change. DESE proposes modifying the implementation date from September 2, 2025 to August 17, 2026. If the proposed amendments are adopted, DESE plans to issue further guidance and offer technical assistance regarding implementation. |
| **18.05: “Required Policies and Procedures”** | |
| **Distinguish between time-out and seclusion and allow seclusion in emergency situations.**  (Cape Cod Collaborative, Lighthouse School, Inc., Massachusetts Organization of Educational Collaboratives, Nashoba Learning Group, Southeastern Massachusetts Educational Collaborative, and The New England Center for Children, some individuals) | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance and provide technical assistance regarding implementation. |
| **Ensure students are never left unsupervised, and that seclusion—if allowed—is clearly limited to emergencies.**  (Cape Cod Collaborative, Crossroads School, Department of Developmental Services, Lighthouse School, Inc., Massachusetts Organization of Educational Collaboratives, Nashoba Learning Group, Southeastern Massachusetts Educational Collaborative, The Educational Cooperative, and The New England Center for Children and some individuals) | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance and provide technical assistance regarding implementation. |
| **18.06: “Effective Date "** | |
| **Concerns expressed that the proposed September 2025 implementation timeline is unfeasible.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Judge Rotenberg Educational Center, Lighthouse School, Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Nashoba Learning Group, Northshore Education Consortium, Perkins School of the Blind, RFK Community Alliance, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, and Ware Public Schools and some individuals) | Change. DESE proposes modifying the implementation date from September 2, 2025 to August 17, 2026. |
| **Many stakeholders requested a phased implementation plan to provide for proper staff training and funding.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing, Crossroads School, Hudson Education Association, Judge Rotenberg Educational Center, Learning Center for the Deaf, Lighthouse School, Inc., Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Nashoba Learning Group, Northshore Education Consortium, Perkins, RFK Community Alliance, The Children’s Center for Communication/Beverly School for the Deaf, The New England Center for Children, and Walker Therapeutic & Educational Programs and some individuals) | Change. DESE proposes modifying the implementation date from September 2, 2025 to August 17, 2026.  If the proposed amendments are adopted, DESE plans to issue further guidance, technical assistance, and funding opportunities. |
| **Concern among some stakeholders that an earlier date would risk noncompliance or harm if rushed without system-wide preparation.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Judge Rotenberg Educational Center, Lighthouse School, Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Nashoba Learning Group, Northshore Education Consortium, Perkins School of the Blind, RFK Community Alliance, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | Change. DESE proposes modifying the implementation date from September 2, 2025 to August 17, 2026.  If the proposed amendments are adopted, DESE plans to issue further guidance, technical assistance, and funding opportunities. |
| **46.02: “Definitions”** | |
| **There is a call for clear, trauma-informed definitions that separate voluntary calming spaces from seclusion, emphasize adult supervision, and prevent misclassification that could increase restraint use.**  (Administrators for Special Education, Chicopee Public Schools, Ludlow Public Schools, Massachusetts Association of School Superintendents, Monson Public Schools, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | Change. DESE has made technical changes by moving the following language from 603 CMR 46.07(5) to 46.02 under the definition of seclusion: *“The term does not include: a classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom; a behavior support technique that is part of the district’s, school’s or program’s designated procedures for behavior support which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave and it is implemented for the purpose of calming; or placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction.”* |
| **Redefine seclusion as “Isolated Time-Out,” which shall mean the involuntary confinement of a student alone in a room or area with adult supervision, from which the student is not permitted to leave. Isolated time out is only allowed under limited circumstances when the other requirements under these regulations are met, as stated in Illinois, see 23 IAC Section 1.28.**  (Brandon School, Cardinal Cushing Centers, Crossroads School, Judge Rotenberg Educational Center, Learning Center for the Deaf, Lighthouse School, Inc., Massachusetts Association of Approved Private Special Education Schools, May Institute, Perkins School of the Blind, RFK Community Alliance, The New England Center for Children, Walker Therapeutic & Educational Programs, and some individuals) | No changes. The definition of “seclusion” in the proposed regulations will remain aligned with the U.S. Department of Education’s Office for Civil Rights data collection requirements. DESE plans to issue guidance and technical assistance regarding this topic. |
| **46.03: “Use of Restraint”** | |
| **Request to ban seclusion entirely and limit the use of “time-out” due to concerns about potential trauma and other concerns.**  (Ability Votes, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Campaign for Trauma-Informed Policy and Practice, CETRE, LLC, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Oak Tree Academy, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, Think:Kids at MGH, Unsilenced, and a majority of individuals). | No changes. The regulation states that seclusion is prohibited but may be used only under limited emergency circumstances. |
| **Limit seclusion to strictly emergency situations.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Judge Rotenberg Educational Center, Lighthouse School Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Nashoba Learning Group, Northshore Education Consortium, Perkins School for the Blind, RFK Community Alliance, Southeast Massachusetts Education Collaborative, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | No changes because the proposed regulations only allow the use of a certain type of seclusion in extremely limited emergency circumstances and only if specific requirements are met. |
| **Commenters indicated that seclusion must not be included in behavior intervention or IEP plans.**  (Crossroads School, Judge Rotenberg Educational Center, Lighthouse School, Inc., Massachusetts Association of Approved Private Special Education Schools, Perkins School for the Blind, The Children’s Center for Communication/Beverly School for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, and some individuals) | No changes. The proposed regulations state in 603 CMR 46.07(6), “No written individual behavior plan or IEP may include use of seclusion as a standard response to any behavior.” |

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| **46.04: “Policy and Procedures; Training”** | |
| **Certain commenters indicated that training for school personnel must be adequate, comprehensive and consistent with proposed changes to prioritize the use of alternatives to the emergency intervention.**  (Chicopee Public Schools, Ludlow Public Schools, Monson Public Schools, Southeast Massachusetts Educational Collaborative, Ware Public Schools, and some individuals) | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance on this topic. |
| **Certain commenters suggested there is demand for trauma-informed, equity centered training content that focuses on alternatives to seclusion.**  (Ability Votes, Administrators for Special Education, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Campaign for Trauma-Informed Policy and Practice, CETRE, LLC, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Association of School Superintendents, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, Think:Kids at MGH, Unsilenced, and a majority of individuals) | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance on this topic. |
| **Training and procedures must provide statewide consistency, an investment in the infrastructure and accountability.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Judge Rotenberg Educational Center, Lighthouse School Inc., Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Perkins School for the Blind, RFK Community Alliance, Southeast Massachusetts Educational Collaborative, The Children’s Center for Communication/Beverly School for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, and some individuals). | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance on this topic and monitor schools’ compliance with the new requirements. |
| **46.06: “Reporting Requirements"** | |
| **Support exists for parent notification and increased transparency regarding any use of seclusion or timeout.**  (Ability Votes, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Brandon School, Campaign for Trauma-Informed Policy and Practice, Cardinal Cushing Centers, CETRE, LLC, Children’s Center for Communication/Beverly School for the Deaf, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Crossroads School, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Judge Rotenberg Educational Center, Lighthouse Schools Inc., Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Perkins School for the Blind, RFK Community Alliance, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, The New England Center for Children, Think:Kids at MGH, Unsilenced, and many individuals). | No changes. The proposed regulations at 603 CMR 46.07(3)(b) specify that “any public education program that uses the emergency intervention described in 603 CMR 46.07(2) must adopt and follow a procedure for . . . making reasonable efforts to notify a parent of its use with a student within the same timelines and in the same manner as described in 603 CMR 46.06(3) and (4).” |
| **Parents and community members requested parental notification and transparent, detailed reporting in all instances of seclusion *and* time-out.**  (Ability Votes, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Campaign for Trauma-Informed Policy and Practice, CETRE, LLC, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, Think:Kids at MGH, Unsilenced, and some individuals) | No changes. The proposed regulations include parental notification and  reporting requirements for seclusion. 603 CMR 46.07(3)(b) and 46.07(4). It would be too burdensome for schools and districts to have to document each use of time-out, which is a behavioral support strategy. |
| **There is concern about the administrative burden of requirements such as parental consent and prior medical documentation for emergency interventions like seclusion.**  (Administrators for Special Education, Cape Cod Collaborative, Department of Developmental Services, Massachusetts Association of School Superintendents, Massachusetts Organization of Educational Collaboratives, Nashoba Learning Group, Southeast Massachusetts Educational Collaborative, and some individuals) | No changes. The safeguards align with parameters outlined for other emergency interventions. |
| **46.07: "Safeguards"** | |
| **Stakeholders appear to be deeply divided on how to regulate seclusion, but most agree on the need for further clarity to strengthen monitoring and prevent misuse.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Department of Developmental Services, Judge Rotenberg Educational Center, Lighthouse School Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Nashoba Learning Group, Northshore Education Consortium, Perkins School for the Blind, RFK Community Alliance, Southeast Massachusetts Education Collaborative, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | No changes. If proposed amendments are adopted, DESE plans to issue further guidance and technical assistance on this topic, as well as monitor compliance with the updated requirements. |
| **Most advocates voiced concerns about students’ safety, trauma and misuse of seclusion. They also called for the limited use of timeout and a clearer definition of students' subjective beliefs about their ability to leave the space.**  (Ability Votes, Alliance against Seclusion and Restraint, Association for Autism and Neurodiversity, Campaign for Trauma-Informed Policy and Practice, CETRE, LLC, Children's Law Center of Massachusetts, Connect the Dots Education Services, Council of Parent Attorneys and Advocates, Disability Law Center, Inc., EdLaw Project, Finding FAPE, ICAPA Network, JDK Communications: Special Education Consulting, Lives in the Balance, Massachusetts Advocates for Children, Massachusetts Down Syndrome Congress, Mental Health Legal Advocates, Nancy J Duggan Educational Consultants LLC, Studio III, Supportable Solutions, TASH New England, The Federation for Children with Special Needs, The MEHRIT Center and Self-Reg Global, Think:Kids at MGH, Unsilenced, and some individuals) | No changes. The proposed regulations contain safeguards, including required approval of the principal if an emergency intervention or time-out is used for a period longer than 30 minutes. The proposed regulations also include certain reporting requirements relating to seclusion. DESE will provide guidance and technical assistance if the proposed regulations are adopted. |
| **There is concern over the feasibility of getting all required consents and required documentation when this intervention is to be used as an emergency response.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Judge Rotenberg Educational Center, Lighthouse School Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Nashoba Learning Group, Northshore Education Consortium, Perkins School for the Blind, RFK Community Alliance, Southeast Massachusetts Education Collaborative, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals). | No changes. If the proposed amendments are adopted, DESE plans to issue further guidance and technical assistance on this topic. |
| **46.08: "Implementation"** | |
| **Commenters warn of implementation challenges without sustained funding, technical assistance, and time for thoughtful training and reporting rollout.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing Centers, Chicopee Public Schools, Crossroads School, Hudson Education Association, Judge Rotenberg Educational Center, Lighthouse School Inc., Ludlow Public Schools, Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Monson Public Schools, Perkins School for the Blind, RFK Community Alliance, Southeast Massachusetts Education Collaborative, The Children’s Center for Communication/Beverly School for the Deaf, The Education Cooperative, The Learning Center for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, Ware Public Schools, and some individuals) | DESE proposes an updated implementation timeline of August 17, 2026. Furthermore, if the proposed amendments are adopted, DESE plans to issue guidance and offer technical assistance regarding implementation. |
| **Commenters requested dedicated funding and staffing supports beyond short-term grants to implement the updated regulations.**  (Brandon School, Cape Cod Collaborative, Cardinal Cushing, Crossroads School, Hudson Education Association, Judge Rotenberg Educational Center, Learning Center for the Deaf, Lighthouse School, Inc., Massachusetts Association of Approved Private Special Education Schools, Massachusetts Organization of Educational Collaboratives, May Institute, Nashoba Learning Group, Northshore Education Consortium, Perkins, RFK, The Children’s Center for Communication/Beverly School for the Deaf, The New England Center for Children, Walker Therapeutic & Educational Programs, and some individuals) | No changes. If the proposed amendments are adopted, DESE plans to provide funding opportunities and technical assistance regarding implementation. |