



NOTICE OF PUBLIC COMMENT

Pursuant to its authority under M.G.L. c. 69, §1B, and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Massachusetts Board of Elementary and Secondary Education (Board) is soliciting public comment on proposed amendments to 603 CMR 46.00, Regulations for Prevention of Physical Restraint and Requirements If Used.

The proposed amendments would:

- Update the definition of seclusion in 603 CMR 46.02 to align it more closely with the definition used by the U.S. Department of Education's Office for Civil Rights for data collection purposes.
- Update the definition of time-out to specifically include "in an unlocked setting from which the student is permitted to leave."
- Add requirements for any room or area that is used for time-out to specify that it must be of appropriate size for the age and the needs of the student; appropriately lighted, ventilated, and heated or cooled, consistent with the remainder of the building; free of objects or fixtures that are inherently dangerous to the student; in compliance with any applicable local fire and building code requirements; and in compliance with any other standards listed by DESE in guidance.
- Add emergency circumstances under which a type of seclusion, where an adult is present and monitoring the student, may be used as a last resort and list specific conditions that must be met before its use.
- The proposed amendments build in various safeguards when such an emergency intervention is used, such as parental notification, conducting weekly and monthly review of data relating to the use of such an emergency intervention, and documenting and reporting such use to DESE.
- Any schools or programs that utilize such an emergency intervention must examine alternatives and strategies for reducing and eliminating its use no later than 3 years from the effective date of the proposed regulations.
- The proposed regulations would take effect on September 2, 2025.

Copies of the proposed amendments are available on the Department's website at <https://www.doe.mass.edu/bese/regs-comments/default.html>, or at <http://www.doe.mass.edu/lawsregs/>, or by calling 781-338- 3375. Public comments may be submitted online by completing this form <https://survey.alchemer.com/s3/8224530/Proposed-Amendments-to-Regulations-on-Safety-Standards-and-Physical-Restraint-2025>, or by email to specialeducation@mass.gov or by mail to: Regulations Public Comment, c/o Commissioner's Office, Department of Elementary and Secondary Education, 135 Santilli Highway, Everett, MA 02149. The deadline to submit public comment is **May 2, 2025 at 5:00 pm**. The Board is expected to vote on the proposed amendments at its regular monthly meeting scheduled for **June 24, 2025**.



Small Business Impact Statement Pursuant to M.G.L. c. 30A, §2

This statement accompanies the filing by the Department of Elementary and Secondary Education of the proposed amendments to 603 CMR 46.00, Regulations for Prevention of Physical Restraint and Requirements If Used.

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 - Any schools or programs that utilize such an emergency intervention must examine alternatives and strategies for reducing and eliminating its use no later than 3 years from the effective date of the proposed regulations.
 - The proposed regulations would take effect on September 2, 2025.
1. The proposed amendments do not affect small businesses.
 2. Since the proposed amendments do not affect small businesses, the following considerations are not applicable:
 - a. Reporting, record keeping or other administrative costs required of small businesses for compliance associated with the amendments.
 - b. Appropriateness of performance standards vs. design standards.
 - c. Regulations of this agency or any other state agency, which may duplicate or

conflict with the proposed amendments.

- d. Analysis of whether the proposed amendments are likely to deter or encourage the formation of new business in the state.

Submitted by:

Rhoda E. Schneider

Rhoda E. Schneider, on behalf of the Department of Elementary and Secondary Education

Date: 3/26/25