WHAT RIGHTS DOES THIS FLIER COVER?

The Massachusetts Department of Elementary and Secondary Education (DESE) regulates Massachusetts public schools in their use of time-out. This flier describes the requirements regarding time-out.

WHO DO THESE REGULATIONS APPLY TO?

These regulations apply to all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and to the school day of special education schools approved by DESE under 603 CMR 28.09 (Public or Private Day and Residential Special Education School Programs).

WHAT IS A TIME-OUT?

A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by staff direction, for the purpose of calming.

There are two kinds of time-out:

- Inclusionary – when a student is removed from positive reinforcement or full participation in the class while remaining in the class.
- Exclusionary – when a student is separated from the rest of the class through complete visual separation or actual physical separation.

WHAT MUST STAFF DO DURING EXCLUSIONARY TIME-OUT?

Staff must:

- continuously observe the student;
- be with the student or immediately available to the student at all times;
- ensure that the time-out space out is clean, safe, sanitary, and appropriate for calming;
- end time-out as soon as the student is calm.
WHAT ADDITIONAL GUIDANCE HAS DESE PROVIDED ON EXCLUSIONARY TIME-OUT?

DESE has provided further guidance on exclusionary time-out.6

When time-out can be used:

- Time-out is only for calming an agitated student.
- Time-out is not for punishment.

Doors and time-out:

If it is not safe for the staff to be present with the student, the student may be left in time-out with the door closed.

- However, a school counselor or other behavioral support professional must be immediately available outside the time-out setting to continuously observe and communicate with the student to determine when the student has calmed.
- Students must never be locked in a room.
- For students displaying self-injurious behavior, staff must be in the same setting with the student.

Time-outs over 30 minutes:

- Time-outs lasting more than 30 minutes require principal review and approval.7
- The principal may not routinely approve such requests, but must consider the individual circumstances (whether the student continues to be agitated) to determine whether time-out beyond 30 minutes is allowed.8
- If it appears that time-out exacerbates the student's behavior, or the continuation of time-out beyond 30 minutes has not helped the student to calm, staff should use other behavioral support strategies.9

After time-out:

- Staff must return the student to class as soon as he/she is able to remain calm.

When time-out becomes seclusion:

- DESE has a flowchart to clarify when time-out becomes seclusion, available at http://www.doe.mass.edu/sped/advisories/2016-1ta.html.
ENDNOTES

2 603 CMR 46.01(2).
3 603 CMR 46.02.
4 DESE, Technical Assistance Advisory SPED 2016-1, Time-out and Seclusion (July 31, 2015),
   http://www.doe.mass.edu/sped/advisories/2016-1ta.html.
5 603 CMR 46.02.
6 DESE, Technical Assistance Advisory SPED 2016-1, Time-out and Seclusion (July 31, 2015),
   http://www.doe.mass.edu/sped/advisories/2016-1ta.html.
7 DESE, Technical Assistance Advisory SPED 2016-1, Time-out and Seclusion (July 31, 2015),
   http://www.doe.mass.edu/sped/advisories/2016-1ta.html.
8 DESE, Technical Assistance Advisory SPED 2016-1, Time-out and Seclusion (July 31, 2015),
   http://www.doe.mass.edu/sped/advisories/2016-1ta.html.
9 DESE, Technical Assistance Advisory SPED 2016-1, Time-out and Seclusion (July 31, 2015),
   http://www.doe.mass.edu/sped/advisories/2016-1ta.html.