

RIGHTS REGARDING THE USE OF RESTRAINT & SECLUSION IN MASSACHUSETTS PUBLIC SCHOOLS

Prepared by the Mental Health Legal Advisors Committee
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WHAT RIGHTS DOES THIS FLIER COVER?

The Massachusetts Department of Elementary and Secondary Education (DESE) regulates the use of restraint and seclusion in Massachusetts public schools.¹ This flier reflects the amendments to those regulations adopted in June 2025, which take effect on August 17, 2026.²

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).³

RIGHTS ABOUT RESTRAINT

WHAT IS RESTRAINT?

The regulations define three types of restraint: mechanical, medication, and physical.

- **Physical restraint:** direct physical contact, including prone restraint, that prevents or significantly restricts a student's freedom of movement.⁴
- **Mechanical restraint:** the use of any physical device or equipment to restrict a student's freedom of movement.⁵

Medication restraint: the administration of medication for the purpose of temporarily controlling behavior.⁶

WHAT IS NOT RESTRAINT?

The regulations identify certain actions that are not restraint:

- **Physical restraint does not include** brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort, including temporary touching or holding to guide a student to a safe location without the use of force.⁷

- **Mechanical restraint does not include** devices for positioning or protective purposes prescribed by an appropriate professional and used for their intended purpose such as devices or supports for proper body position, balance, or alignment; vehicle safety restraints; restraints for medical immobilization; or any other orthopedically prescribed supports.⁸
- **Medication restraint does not include** medication prescribed by a physician and authorized by the parent for administration in school.⁹

WHAT KIND OF RESTRAINT IS ALLOWED IN SCHOOL?

Mechanical restraint and medication restraint are prohibited.¹⁰ Physical restraint, including prone restraint, is an emergency procedure of last resort that may be used under the limited circumstances described in this flyer.¹¹

WHEN IS PHYSICAL RESTRAINT ALLOWED?

Physical restraint may only be used when all the following circumstances exist:

- a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others; **and**
- the student is not responsive to less intrusive behavioral interventions, or such interventions would be inappropriate.¹²

Physical restraint **may not be used:**

- as a means of discipline or punishment;
- when it is medically contraindicated and therefore unsafe; **or**
- in response to property destruction, disruption of school order, refusal to comply with a school rule or staff directive, or verbal threats that do not pose a threat of assault or imminent, serious physical harm.¹³

Restraint may not be used as a standard response to a student's behavior, such as in an individual behavior plan or an individualized education program (IEP).¹⁴

WHAT IS PRONE RESTRAINT AND WHEN IS IT ALLOWED?

Prone restraint is a type of physical restraint in which a student is placed face down on the floor or another surface, and staff apply pressure to keep the student face-down.¹⁵

Prone restraint may only be used if the following criteria are met:

- the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
- all other forms of physical restraints have failed to ensure the safety of the student and/or others;
- a physician documents that there are no medical contraindications;

- a licensed mental health professional documents that there is psychological or behavioral justification for using prone restraint and there are no psychological or behavioral contraindications;
- the program obtains (and a principal approves in writing) consent to use prone restraint in an emergency; **and**
- the program documents the above steps in advance of using prone restraint.¹⁶

WHO MAY ADMINISTER PHYSICAL RESTRAINT?

School personnel who administer physical restraint must receive training in accordance with the regulations.¹⁷ All school staff must receive basic training within the first month of the school year or within one month of being hired.¹⁸ Staff who administer floor or prone restraints must have in-depth training.¹⁹ Those staff who receive in-depth training on the use of restraint serve as a school-wide resource to ensure its proper administration.²⁰

HOW MUST PHYSICAL RESTRAINT BE ADMINISTERED?

An individual administering the physical restraint must:

- use no more force than necessary to protect the student or others from injury;
- use the safest method available and appropriate;
- believe that the safety of the student or others requires such a method;
- allow for breathing or speaking;
- continuously monitor the student's physical status, including skin temperature and color, and respiration;
- prevent or minimize physical harm; and
- consider a student's medical or psychological limitations, known or suspected trauma history, **and/or** behavioral intervention plans regarding the use of restraint.²¹

Staff must obtain the principal's (or their designee's) approval before restraining a student for longer than 20 minutes.²² The principal may approve continued restraint only if the student remains agitated and continued restraint is necessary.²³

Physical restraint must end if:

- the student is no longer an immediate danger to himself or others;
- the student cannot breathe; **or**
- the student is in severe distress (such as having difficulty breathing or sustained or prolonged crying or coughing).²⁴

If the student experiences significant physical distress, staff must immediately release the student and seek medical assistance.²⁵

After release, staff must review the incident with the student to address the behavior that led to restraint. Administrators must review the incident with the staff member who administered the restraint to make sure that proper procedures were followed and determine whether follow-up is necessary for any student witnesses.²⁶

RIGHTS ABOUT SECLUSION

WHAT IS SECLUSION?

Seclusion is the involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave.²⁷

WHAT IS NOT SECLUSION?

Seclusion does not include:

- a classroom or school environment where all students generally need permission to leave the room or area, such as to use the restroom;
- a time-out—a behavior support strategy in which a student temporarily separates from the activity or classroom to an unlocked setting for the purpose of calming; **or**
- placing a student in a separate location within a classroom with others or an instructor, as long as the student has the same opportunity to receive and participate in instruction.²⁸

WHEN IS SECLUSION ALLOWED?

Seclusion may be used only under limited circumstances and only as a last resort on an individual student basis, when all the following circumstances exist:

- the student's behavior poses an imminent threat of assault, or imminent serious physical harm to self or others;
- the student is not responsive to directives or less intrusive interventions, or such interventions are inappropriate under the circumstances; **and**
- other forms of interventions have failed to ensure the safety of the student and/or the safety of others.²⁹

Prior to using seclusion as an emergency intervention, public education programs must document their compliance with the following:

- the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
- a physician documents that there are no medical contraindications;
- a licensed mental health professional documents that there is psychological or behavioral justification for using this intervention and there are no psychological or behavioral contraindications;
- the parent or guardian (and student, if appropriate) has provided consent;

- the school principal approves, in writing, to use this intervention in an emergency; **and**
- any staff member implementing seclusion has received training in alternative behavior interventions and management techniques.³⁰

Seclusion **may not** be used:

- as a means of discipline or punishment **or**
- as a standard response for any individual student's actions that do not constitute an imminent threat.³¹

No written individual behavior plan or IEP may include use of seclusion as a standard response to any behavior.³²

HOW MUST SECLUSION BE ADMINISTERED?

The staff member administering seclusion must:

- continuously and actively monitor and observe the student;
- ensure that the student is observable in all parts of the room or area being used;
- be immediately available to the student; **and**
- continue to use de-escalation and calming strategies with the student unless it is unsafe or counterproductive for the purposes of calming the student.³³

Additionally, staff must notify the school principal as soon as possible after seclusion begins. Any seclusion lasting more than 30 minutes requires the principal's approval to continue.³⁴

Any room used for the purposes of seclusion must be inspected by the school, at least once each week, in which it is used to ensure that it is:

- clean, safe, and sanitary;
- appropriate for the purpose of calming the individual student, including in size;
- 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; **and**
- in compliance with any applicable local fire and building code requirements, as well as any other DESE standards.³⁵

REPORTING RESTRAINT AND SECLUSION

HOW AND WHEN MUST RESTRAINT AND SECLUSION BE REPORTED?

The reporting requirements for physical restraint also apply to seclusion.³⁶ For the purposes of the following sections, "intervention" refers to either physical restraint or seclusion.

The person administering the intervention must:

- verbally tell the school principal about the use of the intervention as soon as possible, **and**
- submit a written report to the principal no later than the next working school day.³⁷

The school principal must maintain each report on file and make it available to DESE or to the student's parent or guardian upon request.³⁸

WHAT NOTIFICATION DO PARENTS RECEIVE?

The principal shall:

- make reasonable efforts to inform the student's parent or guardian of the intervention(s) within 24 hours;
- provide a written report to the parent or guardian within three school days by email or regular mail; and
- shall provide the student and parent or guardian with an opportunity to comment orally and in writing on the use of the intervention and on the information in the written report.³⁹

Note: If the program customarily communicates with the family in a language other than English, the report must be in that language.⁴⁰

WHAT INFORMATION MUST THE REPORT CONTAIN?

The written report must include:

Names and dates:

- the name of the student;
- the date of the intervention;
- the names and job titles of the staff who administered the intervention, and any observers;
- the time the intervention began and ended;
- the name of the principal who was verbally informed following the intervention; **and**
- if applicable, the name of the principal who approved the intervention, if it is beyond 20 minutes (for restraint) or 30 minutes (for seclusion).⁴¹

Description of activity prior to the intervention:

- a description of the activity in which the student, other students and staff in the same room or vicinity were engaged immediately before the intervention;
- the behavior that prompted the intervention;
- the efforts made to prevent escalation of behavior (including de-escalation strategies);

- alternatives attempted before the intervention; **and**
- the justification for initiating the intervention.⁴²

A description of the intervention:

- if applicable, the holds used and reasons for them;
- the student's behavior and reactions during the intervention;
- how the intervention ended;
- if applicable, documentation of injury to the student and/or staff; **and**
- if applicable any medical care provided.⁴³

Any further action(s):

- the school's actions;
- the school's possible future actions; **and**
- any consequences that might be imposed on the student.⁴⁴

Opportunities for parents or guardians to discuss with school officials:

- opportunities for the student's parent or guardian to discuss the administration of the intervention;
- any consequences that may be imposed on the student; **and**
- and any other related matter.⁴⁵

WHAT REVIEW MUST THE PRINCIPAL DO?

Individual student review:

Each week, the principal must review intervention data to identify students who have been involved in multiple interventions during the week. For each identified student, the principal must convene a review team to assess the student's progress and needs and develop strategies to reduce or eliminate the need for future interventions.⁴⁶

Administrative review:

Each month, the principal must review school-wide emergency intervention data, looking at patterns and taking necessary and appropriate steps in response.⁴⁷ If a school implements seclusion, it must examine alternatives and adopt alternatives and strategies designed to reduce and eliminate the use of seclusion by August 2029.⁴⁸

WHAT MUST A SCHOOL OR PROGRAM REPORT TO DESE?

If a physical restraint results in an injury:

The program must send DESE a report within three school-working days of the administration of the restraint, in addition to the school or program's restraint records for the thirty days preceding the restraint.⁴⁹

If the administration of seclusion results in an injury:

The program must submit a copy of the Emergency Seclusion Incident Report to DESE no later than three school-working days following the emergency seclusion.⁵⁰

Annual Reporting:

DESE encourages school programs to submit all incidents of physical restraints and seclusion in real time.⁵¹ Schools must annually report and certify restraint and seclusion data through DESE's designated reporting portal by June 30 of each year, even if no restraints occurred.⁵²

COMPLAINT PROCESSES

WHAT CAN A PARENT OR GUARDIAN DO IF THEY BELIEVE RESTRAINT OR SECLUSION WAS USED IMPROPERLY?

If a parent believes that a school has improperly used restraint or seclusion on a child and hasn't been able to resolve the issue with the school, the parent can file a complaint with the following offices:

Problem Resolution System Office (PRS) of DESE⁵³

135 Santilli Highway
Everett, MA 02149
(781) 338-3700

Email: DESECompliance@mass.gov

Website: <https://www.doe.mass.edu/prs/intake-general/default.html>

[Online Complaint Form](#)
[Printable Complaint Form](#)

Any individual or organization may file a complaint with the Problem Resolution System Office (PRS) by completing the [online complaint form](#) or by [downloading](#) and submitting a printed complaint form by email or U.S. mail.

Office for Civil Rights (OCR) of the U.S. Department of Education⁵⁴

400 Maryland Avenue SW
Washington, D.C. 20202
(202) 453-6020
FAX: 202-453-6021

Email: OCR.DC@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

[OCR's Complaint Process](#)
[Online Complaint Form](#)
[Printable Complaint Form](#)

A parent may file a complaint within 180 days of the use of the intervention (or after 180 days, including a reason why filing is late).

ENDNOTES

¹ Mass. Gen. L. ch. 71, § 37G; 603 Code of Massachusetts Regulation (CMR) 46.00; 603 CMR 18.05 (5)(h)–(i). DESE has these resources regarding restraint and seclusion:

- DESE, [603 CMR 46.00](#) – Prevention of Physical Restraint and Requirements If Used, [603 CMR 18.00](#) – Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs.
- DESE, Time-Out Practices: Guidance on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00, <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/guidance-time-out-practices.docx>
- DESE, Use of Seclusion: Frequently Asked Questions (FAQ) on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00, <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/use-of-seclusion-faq.docx>
- DESE, Restraint and Emergency Seclusion Reporting Procedures, <https://www.doe.mass.edu/specialeducation/policy/procedures/restraint/default.html>

² 603 CMR 46.08.

³ 603 CMR 46.01(1).

⁴ 603 CMR 46.02.

⁵ 603 CMR 46.02.

⁶ 603 CMR 46.02.

⁷ 603 CMR 46.02.

⁸ 603 CMR 46.02.

⁹ 603 CMR 46.02.

¹⁰ 603 CMR 46.03(1)(a).

¹¹ 603 CMR 46.03(1)(c).

¹² 603 CMR 46.03(1)(c).

¹³ 603 CMR 46.03(2)(a)–(c).

¹⁴ 603 CMR 46.03(2)(d).

¹⁵ 603 CMR 46.02.

¹⁶ 603 CMR 46.03(1)(b).

¹⁷ 603 CMR 46.05(1).

¹⁸ 603 CMR 46.04(2).

¹⁹ 603 CMR 46.05(3).

²⁰ 603 CMR 46.04(3).

²¹ 603 CMR 46.05(2), (3), (5)(a)–(d).

²² 603 CMR 46.05(5)(c).

²³ 603 CMR 46.05(5)(c).

²⁴ 603 CMR 46.05(5)(a)–(b).

²⁵ 603 CMR 46.05(5)(b).

²⁶ 603 CMR 46.05(5)(e).

²⁷ 603 CMR 46.02.

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- ²⁸ 603 CMR 46.02. See MHLAC’s flier on time-out in schools for more information.
- ²⁹ 603 CMR 46.07(2)(a)–(f)
- ³⁰ 603 CMR 46.07(2)(a)–(h).
- ³¹ 603 CMR 46.07(2).
- ³² 603 CMR 46.07(5).
- ³³ 603 CMR 46.07(2)(i)–(m).
- ³⁴ 603 CMR 46.07(3).
- ³⁵ 603 CMR 46.07(1); 46.07(2)(n).
- ³⁶ 603 CMR 46.06(1); 46.07(3).
- ³⁷ 603 CMR 46.06(2).
- ³⁸ 603 CMR 46.06(2).
- ³⁹ 603 CMR 46.06(3).
- ⁴⁰ 603 CMR 46.06(3).
- ⁴¹ 603 CMR 46.06(4)(a)
- ⁴² 603 CMR 46.06(4)(b).
- ⁴³ 603 CMR 46.06(4)(c).
- ⁴⁴ 603 CMR 46.06 (4)(d).
- ⁴⁵ 603 CMR 46.06(4)(e).
- ⁴⁶ 603 CMR 46.06(5); 46.07(3)(d).
- ⁴⁷ 603 CMR 46.06(6); 46.07(3)(e).
- ⁴⁸ 603 CMR 46.07(3)(f).
- ⁴⁹ 603 CMR 46.06(7).
- ⁵⁰ DESE, Special Education Policy Memo SY2025-2026–9: Required Reporting on the Use of Seclusion and Emergency Seclusion (June 25, 2026), <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/memo-sy2025-2026-9.html>
- ⁵¹ DESE, Special Education Policy Memo SY2025-2026–9: Required Reporting on the Use of Seclusion and Emergency Seclusion (June 25, 2026), <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/memo-sy2025-2026-9.html>
- ⁵² 603 CMR 46.06(8); 46.07(3)(g); DESE, Special Education Policy Memo SY2025-2026–9: Required Reporting on the Use of Seclusion and Emergency Seclusion (June 25, 2026), <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/memo-sy2025-2026-9.html>
- ⁵³ PRS investigates complaints alleging violations of state education laws and offers an independent and impartial complaint process designed to be non-adversarial in nature. <https://www.doe.mass.edu/prs>
- ⁵⁴ OCR investigates complaints alleging violations of federal civil rights laws, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, which prohibit disability discrimination.