

RIGHTS REGARDING THE USE OF TIME-OUT 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 time-out in Massachusetts public schools in their use of time-out.¹ This flier describes the requirements governing time-out, including the regulatory changes that take effect on August 17, 2026.

WHO DO THESE REGULATIONS APPLY TO?

These regulations apply to all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and 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).²

WHAT IS A TIME-OUT?

DESE defines time-out as 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. Time-out occurs in an unlocked setting that the student is allowed to leave.³

WHAT MUST STAFF DO DURING A TIME-OUT?

Staff must:

- continuously observe the student;
- be with the student or immediately available to the student at all times;
- end time-out as soon as the student is calm.

WHAT ADDITIONAL GUIDANCE HAS DESE PROVIDED ON TIME-OUT PRACTICES?

DESE has issued additional guidance on time-out practices.⁴

When time-out can be used:

- Time-out is only for calming an agitated student.
- Time-out is not to be used as a punishment.⁵

Before using a time-out room for a student with disabilities:

- DESE strongly recommends that the student's IEP team discuss whether a time-out room is an appropriate behavioral support strategy before it is used.⁶

Time-out setting requirements:

- The room used for time-out must:
 - be clean, safe, and sanitary;
 - be appropriate for helping the student calm down, including being large enough for the student's age and needs;
 - have proper lighting, ventilation, heating and cooling;
 - be free of dangerous objects or hazards;
 - meet local fire and building requirements; and
 - comply with any other DESE guidance.⁷

Doors and time-out:

- In the rare instance it is not safe for the staff to be present with the student, the student may be left in time-out with the door unlocked and closed.⁸
 - However, a school counselor or other behavioral support professional should be immediately available outside the time-out setting to continuously observe and communicate with the student and to provide additional support.⁹
- Even if the door is shut, staff must be able to see the student in all parts of the time-out room.¹⁰
- Students must never be locked in a room.¹¹

Length of time-out:

- Time-outs lasting more than 30 minutes require principal review and approval.¹² The principal may not routinely approve such requests and must consider the individual circumstances, including whether the student continues to be agitated, before approving a longer time-out.¹³
- If it appears that a time-out exacerbates the student's behavior, or the continuation of time-out beyond 30 minutes has not helped the student to calm down, staff should use other behavioral support strategies.¹⁴

Ending a time-out:

- A time-out must end as soon as the student has calmed.¹⁵

ENDNOTES

¹ Mass. Gen. L. ch. 71, § 37G and 603 Code of Massachusetts Regulation (CMR) 46.00.

² 603 CMR 46.01(2).

³ 603 CMR 46.02 (definition of “time out”).

⁴ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>; DESE, Time-Out Practices: Guidance on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00 (February 5, 2026), <https://www.doe.mass.edu/specialeducation/policy/dese/advisories/guidance-time-out-practices.docx>.

⁵ DESE, Time-Out Practices: Guidance on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00 (February 5, 2026),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/guidance-time-out-practices.docx>.

⁶ Mass. Dep't of Elementary & Secondary Education, *Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year* (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>.

⁷ 603 CMR 46.07(1).

⁸ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>.

⁹ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>.

¹⁰ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>.

¹¹ 603 CMR 46.02 (definition of “time out”).

¹² 603 CMR 46.04(1)(j).

¹³ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>;

¹⁴ DESE, Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year (September 10, 2021),

<https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx>;

¹⁵ 603 CMR 46.02.