

Special Education

Technical Assistance Advisory SPED 2016-1: Time-out and Seclusion

To:

Superintendents, Principals, Charter School Leaders, Private School Directors,
Administrators of Special Education, and Other Interested Parties

From:

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Date:

July 31, 2015

This advisory provides guidance concerning the difference between the prohibited practice of seclusion and the approved use of time-out as a behavioral support strategy as set forth in amendments to 603 CMR 46.00, *Prevention of Physical Restraint and Requirements if Used*, effective January 1, 2016. I want to thank educators from both the public schools, and private approved special education schools who are engaged in promoting and providing best practices when working with students with disabilities. Contributions from these educators were instrumental in the development of this advisory.

The advisory will address:

1. The use of inclusionary time-out as a behavioral support strategy
2. The use of exclusionary time-out in educational settings
3. Seclusion
4. Exclusionary time-out and seclusion

603 CMR 46.02 defines time-out as: A behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

1. The use of inclusionary time-out as a behavioral support strategy

The definition of time-out includes the practice of ***inclusionary*** time-out, i.e., when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom, and ***exclusionary*** time-out (see #2 below), i.e., the separation of students from the rest of the class either through complete visual separation or from actual physical separation. The use of ***inclusionary*** time-out functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom. ***Inclusionary*** time-out includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom; use of those is considered to be an ***exclusionary*** time-out -see #2 below). These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

2. The use of exclusionary time-out in educational settings

Exclusionary time-out as a staff- directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff- directed ***exclusionary*** time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.

During an ***exclusionary*** time-out:

- The student must be continuously observed by a staff member;
- Staff must be with the student or immediately available to the student at all times;
- The space used for ***exclusionary*** time-out must be clean, safe, sanitary, and appropriate for the purpose of calming;

Exclusionary time-out must cease as soon as the student has calmed.

When a student is separated from the learning environment in an ***exclusionary*** time-out, s/he must be in a safe and calming environment. For any ***exclusionary*** time-out that may last longer than 30 minutes, programs must seek approval from the principal for the continued use of time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of ***exclusionary*** time-out exacerbates the student's behavior, or the continuation of the ***exclusionary*** time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.

Exclusionary time-out is an intervention that should be reserved for use only when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. In such circumstances, the student may either ask to leave the classroom, or the student may be directed to a separate setting for the purpose of helping the student to calm. Unless it poses a safety risk, a staff member must be physically present with the student who is in an ***exclusionary*** time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students must never be locked in a room. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student. Exclusionary

time-out must end when the student has calmed.

3. Seclusion

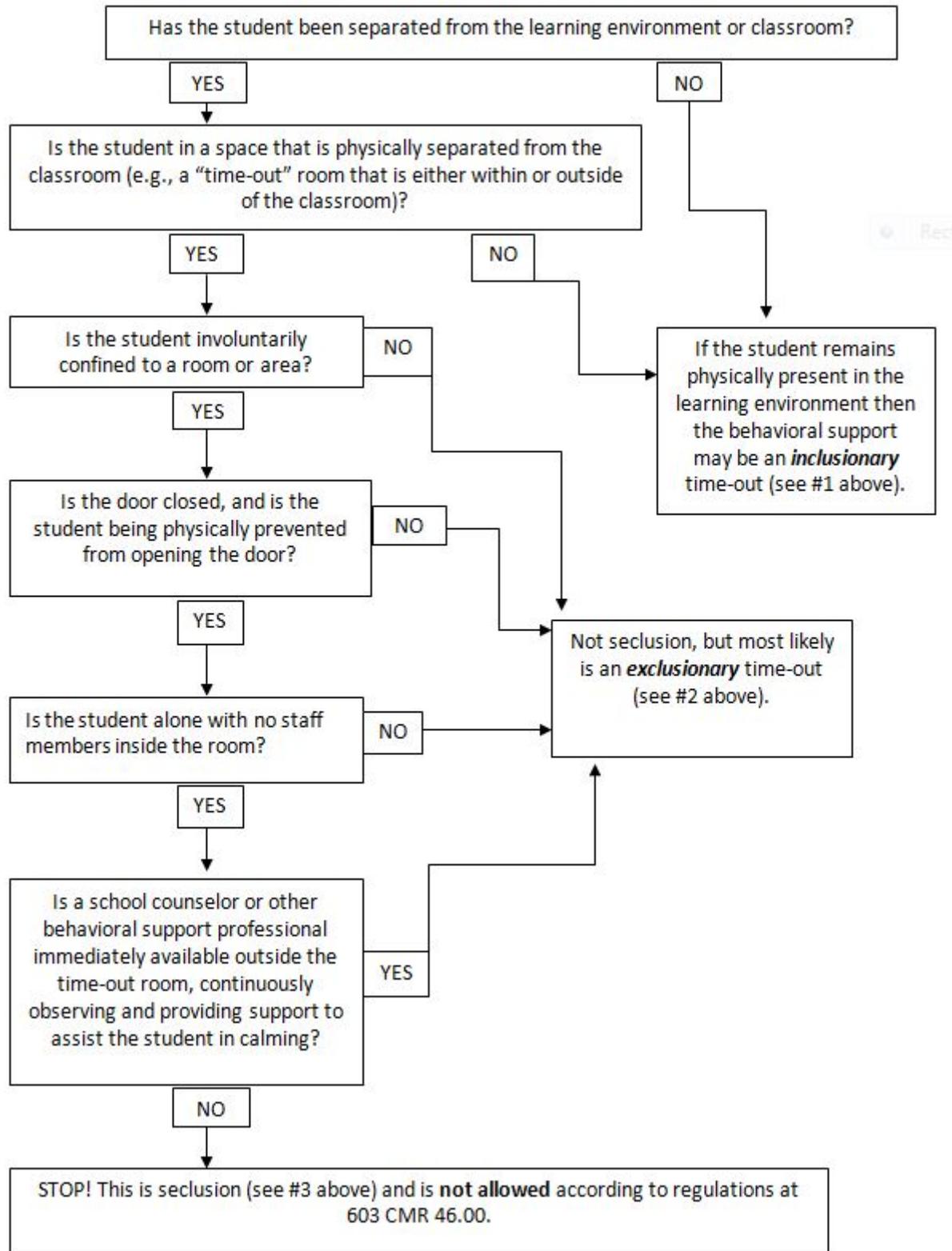
603 CMR 46.02 defines seclusion as: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

The key elements of this definition are two factors considered together, (1) the student is alone with no staff present or immediately available; and (2) the student is prevented from leaving the area. The use of seclusion is prohibited in Massachusetts.

4. Exclusionary time-out and seclusion

- The flowchart below diagrams instances when an exclusionary time-out has become seclusion
- This chart should be read in conjunction with 603 CMR 46.00  

Exclusionary time-out vs. seclusion



For additional resources to help reduce the need for restraint and exclusionary time-out please see the Restraint Question and Answer Advisory:  

Thank you for your attention to this advisory and for your hard work on behalf of the students in the Commonwealth. For questions, please contact Paul Bottome at pbottome@doe.mass.edu or (781) 338- 3376.