MASSACHUSETTS
Department of Elementary and Secondary Education

Use of Seclusion: Frequently Asked Questions (FAQ) on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00

Introduction

Through the amended regulations, the Department's goal continues to be to reduce and eliminate the use of seclusion by supporting schools and programs in implementing proactive, preventative practices that promote safe, supportive, and inclusive learning environments. This FAQ is intended to clarify specific questions related to the amended regulations, support consistent implementation that advances that goal, and complement the related resources listed below.

Question 1: What DESE guidance and resources are available regarding the implementation of the amendments to 603 CMR 46.00 and 603 CMR 18.00 that became effective on August 17, 2026?

Answer:
DESE developed guidance and implementation resources to support schools, districts, and programs in reducing and eliminating the use of seclusion and complying with the amended regulations. These resources address topics including emergency seclusion, time-out practices, reporting requirements, staff training, and implementation planning. Schools, districts, and programs should review the Department's guidance and incorporate it into local policies, procedures, training, and practices.

Reduce and Eliminate the Use of Seclusion: Guidance on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00 - August 2026

Training Modules and Implementation Guide

Special Education Policy Memo SY2025-2026-9

Question 2: What is seclusion?

Answer:
Seclusion is defined in 603 CMR 46.02 as “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. The term does not include: a classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom; a behavior support technique that is part of the district’s, school’s or program’s designated procedures for behavior support which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave and it is implemented for the purpose of calming; or placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction.”

The key elements of this definition are that a student is:

1. alone in a room or area with no adult present, and
2. not permitted to leave.

Seclusion occurs when a student is alone in a room or area and not permitted to leave, regardless of whether school staff supervise a student through an observation window or video feed.

However, circumstances where, as a general rule, students are alone in a room or area and need permission to leave such as being sent to the principal’s office for a disciplinary incident or, in-school suspension do not fall within the definition of seclusion.

Question 3: What constitutes "not permitted to leave?"

Answer:
"Not permitted to leave" means a student is directed, verbally or physically, or otherwise prevented from leaving a room or area.

A student is not considered secluded solely because they are subject to the same restrictions on movement that apply to all students in that setting or circumstance.

Question 4: What constitutes being alone in a room or area with no adult present?

Answer:
A student is considered alone when no adult is physically present in the room or area with the student. Observation through a window, camera, doorway, or other means does not constitute an adult being present in the room or area.

Question 5: Does blocking a doorway automatically constitute seclusion?

Answer:
Whether blocking a doorway constitutes seclusion depends on the unique facts and circumstances of the interaction. Whether a student is subject to seclusion depends on whether a student is:

1. alone in a room or area with no adult present, and
2. not permitted to leave.

For example, an adult standing in an open doorway while engaging with the student is not seclusion, because the adult is engaging with the student and the student is not alone. An adult using an item to block the door so that the student is functionally alone could be seclusion when the student is not permitted to leave.

Question 6: If a student is removed from the classroom into a different room or area and not permitted to leave, but is with an adult, is that considered seclusion? Is it considered time-out?

Answer:
No. This is not seclusion, because the definition of seclusion requires that the student be alone in a room or area with no adult present and not be permitted to leave. This is also not considered a time-out, because the definition of time-out requires the student be permitted to leave.

There are a range of interventions that schools, districts, and programs use to manage student behavior. Schools, districts, and programs should exercise care when implementing exclusionary disciplinary measures or removals that significantly interfere with a student's instruction and participation in school activities.

Question 7: Does a student's act of disrobing, by itself, meet the regulatory threshold for an imminent threat of assault or imminent serious physical harm?

Answer:
No. An imminent threat must be based on observable actions presenting a clear, immediate risk of assault or serious physical harm, rather than emotional distress, dysregulation, noncompliance, or other behaviors that may be concerning but do not

themselves create an imminent threat of assault or immediate risk of serious physical harm.

Staff should assess the situation based on the facts and circumstances specific to the student and implement alternative behavior interventions and management, including de-escalation and calming strategies.

Question 8: Are sensory rooms, calm rooms, and classroom calming areas permissible under the regulations?

Answer:
Yes. Schools', districts', and programs' use of sensory rooms, calm rooms, and classrooms as calming areas may help students regulate emotions, develop coping skills, and return successfully to learning. All such spaces must comply with the requirements of 603 CMR 46.07(1).

However, schools, districts, and programs should be mindful that seclusion can occur any time the student is alone and not permitted to leave, regardless of the designation of the room or space.

Question 9: What training requirements apply to staff involved in emergency seclusion?

Answer:
Staff involved in emergency seclusion must be trained on the requirements of 603 CMR 46.07(2) and alternative behavior interventions and management techniques, including de-escalation and calming strategies pursuant to 603 CMR 46.07(2)(g) and (k).

Question 10: Who qualifies as a licensed mental health professional for purposes of 603 CMR 46.07(2)(e)?

Answer:
A licensed mental health professional for purposes of 603 CMR 46.07(2)(e) follows the definition of "licensed mental health provider" in accordance with Massachusetts General Laws, which defines a "licensed mental health provider" as:

1) a licensed physician who specializes in the practice of psychiatry,
2) a licensed psychologist,
3) a licensed independent clinical social worker,

4) a licensed certified social worker,
5) a licensed mental health counselor,
6) a licensed supervised mental health counselor,
7) a licensed psychiatric nurse mental health clinical specialist,
8) a licensed psychiatric mental health nurse practitioner,
9) a licensed physician assistant who practices in the area of psychiatry,
10) a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or
11) a licensed marriage and family therapist within the lawful scope of practice for such therapist.

Question 11: What happens if there is an unexpected use of seclusion without the safeguards required by 603 CMR 46.07(2)?

Answer:
In rare and isolated circumstances, a school, district, or program may need to engage in the unexpected use of seclusion without the documentation on file required by 603 CMR 46.07(2)(a) and (d) through (g). In those instances, the Department expects the school, district, or program to adhere to all other safeguards, including parental notification, documentation, and review of the incident. Additionally, the district, school, or program must take immediate action to determine how best to address the student's behavioral needs moving forward, including reviewing the student's IEP and/or behavioral supports and obtaining the required documentation for the use of emergency seclusion.

Question 12: Can individualized criteria be used to determine when emergency seclusion ends?

Answer:
Pursuant to 603 CMR 46.07(2)(m), emergency seclusion must cease as soon as either (a) the student's behavior no longer poses an immediate threat of assault or serious physical harm to self or others, or (b) if the student is observed in distress, such as difficulty breathing.

After the emergency seclusion ceases, the student may still require additional time with an adult before reintegrating.

Question 13: What is required for schools, districts, and programs by August 17, 2026?

Answer:
Schools, districts and programs are required to fully implement the revised regulations by August 17, 2026. The Department recommends that schools, districts and programs do the following prior to August 17, 2026:

- Review and revise policies and procedures
- Assess spaces
- Review data to look at frequency patterns
- Determine training and professional development needs
- Develop parent notification letters, tracking logs or tools, update data forms, procedures, and processes

Question 14: How will DESE monitor and enforce these new regulatory requirements?

Answer:
Schools, districts, and programs will be monitored for these requirements through cyclical monitoring, targeted monitoring, and investigations of complaints filed with the Department's Problem Resolution System Office and any credible allegations of noncompliance. These activities will include monitoring of updated policies and procedures, facility observations, and implementation of the requirements outlined in 603 CMR 46.07(2) and (3).

Question 15: What seclusion data must be reported to DESE?

Answer:
Pursuant to 603 CMR 46.07(3)(g), schools are required to report information regarding the use of seclusion to the Department in the manner and form prescribed by DESE. Schools, districts, and programs should maintain appropriate tracking systems and records to support accurate reporting and compliance with Department requirements.

While all schools, districts, and programs are encouraged to report all incidents of seclusion in real time, the minimum requirement is to annually report and certify the data to the Department through the designated portal no later than June 30 of each calendar year.

The exception to this annual timeline is when an emergency seclusion results in an injury to a student or program staff member. In those instances, the school, district, or program shall submit a copy of the Emergency Seclusion Incident Report to the Department no later than three school-working days following the emergency seclusion.

Question 16: Are schools, districts, and programs required to report the use of time-out to the Department?

Answer:
No. Under 603 CMR 46.07(3)(g), schools, districts, and programs are only required to report the use of seclusion to the Department.

However, for students with disabilities, exclusionary disciplinary measures, if implemented repeatedly, could constitute a disciplinary removal from the current placement, implicating the student's right to a free appropriate public education (FAPE). Therefore, schools, districts, and programs may wish to track the use of time-out and other exclusionary disciplinary measures that could implicate the provision of FAPE.