

## **Reducing or Eliminating the Use of Time-Out Rooms During the 2021-2022 School Year**

TO: Superintendents of Schools, Principals, Administrators of Special Education, Leaders of Charter Schools, Approved Day and Residential Schools, Educational Collaboratives, and Other Interested Parties

FROM: Russell Johnston, Deputy Commissioner and State Special Education Director

DATE: September 10, 2021

The COVID-19 pandemic has been incredibly challenging for many students, families, and school communities, making this a particularly important school year during which to focus on supporting the social emotional well-being and mental health of all of our students.<sup>1</sup> As the 2020-2021 school year begins, school administrators and teachers across the state are working to create welcoming, inclusive, safe and supportive school environments for all students. This memorandum is intended to assist such efforts by:

- detailing strategies, interventions, and supports schools should implement to reduce or eliminate the use of “time-out rooms” as a response to a student who may be experiencing emotional and behavioral dysregulation;<sup>2</sup>
- providing clarity regarding the relevant regulatory requirements; and
- describing recommendations that will help increase transparency and collaboration.

**The Department of Elementary and Secondary Education (“Department”) advises schools and districts in the Commonwealth to make concerted efforts during the 2021-2022 school year to reduce or eliminate the use of time-out rooms.**

Educators routinely use time-out as a procedure that, when used appropriately, can be an effective support for students. This document, however, focuses specifically on the use of time-out *rooms* in schools. While not every school in the Commonwealth uses time-out rooms, those that do should only do so in very limited circumstances and must ensure that such rooms are “clean, safe, sanitary, and appropriate for the purposes of calming” students. [603 CMR 46.02](#). Given the trauma and academic loss that the inappropriate use of time-out rooms can cause, the Department urges school administrators to carefully review this memorandum and discuss it with their staff.

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<sup>1</sup> See Centers for Disease Control and Prevention, Back to School Feature, Five Things Schools Can Do Now to Support Students As They Return to School, available at: <https://www.cdc.gov/healthyyouth/back-to-school/feature.htm>.

<sup>2</sup> Time-out rooms as referred to in this memorandum are designated rooms used to temporarily separate the student during the school day from the classroom or the learning activity for the purpose of calming. The Department’s regulations in part describe time-out as “a behavioral support strategy developed pursuant to 603 CMR 46.04(1) 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.” [603 CMR 46.02](#). Different schools use different labels for time-out rooms, including calming rooms, reflection rooms, or cool-down rooms. Spaces solely used for other purposes, such as disciplinary in-school suspensions, are not covered by this memorandum.

This memorandum is organized in the following sections:

- I. Proactively implementing strategies, interventions, and supports that promote social emotional wellbeing of students
- II. Maximizing the amount of time students spend learning with their peers by adopting alternatives to use of time-out rooms
- III. Important safeguards to be implemented in the limited instances that time-out rooms are used for behavior support
- IV. Relevant state and federal resources that may be helpful to schools on these topics

The Department appreciates the input from all stakeholders who contributed to the development of this memorandum and the continued collaboration on improving the educational experiences of our students.

### **I. Proactively Implement Strategies, Interventions, and Supports That Promote Social Emotional Wellbeing of Students**

Recognizing the significant trauma and challenges that so many families and students across the Commonwealth have experienced and continue to experience during the COVID-19 pandemic, schools should proactively implement school-wide, evidence-based systems that focus on the whole student, including each student's social emotional wellbeing. The Department's guidance document [\*Promoting Student Engagement, Learning, Wellbeing, and Safety \(Summer 2021\)\*](#) provides a variety of helpful strategies and resources for supporting and cultivating positive behaviors, as well as engaging with students and families. Predictable school and classroom routines and expectations as well as safe and supportive relationships can help students during periods of adjustment and foster a stronger sense of community and belonging. Through effective use of a multi-tiered system of supports (MTSS), interventions can be designed to address the behavioral needs of students.

For students without disabilities, repeat behavioral incidents may indicate that the student needs additional or new approaches for preventing and responding to behavioral escalation in a supportive manner. Because many different variables can impact a student's behavior, input from caregivers is vital to understanding how to best address the student's needs. Input from caregivers is important for all students but is particularly important for those students who may have been learning remotely during the pandemic. In some instances, repeat behavioral incidents indicate that the student has a disability and needs an evaluation to determine eligibility for special education services.

For students with disabilities, IEP Teams must "consider the use of positive behavioral interventions and supports, and other strategies" in cases where the student's behavior interferes with their learning or the learning of others. *See* 34 C.F.R. §300.324(a)(2). The IEP Team, including the student's parent or guardian, should discuss the factors that may be impacting the student's behavior and learning, as well as strategies that help the student de-escalate and calm. It is critical for IEP Teams to hear from the student's parents, guardians, or other caregivers about

the student's experiences and strategies that may help the student spend more time learning with peers. During IEP Team meetings, schools must provide an interpreter for parents or guardians who have limited proficiency in English.

For students who already have IEPs, repeat behavioral incidents that impede a student's learning or that of others indicate that the IEP Team should reconvene to discuss whether new or different instruction, services, and behavioral supports and interventions are needed to ensure that the student with disabilities is receiving a free appropriate public education (FAPE) in the least restrictive environment.<sup>3</sup> An examination of data, such as through a functional behavioral assessment, may help the team identify the function of the student's disruptive behavior (e.g., avoidance of a specific class or activity) and, through the development of or updates to a behavioral intervention plan, implement strategies to increase desired behaviors (e.g., contributing to class discussions and activities).

## **II. Adopting Alternatives to Reduce or Eliminate the Use of Time-Out Rooms**

All students should have an equal opportunity to learn alongside their peers to allow them to gain valuable academic and social emotional skills, as well as increase their sense of connection to peers and the school community. Overuse or inappropriate use of time-out rooms deprives students of that opportunity and can lead to academic loss and cause trauma to the student.

Therefore, the Department **strongly recommends** that public schools, educational collaboratives, and approved private special education schools that use time-out rooms as a behavior support strategy actively consider and implement alternative approaches to reduce or eliminate the use of such rooms during the 2021-2022 school year. This work is particularly important at this time because many students have been traumatized by the isolation and reduced opportunities to interact with peers due to the COVID-19 pandemic. Providing students with maximum opportunities to learn alongside their peers will help them build important social and emotional skills. Depending upon the needs of the students they serve, some schools may be able to entirely eliminate the use of time-out rooms, and others may reduce their reliance on time-out rooms as a behavior support strategy over time.

The Department strongly encourages school administrators to work with the school community – including school psychologists, behavioral specialists, teachers, the Special Education Parent Advisory Council, and IEP Teams – to consider and begin implementing evidence-based strategies that can reduce the use of time-out rooms. For example, during the Department's listening sessions on this topic, stakeholders reported that providing students with regular opportunities to engage in physical activities, such as taking a walk or running, can significantly help students regulate their emotions and reduce the use of time-out rooms.

School administrators may want to create a list of strategies that may help students self-regulate and share them for input from families and students, as appropriate based on their age and needs. Having a list of easily adopted strategies will help facilitate conversations about behavioral

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<sup>3</sup> See e.g., Individuals with Disabilities Education Act, 20 U.S.C. §§ 1412(a)(1), 1400(d)(1)(A); G.L. c. 71B, §§ 1, 3.

support strategies that may be helpful for the individual student based on the student’s needs. These in-class strategies may include:

- Providing the student with regular opportunities for sensory breaks.
- Movement breaks.
- Using exercise balls, fidget toys, or other items that help the student calm.
- Encouraging the student to draw.
- Listening to calming music with headphones.
- Using breathing exercises.
- Journaling or writing.

Behavioral experts have explained that adults in the school, such as teachers, paraprofessionals, and coaches, play a key role in helping students develop self-regulation skills. In particular, behavioral experts emphasize the importance of “co-regulation,” where adults in the school community interact with students in a warm and responsive manner that provides the support, coaching, and modeling students need to “understand, express, and modulate their thoughts, feelings, and behavior.”<sup>4</sup> Effective co-regulation occurs when school personnel “pay attention to their own feelings and reactions during stressful interactions” and “use strategies to self-calm and respond” with compassion and empathy.<sup>5</sup> When school personnel respond calmly to a student, it helps keep the student’s “feelings from escalating and also models regulation skills.”<sup>6</sup>

Training in self-regulation and co-regulation skills can help school staff more effectively support the age-appropriate development of students.<sup>7</sup> The Department recommends that in addition to training, schools provide consistent support and supervision to school personnel who work with students whose behavior interferes with their learning or the learning of others. Such support and supervision are instrumental to helping school personnel manage their own feelings and continue to improve their skills. Licensed professionals, such as adjustment counselors or social workers, who are trained in trauma-informed approaches may be particularly helpful as a source of support for school personnel working with students whose behaviors interfere with learning.

After selecting alternative evidence-based behavior support strategies, schools should provide their staff with information, practical training, and coaching so they gain the requisite skills to implement the strategies in their classrooms. Various sources of funding may be available for training on evidence-based alternatives to use of time-out rooms, including federal, state, or local funds, such as [Title II Part A](#), [IDEA](#), and [ESSER](#) funds.

### **III. Important Safeguards if Using Time-Out Rooms**

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<sup>4</sup> Murray *et al.* (2015). Self-Regulation and Toxic Stress Report 1: Foundations for Understanding Self-Regulation from an Applied Perspective. U.S. Department of Health and Human Services: Office of Planning, Research and Evaluation, Administration for Children and Families, [OPRE Report # 2015-21](#).

<sup>5</sup> Rosanbalm, K.D. *et al.* (2017). Caregiver Co-regulation Across Development: A Practice Brief. U.S. Department of Health and Human Services: Office of Planning, Research and Evaluation, Administration for Children and Families, [OPRE Brief #2017-80](#).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 9.

In the limited instances where the use of time-out rooms is determined to be a necessary behavioral support strategy, such use must be consistent with the Department's regulations at [603 CMR 46.00](#). Approved special education schools must also comply with the relevant requirements in [603 CMR 18.00](#). Use of seclusion is prohibited in Massachusetts.<sup>8</sup>

**Before** the school uses a time-out room as a behavioral support strategy for a student with disabilities, the Department **strongly recommends** that the IEP Team, including the student's parents or guardians, carefully consider the advantages and disadvantages of such a behavioral support strategy for the specific student and any alternatives that may be effective for the student. For example, the IEP Team should consider a variety of factors, such as the age of the student, the individual needs of the student, the social and emotional impact on the student of being temporarily separated from peers, any history of trauma that may render use of a time-out room inadvisable or counter-productive for the student, and any alternative behavioral support strategies that have been or may be effective in helping the student calm.

For students without IEPs, such discussions should also occur between school personnel and the student's parents or guardians **before** the time-out room is used as a behavioral support strategy. A functional behavioral assessment may assist with selecting the appropriate behavior interventions for students with and without disabilities. The student's parents or guardians may want to discuss specific alternatives to use of a time-out room, see the time-out room, and ask questions about how it is used. The Department strongly encourages close collaboration between families and schools to help maximize the amount of time students spend learning with their peers.

While not every school uses time-out rooms, those that do should only use them in limited circumstances and must ensure that such rooms are "clean, safe, sanitary, and appropriate for calming" of students. *See* [603 CMR 46.02](#). When selecting the space that may serve as a time-out room, schools should carefully consider factors including the ability of the principal or other school administrators to provide adequate supervision and support to the school staff that use the time-out room with students. Such spaces should be sufficiently large to allow the student and the school staff helping the student calm move about the space comfortably. The Department expects that spaces such as closets, storage rooms, and copy rooms will not be used as time-out rooms. Spaces may look different depending on the ages and the needs of the students served, but all time-out rooms should have appropriate lighting and ventilation. It is recommended that time-out rooms have a comfortable and safe place for students to sit. For example, some schools use beanbag chairs and foam chairs. Additionally, some schools find that providing students with a choice of sensory tools (e.g., weighted blankets, exercise balls, sensory pillows, stress balls) or activities helps the students calm and rejoin the classroom faster. Any spaces and items used must be safe for the specific student, in good condition, and cleaned on a regular basis. For example, rooms with exposed wiring, uncovered electrical outlets, or grime and dirt on walls are not safe and sanitary. Schools should designate who and how often someone in the school will confirm that the time-out room and any items used in it are in good condition and clean.

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<sup>8</sup> The Department's regulations at [603 CMR 46.02](#) define seclusion as "involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02."

The Department expects that a school staff member will be physically present with the student in the time-out room to help the student calm. Staff should continue to engage the student, as appropriate, to reassure the student that there is an adult with them who cares about them and their well-being. When selecting staff that will accompany the student, consider which staff are most familiar with the student and the student's needs, and would be most effective at helping the student calm and return to the classroom. School staff providing support to the student while in the time-out room should be familiar with the school's policies and procedures relating to time-out and should have training on their use. If a student in the time-out room asks to use the bathroom or has some other basic necessity, those requests should be granted.

In the extremely rare instances when it might not be safe for the staff member to be present with the student in the time-out room, school staff must be immediately available to the student and must continuously observe the student to make sure they are safe. *See* [603 CMR 46.02](#). Staff should be helping the student calm and as needed, obtain additional support for the student, such as from the school's crisis intervention team, the mobile crisis team, or the student's parents or guardians. A school counselor or another behavioral support professional should also be immediately available to the student and provide support to the student as needed to help the student calm. A school staff member should be able to see the student in all parts of the time-out room. Being able to see the staff member may help the student know that caring adults are there to help and support them.

Overuse and inappropriate use of time-out rooms can have serious negative impacts on students' academic progress and social and emotional wellbeing. If it appears that the use of the time-out room exacerbates the student's behavior, or has not helped the student to calm, then other behavioral support strategies should be attempted. Time-out must end as soon as the student has calmed. [603 CMR 46.02](#). For any time-out that may last longer than 30 minutes, school staff must seek approval from the principal for the continued use of time-out. [603 CMR 46.04\(1\)\(j\)](#). The principal must carefully consider the individual circumstances, specifically whether the student continues to be agitated, to determine whether time-out beyond 30 minutes is appropriate. The principal may want to consult with the student's parents or guardians, the student's support team, the school psychologist, or other relevant school personnel when deciding whether time-out should be authorized for longer than 30 minutes.

In the limited instances that time-out rooms are used, it is important to collect, review, and analyze the data about their use. Such data should be kept in the same manner that your school maintains restraint data. Each time that a time-out room is used, the school should note the following information:

- Date
- Student's Name
- Time-Out Room Use Started (Time)
- Reasons for Use of Time-Out Room (E.g., Behavior Prior to Use)
- Person Initiating Use of Time-Out Room
- Alternative Behavioral Management Strategies Attempted Prior to Use of Time-out Room

- Name of Staff Calming and Observing the Student During Time-Out Room Use
- List of Strategies Used to Calm the Student During Time-Out Room Use
- Observations of the Student Response to Use of Time-Out Room
- Initials of Principal Authorizing Time-Out Over 30 Minutes and Reasons for Extension of Time
- Time-Out Room Use Ended (Time)
- Date and Time of Notice(s) to Parents or Guardians

An electronic version containing the above fields that schools can download and use is available on the Department's website at: <https://www.doe.mass.edu/sped/docs.html>. Day and residential special education schools operated by public or private entities and serving publicly funded students must follow the documentation requirements described in [603 CMR 18.05\(5\)\(i\)](#).

The Department **strongly recommends** schools promptly notify the student's parents or guardians of the use of the time-out room. Ideally, verbal notification should be provided to the parents or guardians before the student returns home from school or at the latest within 24 hours of the use of the time-out room, or as agreed upon with the parents or guardians. Written notification should be provided to the parents or guardians ideally within three school-working days, or as agreed upon with the parents or guardians. Prompt notification of parents and guardians facilitates transparency, family engagement, and collaborative problem solving to help the student. A sample parental notification form that may be used is attached to this memorandum. The notification must be translated for parents or guardians who have limited English proficiency.

Schools should also have protocols for de-briefing with the student after the use of time-out room as a behavior support strategy. Such protocols should address how, when, and with whom the student de-briefs. The opportunity to de-brief allows the student to provide insight into the underlying causes of the behaviors, helps the student identify their feelings, discuss what de-escalation strategies may work better for them in the future, and together identify strategies that might have helped avoid the situation. De-briefing also helps school staff identify what could have been done differently, develop strategies for addressing similar incidents in the future, and discuss ways to stay regulated in stressful situations.

The Department also **strongly recommends** principals review and analyze the time-out room data collected on a weekly basis, as they currently do for restraint data. Some factors that principals should consider when conducting the weekly review and analysis of the time-out room data include:

- whether the time-out room is being repeatedly used for the same student(s);
- whether the time-out room is being used for periods longer than 30 minutes;
- whether there are multiple uses of the time-out room for students from the same classroom;
- whether the same teachers or staff are repeatedly initiating the use of the time-out room;
- whether the time-out room is being used more frequently for students with particular demographics, such as race, gender, or ethnicity.



Depending on the results of the weekly review and analysis, the principal may convene one or more teams to discuss the student's individual needs, including how the use of time-out has impacted the student's behavior and social emotional wellbeing, as well as other interventions that may be more effective for the student. Similarly, the principal may consider whether school staff need re-training or additional training on evidence-based alternatives to the use of time-out rooms as a behavior support strategy.

The Department also **strongly recommends** that principals conduct a monthly analysis of data regarding school-wide use of time-out rooms to identify and address any patterns, such as high use with specific groups of students. To promote transparency and problem solving, superintendents should request that principals share their analysis with them and other key school personnel.

During the upcoming school year, the Department will continue to monitor the use of time-out rooms at schools that have them during scheduled monitoring reviews conducted by the Office of Approved Special Education Schools and the Office of Public School Monitoring.

For technical assistance relating to this advisory, public schools should send their inquiries to [PublicSchoolMonitoring@mass.gov](mailto:PublicSchoolMonitoring@mass.gov); educational collaboratives and approved private special education schools should send their inquiries to [OASES1@mass.gov](mailto:OASES1@mass.gov).

#### **IV. Additional State and Federal Resources**

The following resources may be helpful to school administrators as they consider efforts to create positive, engaging, culturally responsive learning environments, and maximize the amount of time students learn with their peers:

- Acceleration Roadmap resources, including professional development series: <https://www.doe.mass.edu/covid19/on-desktop/roadmap/>
- Culturally Responsive Teaching and Leading: <https://www.doe.mass.edu/instruction/culturally-responsive/>
- Massachusetts Comprehensive School Mental Health Systems: <https://www.doe.mass.edu/sfs/safety/coiin.html>
- Multi-Tiered Systems of Support (MTSS) page: <https://www.doe.mass.edu/sfss/mtss/>
- MTSS Academies: SY2021-2022: <https://www.doe.mass.edu/sfss/prof-dev/>
- Promoting Student Engagement, Learning, Wellbeing and Safety (Summer 2021): <https://www.doe.mass.edu/covid19/mental-health.html>.
- Safe and Supportive Schools Self-Reflection Tool: <http://sassma.org/>
- U.S. Department of Education, Restraint and Seclusion: Resource Document (May 2012), available at: <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.
- U.S. Department of Education, Dear Colleague Letter on Supporting Behavior of Students with Disabilities (Aug. 1, 2016): <https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>.



- U.S. Department of Education, Safer Schools and Campuses: Best Practices Clearinghouse: <https://bestpracticesclearinghouse.ed.gov/teacher-faculty-supports.html>.

## Attachment A: Sample Notification Form for Parents or Guardians

*Date*

*Parent's or Guardian's Name*

*Parent's or Guardian's Address*

Dear [*Parent's or Guardian's Name*]:

As we discussed on [*date*], [*Student's Name*] engaged in the following behavior: [*description of behavior triggering use of time-out room*] on [*date*]. We attempted the following behavior support strategies: [*description of alternatives to time-out room use*]. When these attempts did not succeed, we sent [*Student's Name*] to the time-out room [*or whatever name is used by the school*] for a period of [*number*] minutes. The student was accompanied by [*name(s)*], who helped the student calm. [*Discuss any follow-up, de-brief, or other actions. For example, when there is repeated use of the time-out room for the same student, invite the parent or guardian to meet and discuss alternative strategies to help the student maximize the amount of time spent learning with peers*].

Please contact [*name and contact information*] if you have any questions or need any additional information.

Sincerely,

*Name*

*Title*