

AMHERST, PELHAM, & AMHERST-PELHAM REGIONAL SCHOOL DISTRICTS



OFFICE OF THE SUPERINTENDENT

E. Xiomara Herman, Ed.D.

"Dr. Xi"

Superintendent of Schools



Tonya McIntyre
*Executive Director of Student
Academic Success*

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Advocacy & Student Well-Being*

August 19, 2026

Greetings, Amherst, Pelham, and Amherst-Pelham Regional Public Schools Community,

Today, the District is releasing the redacted independent investigative report regarding concerns raised by the Special Education Parent Advisory Council about restraint, seclusion, and time-out policies and practices in our elementary schools. The report has been redacted to protect the privacy of the students, families, and staff involved.

When these concerns were raised, the District took them seriously. We retained an independent investigator to review our policies, training, reporting procedures, documentation, and practices. The investigation included a review of District records and training materials, as well as interviews with staff members, SEPAC representatives, and participating caregivers.

The investigator found that:

- The District's policies and documented practices complied with state regulations.
- Staff training focuses on prevention, trauma-informed practices, and de-escalation.
- Restraint was documented as an emergency response to serious safety concerns and not as a form of punishment or discipline.
- District reporting practices met state requirements.
- Caregivers were generally notified on the same day that a restraint occurred.
- District records showed consistent efforts to use less restrictive interventions before restraint or time-out was considered.

These findings are important, but they do not mean that our work is done.

We recognize that restraint and time-out experiences can have a significant and lasting impact on children and their families. Compliance must be the starting point, not the end of our responsibility. We must continue listening, reflecting, and strengthening the ways we support students before they reach a point of crisis.

Massachusetts' amended restraint regulations took effect on August 17, 2026. The District will continue reviewing our policies, procedures, training, documentation, and learning spaces to ensure that our practices remain aligned with these requirements. We will also continue focusing on prevention, reviewing our data, communicating with caregivers, and identifying additional supports that may help reduce the need for emergency interventions.

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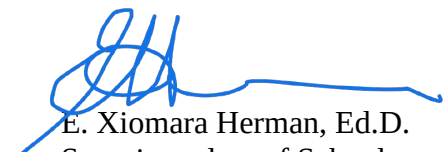
I want to thank SEPAC and the caregivers who raised these concerns and shared their experiences. We take all concerns and complaints seriously. Families should feel comfortable bringing concerns forward and confident that they will be heard, reviewed, and addressed with care.

We are growing as a District. Growth requires us to acknowledge what is working and to be honest about where we can improve. It also requires us to listen, learn, and remain open to doing things differently when it is in the best interest of our students.

If any parent or caregiver has concerns about their child's experience or the District's restraint, time-out, or behavioral support practices, please contact your child's principal or the Office of the Superintendent. We are here to listen and support you.

Thank you for your continued partnership and for helping us create schools where every student feels safe, supported, and treated with dignity.

Sincerely,



E. Xiomara Herman, Ed.D.
Superintendent of Schools

AMHERST-PELHAM REGIONAL SCHOOL DISTRICT
CONFIDENTIAL INVESTIGATION REPORT

SEPAC CONCERNS REGARDING RESTRAINT
AND SECLUSION POLICIES & PRACTICES

To: Jennifer A. Ortiz, Executive Director of Strategy and Human Resources

From: Jeffrey M. Sankey, Investigator

Re: Report of Investigation

Date: July 21, 2026

I. BACKGROUND

On February 16, 2026, the Superintendent and members of the School Committee of the Amherst-Pelham Regional School District (the “District”) received correspondence from the District’s Special Education Parent Advisory Council (“SEPAC”) which raised concerns about the restraint and seclusion policies and practices within the District. The SEPAC’s correspondence was written in anticipation of upcoming changes in state-wide restraint and seclusion policies, and it was submitted for the purpose of “humanizing the policies and practices that have been in place and to help inform the revisions you are about to make.” In this correspondence, the SEPAC made the following recommendations:

- “A lens shift,” meaning that the focus of the District’s restraint and seclusion policy should be on emotional and physical safety of students rather than compliance;
- “Training and Prevention” focused on preventing dysregulation rather than de-escalation strategies;

- Creation of a working group or sub-committee to address revisions in the restraint and seclusion policies and procedures, as well as the design of time-out and seclusion spaces;
- Improved data collection and accountability, including notification to caregivers on the same day as the seclusion or restraint;
- Increased oversight of building administrators by Central Office staff;
- One-way mirrors and/or cameras and two-person monitoring during seclusion and restraint;
- On-going re-evaluation of approaches and interventions after each restraint;
- Re-evaluation of the design of rooms used for seclusion or restraints; and
- A strong budgetary commitment for special education and behavioral health staff.

Within this correspondence, the SEPAC submitted anonymous accounts from the parents of seven elementary school students regarding their experiences involving incidents where restraints and seclusion were allegedly used.¹

II. PROCEDURAL HISTORY

Date	Event
2/16/26	SEPAC submission of letter of concern to School Committee and Superintendent Herman

¹ While the SEPAC's letter identified each Caregiver only by a number, school staff were able to identify each student through the description provided in the SEPAC summary. However, in order to respect the parents' interest in anonymity, I will address each of these complaints in separate appendices to this report, identifying them only by the number assigned by SEPAC. However, as explained to the SEPAC representatives and those parents who chose to speak with me, I will provide a key that will identify the Caregivers to the senior school administrators within the District who will review this report.

2/27/26	Superintendent Herman informs SEPAC of intention to investigate allegations
3/3/26	Investigator retained to conduct independent investigation ²
4/1/26	Investigator interviews of staff ([REDACTED] [REDACTED] [REDACTED])
4/17/26	Investigator notified by SEPAC that some Caregivers desire to participate in an interview
4/28/26	Investigator meeting with SEPAC representatives
4/30/26	SEPAC requests second meeting; investigator requests any meetings with parents be completed by 5/8/26
5/7/26	*Investigator second meeting with SEPAC representatives *Investigator interview of Caregiver #2 *School Committee provides investigator's contact information to public during meeting focused on restraint policy; SEPAC requests investigator to extend deadline for interviews to 5/15/26; request granted by investigator ³
5/26/26	Investigator interview of Caregiver #6
6/3/26	Investigator interview of Caregiver #4

III. MEETING WITH SEPAC REPRESENTATIVES

I met with SEPAC representatives on April 28, 2026 and May 7, 2026. During these meetings, the representatives expanded upon their concerns as

² Based upon the assertions in the SEPAC letter, the focus of this investigation was limited to elementary schools in the District, particularly Fort River and Wildwood Elementary Schools. The investigation did not include Crocker or Pelham Elementary Schools because there were no reported restraints in the 2024-25 schools year through March 2026.

³ Only Caregivers 2,4 and 6 requested to participate in interviews with me during this investigation. I was not contacted by any other Caregivers or any other parents in response to the School Committee's notice of my availability to speak with parents.

set forth in the SEPAC letter to school administrators. They explained that the purpose of the letter was to present the experiences of parents “about restraints and seclusion” in the District, and to use these experiences as a means to get better policies in place.⁴ They emphasized that this investigation into the parents’ experiences was neither intended nor requested.

The group emphasized that their concerns were centered on the use of “time-out” rooms, specifically regarding the amount of time that was spent in the rooms and the belief that parents were not given information when their children were in the rooms. They questioned whether there were adequate policies relating to the use of “time-out” rooms.

The group also expressed concern about “the subjective nature of the decision” whether a student is calm enough to leave the time-out room, and whether the demand for compliance by the student causes the dysregulation to continue. They wanted information about the training that was provided regarding dysregulation techniques. They also indicated concern about their belief that the use of restraints had increased between August 2025 and January 2026.

IV. POLICIES AND REGULATIONS

Prior to discussing the SEPAC’s concerns and reviewing the District’s use of restraints and time-outs, it is useful to first review the regulations, policies and procedures that govern the use of restraints and time-outs in Massachusetts and in the District.

1. Massachusetts Regulations

⁴ Based upon a careful review of the letter, as well as consideration of the SEPAC representatives’ comments to me during two meetings, it appears that the representatives’ concerns are primarily focused on “time-out” practices within the District more so than on the use of restraints. When the SEPAC refers to “seclusion” policies, I interpret the term to mean “time out” policies since, as discussed in the following section, seclusion of a student is unlawful under Massachusetts regulations.

At all times relevant to this investigation, the use of physical restraints in Massachusetts was governed under the provisions of 603 CMR 46.00. A copy of this regulation is attached as **Exhibit 1**. This regulation was adopted on January 1, 2016 and currently remains in effect until August 17, 2026.⁵

In pertinent part, this regulation provides as follows:

Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

The regulation prohibits the use of seclusion in public education programs. Seclusion is defined as “the 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. Under that provision, a “time-out” is defined 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. 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.

⁵ On June 24, 2025, amended regulations were adopted, to become effective on August 17, 2026.

The regulation provides specific directives regarding the use of physical restraints, defined as “direct physical contact that prevents or significantly restricts a student's freedom of movement.” 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. A “physical escort” means “a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.”

Further discussing the use of physical restraints, the regulation provides that “physical restraint:

shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when 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 verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

The regulations specifies that physical restraints may not be used:

- (a) as a means of discipline or punishment;
- (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
- (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

In regard to the administration of physical restraints, the regulations establish the following requirements:

- (1) Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint.
- (2) A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- (3) A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5).⁶
- (4) All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

As pertinent to this investigation, the regulations require school districts to provide annual training to all staff regarding the District's restraint policy, including interventions and de-escalation strategies to preclude the need for restraint. Staff members who are authorized to assist in

⁶ Among other things, Section 46.05 specifies that the principal must approve any restraint lasting more than 20 minutes, and that staff must "review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student." After the student is released from the restraint, this section also requires follow-up procedures, including "reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

administering physical restraint are required to participate in annual in-depth training.

The regulations further require that the District develop and implement written procedures that include, among other things, “making reasonable efforts to orally notify a parent of the use of restraint on a student within 24 hours of the restraint, and sending written notification to the parent within three school working days following the use of restraint to an email address provided by the parent for the purpose of communicating about the student, or by regular mail to the parent postmarked within three school working days of the restraint.”

The regulations specify detailed reporting requirements following the use of restraints. These include:

- (1) Reporting the use and circumstances for all physical restraints.
- (2) Verbally informing the principal of the use of a physical restraint as soon as possible, followed by a written report no later than the next school day.
- (3) The principal shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report within three school working days.
- (4) The report must include (1) the name of the student restrained and the names of the staff involved in the restraint; (2) a description of the activity that the student was involved in prior to the restraint, the behavior that prompted the restraint, the efforts used to prevent escalation of the behavior, the alternatives to restraint that were attempted, and the justification for the restraint; (3) a description of the administration of the restraint; and (4) a description of any further action taken by the school.

2. Former District Policy

Previous to the current policy, the District adopted a Physical Restraint and Behavior Support Policy (Policy JKAA) on June 14, 2016. This policy was revised on September 13, 2022. This is the policy that was in effect

through December 23, 2025 when it was again revised. A copy of this policy, as revised on September 13, 2022, is attached as **Exhibit 2**.

I have reviewed this policy and find that it was consistent with the provisions of 603 CMR 46.00, except that it did not specifically reference the reporting requirements set forth in Section 46.06 within the policy. However, it did cite to this authority within the report.⁷

In addition to referencing the definitions and procedures required under the regulations, the District adopted several District-specific procedures which are relevant to this investigation. These provisions relate to prevention and de-escalation of behaviors and alternatives to restraint:

Methods for preventing student violence, self-injurious behavior, and suicide shall include instruction on social emotional learning, Tier 2 and Tier 3 instruction and intervention, when needed as well as de-escalation techniques. Mental health team personnel shall have training and expertise to help students learn the skills to regulate their feelings and behavior. Each building shall have personnel trained and certified in Safety Care techniques or similar crisis intervention training program.

Physical restraint shall not be used unless the following, less intrusive behavior interventions and supports have been unsuccessful or deemed inappropriate by school staff:

- Positive behavioral interventions
- Verbal redirection
- Verbal directive to cease behavior
- Opportunity for a break
- De-escalation techniques
- Loss of earned tokens/rewards/privileges
- Opportunity for time-out
- Physical escort to a separate space for time-out

3. Current District Policy

⁷ Regardless of whether the District included the reporting requirements in its own policy, it was bound to follow the procedures set forth in 603 CMR 46.06.

The District last revised its Physical Restraint and Behavior Support Plan on December 23, 2025. (Policy JKAA). A copy of this policy is attached as **Exhibit 3**. This revision added the reporting requirements set forth in 603 CMR 46.06 as discussed above. I have reviewed this policy and find that it complies with the requirements of the regulations.

V. CONDUCT OF THE INVESTIGATION

1. Interviews

During the course of this investigation, I interviewed the following persons:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- Caregivers 2, 4 and 6

2. Documents

I reviewed and considered the following documents which I found relevant to my determinations:

- SEPAC Letter dated 2/26/26
- Power point Training Presentations [REDACTED]
[REDACTED]
- Restraint and Time-Out Room Records for Fort River and Wildwood Elementary Schools for 2024-25 and 2056-26 school years

VI. REVIEW OF FORMS AND DATA

1. Forms

I have reviewed the forms used by the school to record and report the use of restraints and the use of the “time-out room.” The restraint form is in compliance with 603 CMR 46.00 and includes a description of the underlying behavior, the reason for the restraint, the alternative de-escalation strategies attempted, the type of restraint used, the duration of the restraint, the personnel involved in the restraint and information about reporting to caregivers.

Similarly, the “time-out room log” provides information regarding the identity of the student given a time-out, the reason for the use of the time-out room, the alternative behavioral management strategies attempted prior to the use of the time-out room, the duration of the time-out, and the personnel involved. This “log” is not required under the current regulations, but reflects good practice.

I have reviewed the restraint reports and time-out logs provided by the schools. These documents substantiate material compliance with regulations and, relative to the SEPAC concerns, reflect consistent ingrained policies and consistent efforts to prevent and de-escalate behaviors prior to the use of restrictive restraints and time-outs. The records also demonstrate compliance with parental reporting requirements.

I found no instances in which either restraints or staff-imposed time-outs were used for an improper purpose (i.e. discipline, punishment, property destruction or mere disruption). I found that restraints were prompted by safety concerns for the student, staff or peers as a result of aggressive behaviors or to prevent elopement. In some cases, the records reflect that students self-referred themselves to the time-out rooms for calming or other appropriate purposes. The requirements relating to staff-imposed time-outs would not apply in these situations (i.e. alternative behavioral management techniques would not be required).

2. Restraint Data

I have reviewed a compilation of information regarding restraints used during the 2024-25 and 2025-26 school year through March 2026 at Fort River and Wildwood Elementary Schools. The schools also provided access to each restraint report for individual students during the 2024-25 and 2025-26 school years.

During the 2024-25 school year, the data indicates that restraints were used on 24 occasions at Fort River Elementary School, and on 39 occasions at Wildwood Elementary School. Of the 24 restraints used at Fort River, they involved 8 students: one student was restrained 6 times; three students were restrained 4 times each; one was restrained 3 times; and three were restrained 1 time each. At Wildwood, of the 39 restraints, they involved 7 students, one who was restrained 22 times, one was restrained 7 times; one was restrained 6 times; and four were restrained 1 time each. The reports detail attempts at de-escalation in each case prior to the restraint. Of the 63 reported restraints, the predominant duration of the restraints was less than 5 minutes, with 21 being only 1 minute. Only 5 restraints were 10 minutes or longer, with the longest being 15 minutes due to escalating behaviors. The restraints were applied by trained staff, with an observer in each case. The reasons for the restraints fell within the permissible justifications; that is aggression toward staff and/or peers, serious self-harming behaviors and eloping. Review of the reports indicated parental notice on the same day as the restraint on 61 of the 63 occasions. For the other two restraints, parental reporting was on the following day.

During the 2025-26 school year through March 2026, the data indicates that restraints were used on 22 occasions at Fort River Elementary School, and on 13 occasions at Wildwood Elementary School. Of the 22 restraints used at Fort River, they involved 5 students: one student was restrained 7 times; two students were restrained 6 times each; one was restrained 2 times; and one was restrained 1 time. At Wildwood, of the 13 restraints, they involved 5 students, one who was restrained 4 times, two

were restrained three times each; one was restrained 2 times; and one was restrained 1 time. The reports detail attempts at de-escalation in each case prior to the restraint. Of the 35 reported restraints, the predominant duration (25 of 35) of the restraints was less than 5 minutes, with 8 being only 1 minute. Three restraints were lengthy, one of 25 minutes and two of 27 minutes using a variety of holds due to escalating behaviors. The restraints were applied by trained staff, with an observer in each case. The reasons for the restraints fell within the permissible justifications; that is aggression toward staff and/or peers, serious self-harming behaviors and eloping. Review of the report indicated parental notice on the same day as the restraint on 21 of the 22 occasions. For one restraint, parental reporting was two days later.

Because the data reflects restraints over one full school year (2024-25) and only through March 2026 of the current school year, a comparison between the number of restraints used between the school years cannot be computed. However, extrapolation of the data would suggest that restraints have declined, from 63 last year to 35 through the first seven months of the current school year. Moreover, in my opinion, where the number of restraints is largely reflective of the behavioral profiles of individual students rather than school practices, I do not find that a comparison provides persuasive information regarding the impact of school policies.

VII. OTHER EVIDENCE

In order to best address all of the SEPAC's concerns, I have divided this section of the report into three distinct categories: Training, Reporting; and Compliance with Restraint and Time-Out Procedures.

1. Training

[REDACTED] [REDACTED] duties include coordinating and providing training to staff. [REDACTED] [REDACTED] This credential required

completion of an initial three-day training program with annual one-day recertification. [REDACTED] stated that approximately twenty staff members have completed training at Fort River Elementary School, attending an annual six-hour training session and completion of competencies and a written test.

The training provided by [REDACTED] covers physical management techniques for use when restraints are required. [REDACTED] explained that staff are trained that restraints are to be used only when there is physical aggression directed toward others; the risk of harm is imminent; there is no other way to prevent the harm; and the risk of not intervening is greater than the potential impact from intervening. [REDACTED] stated that the focus of the training is on prevention of student dysregulation. [REDACTED] explained that seven of the eight chapters that are covered in training are focused on prevention of dysregulated behaviors, with only one chapter devoted to restraint techniques. [REDACTED] provided me with multiple Power Point presentations regarding training provided to staff over the past decade in the areas of safety care, de-escalation and trauma informed practices. I have reviewed the restraint curriculum and find that it is indeed primarily focused on prevention of behavioral dysregulation.

[REDACTED]
[REDACTED] explained that the Safety Care curriculum is focused on preventative strategies and alternatives to physical restraints. Like [REDACTED] emphasized that only one chapter of the training addresses behavioral management. [REDACTED] also provided me with Power Point presentations delivered to staff since October 2024 on the subjects of verbal de-escalation techniques and behavior management training. I also reviewed these materials and find that they are designed to provide staff with strategies to prevent behaviors that, if unchecked, could accelerate to require time-outs and restraints.

so-called “blue room” for time-outs as a last resort when de-escalation is not successful. [REDACTED] said that the student remains in the room only until the behavior is regulated. [REDACTED] said that [REDACTED] administrative team meets weekly to discuss time-outs, restraints and student behavioral concerns.

[REDACTED] explained that when the “blue room” is used at Fort River Elementary School, the student is never secluded. One staff member is always present with the student, but the staff member may be positioned outside of the room depending on the situation, i.e., when it is unsafe for the staff member to be in the room. When the staff member is outside the room, the student must always be in sight. [REDACTED] said that staff can see into the room by looking through a window or over a low mat placed in the doorway. There are mirrors that show the corners of the room. [REDACTED] advised that staff are trained to attempt to help the student de-escalate the behavior while inside the room. The student may remain in the “blue room” for no more than thirty minutes without administrative approval.

At Wildwood Elementary School, [REDACTED] said that there is a room, called “Oasis,” which students sometimes voluntarily use as a place “to calm down.” On occasions when a student is unsafe, the student may be directed to OASIS or, only in extreme instances where there is significant aggression that causes safety concerns, a student may be restrained and escorted to the room. [REDACTED] stated that there is no door to the room. When necessary for protection, a mat may be placed across the lower portion of the doorway. There are mirrors in the corners to allow full observation of the room, and a staff member is always present observing the student.

[REDACTED] further explained that when a student becomes dysregulated in the building, the teacher requests an on-call team of trained staff to respond to assist. This team consists of building administrators, counselors, BCBAs, therapists and trained paraeducators. Upon responding, the team’s focus is on de-escalating the behaviors. Only as a last resort when

de-escalation techniques are not successful, [REDACTED] said that the student may be restrained and/or escorted to OASIS. [REDACTED] emphasized that the team is trained to always use the least restrictive means to address the behavior.

[REDACTED] reported that, consistent with state regulations and school policies, restraints are used at Wildwood Elementary School “only for extreme situations involving safety” by trained personnel. As noted above, [REDACTED] explained that as part of the Social Emotional curriculum, school staff are trained to use “Trauma Informed” practices to prevent behavioral dysregulation and the use of restraints. The school uses de-escalation techniques, i.e., weighted blankets and deep breathing, to address behaviors when they first emerge.

[REDACTED] reported that the OASIS room is primarily used as a “time out” room by students of their own volition to “take a break.” When students are in the room, [REDACTED] advised that an adult is always present in the room except, when there are safety concerns, the adult may observe the student from the doorway separated by a low mat if necessary. [REDACTED] emphasized that OASIS is used only as “a last resort” when the student is unsafe. [REDACTED] said that it “is never used for punishment.” The school maintains a “time out log” to record use of the room, and parents are always notified when a time-out is required. [REDACTED] informed me that [REDACTED] staff meets weekly to review time-outs, restraints, and student behavioral concerns and to consider alternate means to address these issues.

VIII. AMENDED REGULATIONS EFFECTIVE AUGUST 17, 2026

In making recommendations in this case, I have considered that on June 24, 2025, DESE amended 603 CMR 46.00, the “Prevention of Physical Restraint and Requirements If Used” regulations. **Exhibit 4.** These regulations will become effective on August 17, 2026 and will impact the District’s practices primarily regarding the use of “time-outs.”

Under these amended regulations, the definitions of “seclusion” and “time-out” have been amended as follows:

“Seclusion” shall mean 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.

“Time-out” shall mean 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 in an unlocked setting from which the student is permitted to leave. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed.

The regulations specify requirements for time-out rooms, including that the room be appropriate for the purpose of calming the student served, including but not limited to being of appropriate size for the age and the needs of the student.

The regulations continue to provide that seclusion is prohibited, except in an emergency situation as a last resort on an individual student basis, where a student’s behavior poses an imminent threat of assault, or imminent serious physical harm to self or others, but only if, among other things:

- * the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;

- * the student is not responsive to directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances;

- * other forms of interventions have failed to ensure the safety of the student and/or the safety of others;

- * there is psychological or behavioral justification for the use and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;

- * at all times during the emergency, a staff member is continuously and actively monitoring and observing the student and is immediately available to the student;

- * the student is observable in all parts of the room or area being used;

- * the staff member is continuing to use de-escalation and calming strategies with the student unless it is unsafe or counterproductive for the purposes of calming the student;

- * it is not 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 of assault, or imminent serious physical harm to self or others;

- * it is used only in an emergency situation of last resort and its use ceases as soon as the student's behavior no longer poses a threat of assault or immediate serious physical harm to the student or others, or if the student is observed to be in severe distress, such as having difficulty breathing.

Following instances in which restraints or emergency interventions are used, the principal must conduct a weekly review of data to identify students who have been restrained or subject to emergency interventions on multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to

assess each student's progress and needs. The assessment shall include at least the following:

(a) review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;

(b) an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;

(c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future; and

(d) agreement on a written plan of action by the program.

IX. FINDINGS AND RECOMMENDATIONS

In forming my conclusions in this matter, I have carefully considered and agree with the SEPAC's statement that "restraint and seclusion policies and practices have a profound impact on children that can last for years, or a lifetime." Experts and mental health organizations agree that restraint and seclusion are traumatizing and can cause lasting emotional harm, including anxiety, depression, and post-traumatic stress disorder (PTSD). Children may develop fear of school, distrust of authority, and reduced willingness to engage in learning. Research substantiates that students with disabilities, children with social-emotional or mental health challenges, and students of color are overrepresented in restraint and seclusion incidents. Moreover, there is no evidence that these practices effectively reduce problematic behaviors; in many cases, they worsen them. Reflective of these concerns, the recently amended restraint regulations in Massachusetts specifically require school districts to include "instruction regarding the impact of physical

restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological and social-emotional effects.

On the other hand, it is indisputable that some student behaviors are so aggressive and/or dysregulated that they create emergency situations of last resort, that is, situations in which less intrusive alternatives have failed, making restraints or emergency interventions necessary to protect a student and/or a member of the school community from assault or imminent, serious, physical harm. To my knowledge, those entities that oppose restraints have not proposed any workable alternative that would serve to address the safety concerns encountered by schools without using some restrictive measures. While schools may possibly lessen the need for restraints and time-outs through preemptive therapeutic and other interventions designed to reduce behaviors, the reality is that safety concerns arising from student behaviors will never be completely eliminated and schools must be prepared to respond to safety-related emergencies as they occur.

Based upon my review in this case, I conclude that the District, through both its policies and practices, has appropriately balanced the competing interests of reducing dysregulated behaviors and minimizing the effect of restraints on students with its obligation to provide a safe educational environment for students and staff. As suggested by SEPAC, I do not find that the District's policies and practices are focused on behavioral compliance at the expense of students' emotional and physical safety. Instead, I find that the District's training has suitability focused on strategies designed to prevent escalating behaviors from occurring and, when behaviors nonetheless do occur, staff members have attempted to use de-escalation techniques before resorting to restraints or time-outs.

I do not have any recommendations regarding the District's training or its reporting practices, both of which aptly comply with state regulations. Both my review of training materials and my interviews of staff convince me

that the District is appropriately focused on preventing behavioral dysregulation, and not only on de-escalation of behaviors. I also find that the District's restraint report template addresses all required areas, and my review of multitudinous reports shows that, in practice, adequate information is provided to parents.⁸

The remainder of the SEPAC recommendations – creation of a working group to discuss policy procedures and time-out spaces, increased oversight of building administrators, one-way mirrors and cameras in time-out rooms, redesign of the reflection room in Amethyst Elementary School, and a stronger budgetary commitment to special education and behavioral health – are all policy decisions that may be considered by the School Committee. That said, my investigation did not reveal any concerns that would make implementation of these recommendations imperative. Naturally, increased public discourse and increased funding would make any aspect of the restraint practices more effective. However, it falls to the School Committee to determine whether it is necessary. That said, my investigation did not reveal any reason, in my opinion, to suggest that more oversight of building administrators is necessary in the areas of restraints and time-outs.

In summary, I conclude that upon modification of its policies to comply with the new state regulations, and by continuing to follow its current training, reporting and intervention practices, the District will remain in compliance with all restraint and time-out regulations.

⁸ I also note that with the adoption of new amendments to DESE's regulations, the District will now be required to place more emphasis on the manner in which time-outs are used and evaluated, which will address other SEPAC concerns.