

‘Unacceptable and horrific’: Questions remain after 3-year-old Boston preschooler was restrained in chair

By [James Vaznis](#) Globe Staff, Updated March 7, 2024, 4:56 p.m.



Anacelia Cuevas is seeking answers to why her 3-year-old son was strapped to a chair at the James F. Condon K-8 School last month. JESSICA RINALDI/GLOBE STAFF

Massachusetts regulations only allow public school employees to restrain students with their bodies, usually their arms, to prevent students from imminently harming themselves or others, raising significant questions about why a 3-year-old Boston student was recently strapped to a chair with nylon straps and duct tape.

The [incident at the Condon K-8 School](#) in South Boston on Valentine's Day involving a student with disabilities highlights ongoing concerns among education advocates and parents about whether Massachusetts public school teachers and other staffers restrain students too frequently and whether they do it improperly.

During the last school year, employees in the state's public schools and private special education programs restrained 3,822 students a total of 29,215 times, resulting in 939 injuries to students or staff. The number of injuries, which can be a sign of improper training, was the highest on record since the state began collecting the data during the 2016-17 school year.

The data, along with last month's restraining of the 3-year-old, whose mother says is showing symptoms of autism spectrum disorder, indicates the state Department of Elementary and Secondary Education needs to do a better job monitoring districts for compliance and may also need to tighten regulations on training, said Ellen Chambers, founder of SPEDWatch, a Massachusetts advocacy watchdog group.

"I don't think any 3-year-old would be inflicting assault or imminent harm," Chambers said. "It's very common for [autistic] kids to wind up in this situation because school districts don't understand autism."

Public school employees may need to restrain students, including forcefully holding them in place with one's arms, to break up a fight. Placing a student face down on the ground or against another surface should only be done in extremely rare situations, such as when a student has a documented history of repeatedly causing serious self-injuries or physical harm to other students and staff.

Boston Public Schools has launched an investigation into the Condon incident and has placed multiple employees on leave. The Department of Children and Families also is conducting a probe. Anacelia Cuevas, the 3-year-old's mother, said she only found out about her son being restrained when the state agency reached out to her about two weeks after the incident. Her son, she has said, is "basically nonverbal."

Under state rules, public schools must notify parents orally within 24 hours of a restraint and in writing within three school days.

“The recent incident at the Condon goes against our values and our explicitly stated policies on student physical restraint, and we remain in direct contact with our student’s family to ensure they have the support they need moving forward,” Superintendent Mary Skipper said in a statement Wednesday.

The potential missteps at Condon are emerging as [the US Department of Education is investigating](#) districts across Massachusetts and the state education agency for noncompliance with laws aimed at protecting students with disabilities. About 30 percent of the nearly 600 students at Condon receive special education services, including more than half of its preschoolers, according to state data.

The state has struggled to devise the right approach when it comes to restraining students, especially those with disabilities.

“Students with disabilities are especially vulnerable to experiencing assault by school personnel, particularly those who lack the training to positively support the child’s disability-related needs,” said Pam Nourse, executive director of the Federation for Children with Special Needs, a national advocacy organization based in Boston that works with families, emphasizing that restraint can almost always be avoided.

“Any restraint, even one that is done properly, is very traumatic to the child, and particularly to a young child,” she said, calling the Condon incident “unacceptable and horrific.”

If parents suspect their child’s rights were violated and protocols were not followed during a restraint, she said, they should request an emergency meeting with the school, file complaints with state or federal agencies, or contact local police. Parents also may want to obtain legal counsel to pursue any of those actions.

The state education board revamped regulations a decade ago on how and when to restrain students in an attempt to address ongoing concerns around improper and unnecessary use of restraints. That's when the state banned public schools from using mechanical restraints — devices or equipment that restricts a student's freedom of movement. The latter can include strapping to a classroom chair.

The regulations, however, do allow for “adaptive devices,” which are specifically designed to help a student “achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices.” Such equipment can include wheelchairs.

At Condon, a staff member fastened nylon straps to a chair using duct tape, according to BPS spokesperson Max Baker, noting it worked like a seat belt.

Mayor Michelle Wu, during an appearance Wednesday on the [“Java With Jimmy” program](#), said she didn't want to “jump to conclusions, but it seems like there may have been a breach of existing policy” when the Condon student was strapped to the chair.

“There's a whole process to really check and clarify and look from all angles to see what happened,” Wu said.

But several education advocates believe the Condon educators crossed a legal line.

“Keeping a student in a chair by using duct tape and straps would be clearly prohibited by current state regulations,” said Tim Sindelar, senior attorney at the EdLaw Project, an initiative between the Youth Advocacy Foundation and the Committee for Public Counsel Services, Children & Family Law and Youth Advocacy Divisions.

All public school employees who work with students are required to be trained on how and when to restrain students during the first month of the school year or, if they are hired after that, within a month of starting, according to state regulations.

The administration of a physical restraint should be observed whenever possible by at least one other adult not participating in the emergency situation to ensure it is being done correctly, the regulations say. Such restraints should be terminated as soon as the student no longer presents a risk of harm or danger. Any restraint longer than 20 minutes requires approval from a principal.

BPS employees restrained at least 100 students at more than 30 schools during the last school year, resulting in at least 195 restraints in total, according to a Globe analysis of state data. The numbers could be higher; state data suppresses tallies for schools that had between one and six incidents. [The Globe's calculations counted each of those schools as a single incident.]

BPS was not able to provide information about whether all employees who work with students at its 119 schools had received training this school year on restraints. BPS administers the training online and employees are supposed to take it at their convenience during the first month of school, Baker said.

Part of the district's investigation at Condon will examine whether all employees there were trained, Baker said. He did not know if BPS would expand that aspect of the investigation to all schools.

"We are still in the midst of getting to the bottom of what happened," Baker said.

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