



School Districts' Progress in Reducing the Use of Restrictive Procedures in Minnesota Schools

Report to the Legislature

As required by Minnesota Statutes 2022, section 125A.0942

For more information:

Sara V. Winter
Division of Assistance and Compliance
Minnesota Department of Education
400 NE Stinson Blvd.
Minneapolis, MN 55413
(651) 582-8237
sara.winter@state.mn.us
education.mn.gov

As requested by Minnesota Statutes 2022, section 3.197: This report cost approximately \$20,000 to prepare, including staff time, printing, and mailing expenses.

Upon request, this material will be made available in an alternative format such as large print, braille or audio recording. Printed on recycled paper.

Table of Contents

For more information:.....	2
Legislative Charge.....	4
Introduction.....	4
Analysis.....	6
Conclusion	14
Appendix A – List of Restrictive Procedures Workgroup Participants	16
Appendix B – February 2021 Two-Year Statewide Plan: Progress and Legislative Recommendations	17
Appendix C – Data on School Districts’ Progress on Reducing the Use of Restrictive Procedures and Eliminating Seclusion During the 2021-22 School Year.....	24
Appendix D – Strategies and Resources for School Districts to Reduce the use of Restrictive Procedures, Eliminate Seclusion and Address Disproportionalities in the Use of Restrictive Procedures (2021-22 school year).....	44
Appendix E – February 2023 Two-Year Statewide Plan	58

Legislative Charge

In accordance with Minnesota Statutes 2022, section 125A.0942, subdivision 3(b):

By February 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures, and the commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-17 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the Minnesota Department of Education (MDE) by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to MDE for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

The 2021-22 Restrictive Procedures Stakeholders' Workgroup (workgroup) included representation from the following legislatively mandated participants: advocacy organizations, special education directors, teachers, intermediate school districts, school boards, county social services, state human services department staff, mental health professionals, and autism experts.

A list of workgroup participants may be found in Appendix A of this report.

Introduction

To govern the use of restrictive procedures for children with disabilities, Minnesota's restrictive procedures legislation – Minnesota Statutes, sections 125A.094, 125A.0941, and 125A.0942 – were initially passed in 2009 and made effective in 2011. In 2013, following subsequent statutory revisions, the Legislature tasked MDE and interested stakeholders with developing a statewide plan to reduce districts' use of restrictive procedures, which as of 2013, must include “specific measurable implementation and outcome goals for reducing the use of restrictive procedures”¹ along with the following components:

¹ Minn. Stat. 125A.0942, subd. 3(b) (2013).

- The resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts’ use of seclusion; and
- Recommendations to clarify and improve the law governing districts’ use of restrictive procedures.²

During the 2016 legislative session, prone restraint³ was added to the list of actions or procedures prohibited in the school setting.⁴ Further in 2016, the restrictive procedures statute was amended to add “eliminate the use of seclusion”⁵ as part of the legislative charge outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b).

The charge of the legislation also intersects with two goals outlined in the Minnesota Olmstead Plan⁶ aimed at reducing the number of incidents of emergency use of restrictive procedures and the number of students receiving special education services who experience an emergency use of restrictive procedures in the school setting.⁷

Since fall 2012 – and in accordance with Minnesota Statutes, section 125A.0942, subdivision 3(b) – MDE has convened the workgroup to develop and work on a statewide plan and submit an annual report to the Legislature providing restrictive procedures summary data with accompanying recommendations for reducing the use of restrictive procedures.

This legislative report includes: key data points on districts’ progress on reducing the use of restrictive procedures and eliminating seclusion during the 2021-22 school year; recommended strategies and resources to assist districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures; recommended clarification and improvement of the law; the workgroup process; the progress made on the February 2021 Two-Year Statewide Plan; and an introduction to the February 2023 Statewide Plan developed by the workgroup. The statewide plans outline goals to support the continued submission of this legislative report; the compilation of strategies to recommend to school districts for reducing the use of restrictive procedures, working toward eliminating the use of

² Minn. Stat. 125A.0942, subd. 3(b) (2016).

³ “Prone restraint” means placing a child in a face down position. Minn. Stat. 125A.0941(e).

⁴ Minn. Stat. 125A.0942, subd. 4(10). The elimination of prone restraint was a result of building district capacity supported by a 2015 legislative appropriation totaling \$150,000 disbursed from November 2015 through June 30, 2016, to six entities (three intermediate school districts and three independent school districts) to develop work plans to address their specific needs.

⁵ “Seclusion” means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion. Minn. Stat. 125A.0941(g).

⁶ An Olmstead Plan is a “public entity’s plan for implementing its obligation to provide individuals with disabilities opportunities to live, work, and be served in integrated settings.” Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, U.S. Department of Justice, Civil Rights Division, June 22, 2011, Question 12, p. 4 (DOJ Statement), http://www.ada.gov/olmstead/q&a_olmstead.htm, last visited Jan. 3, 2023. It is named after a United States Supreme Court decision: *Olmstead v. L.C.*, 527 U.S. 581 (1999).

⁷ See, [Putting the Promise of Olmstead into Practice: Minnesota’s Olmstead Plan \(mn.gov\)](#), for the 2021 Minnesota Olmstead Plan Revision (goal 4 and goal 5 pertaining to restrictive procedures in the school setting).

seclusion, and addressing disproportionalities in the use of restrictive procedures; and the reduction of seclusion by 10 percent, in both the number of seclusions and the number of students receiving special education services experiencing seclusion, with an emphasis on addressing disproportionalities, family engagement, and mental health and trauma. The statewide plans also outline MDE actions and workgroup actions to meet the goals.

Progress on the goals and actions outlined in the February 2021 Two-Year Statewide Plan may be found in Appendix B of this report.

The February 2023 Two-Year Statewide Plan may be found in Appendix E of this report.

Analysis

Overview

The next sections of this report provide summary analyses of key data points, recommended strategies and resources, recommended clarification and improvement to the law, and workgroup processes. Appendices contain further information and analyses. In brief:

- Key data points from the 2021-22 school year show:⁸
 - An increase in restrictive procedures and the number of students with disabilities experiencing restrictive procedures as compared to the 2020-21 school year, which was heavily impacted by the COVID-19 pandemic; however, a decline in both measurements as compared to the 2018-19 school year (pre-COVID-19).
 - An increase in seclusions and the number of students with disabilities experiencing seclusions as compared to the 2020-21 school year, which was heavily impacted by the COVID-19 pandemic; however, a decline in both measurements as compared to the 2018-19 school year (pre-COVID-19).
 - An increase in physical holds and the number of students with disabilities experiencing physical holds as compared to the 2020-21 school year, which was heavily impacted by the COVID-19 pandemic; however, a decline in both measurements as compared to the 2018-19 school year (pre-COVID-19).
 - Continued disproportionalities in seclusions and physical holds, with students with disabilities who identify as Black or African American, two or more races, or American Indian or Alaska Native, experiencing a disproportionate amount of restrictive procedures.

⁸ Readers should use caution interpreting the trends noted here. The COVID-19 pandemic and the resulting impacts related to school environments have certainly affected the use of restrictive procedures over the last three school years.

- Recommended strategies and resources:
 - Through the annual submission of restrictive procedure data, districts reported the following strategies used to reduce the use of restrictive procedures: staff training on de-escalation techniques; using strategic supports to meet student needs (e.g., functional behavioral assessments, proactive and positive behavioral supports, addressing sensory needs, adjusting programming and/or special education services, social-emotional learning, and trauma informed practices); staff collaboration and/or team meetings to troubleshoot student needs and providing a consistent process for staff to debrief together following behavioral incidents; and strategically using staff by creating specific positions to address behaviors or maintain particular staff expertise.
 - Through MDE actions and the workgroups actions, the compilation of strategies include resources outlining and guiding trauma-informed practices; consistent, widespread training and support from onsite staff; social-emotional learning; evaluations of the use of school resource officers in schools; improvements to referral processes, debriefing meetings, and individualized data reviews; relationship building; implementation of positive behavioral interventions and supports (PBIS); approaches to prevent and de-escalate behaviors; and mental health support.
- Recommended clarification and improvement to the law:
 - The workgroup does not recommend any amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942 at this time.
 - Governor Tim Walz’s 2023 policy and budget bills include proposals impacting restrictive procedures which were shared with the workgroup and the workgroup discussed and provided comments.
- Workgroup processes:
 - MDE continues to utilize the workgroup as the means to consult with interested stakeholders when preparing this legislative report and recommending to the commissioner specific and measurable outcome goals for reducing restrictive procedures and eliminating seclusion.
 - MDE continues to utilize a consultant from Minnesota Management and Budget’s (MMB’s) Management Analysis and Development (MAD) to facilitate the workgroup meetings and increase stakeholder engagement.
- Statewide plans:
 - MDE reports on the progress made on the goals outlined in the February 2021 Two-Year Statewide Plan, including the MDE actions and workgroup actions taken to meet the goals.
 - MDE introduces the February 2023 Two-Year Statewide Plan, including the goals and the MDE actions and workgroup actions to accomplish those goals.

Key Data Points from the 2021-22 School Year

Statewide, during the 2021-22 school year, districts reported a total of 14,684 restrictive procedures, including 4,593 seclusions and 10,091 physical holds. Overall, the use of restrictive procedures increased during the 2021-22 school year from the 2020-21 school year. However, as shown in Table 1 below, as compared to the 2018-19 school year, the pre-COVID-19 baseline, restrictive procedures use has continued to decline across all measurements.⁹ For example, the overall number of restrictive procedures in the 2021-22 school year (14,684) represents an increase of 72 percent from the 2020-21 school year; however, this is a 35 percent decrease from the 2018-19 school year, the pre-COVID-19 baseline.¹⁰

Table 1. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2018-19 through 2021-22 school years.¹¹

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2018-19	17,157	5,596	22,755
2019-20*	12,679	3,983	16,662
2020-21*	6,687	1,850	8,537
2021-22*	10,091	4,593	14,684

Similarly, more students with disabilities experienced restrictive procedures during the 2021-22 school year than in 2020-21, although fewer students than in previous years. Districts reported that 2,341 students with disabilities experienced one or more restrictive procedure during the 2021-22 school year.

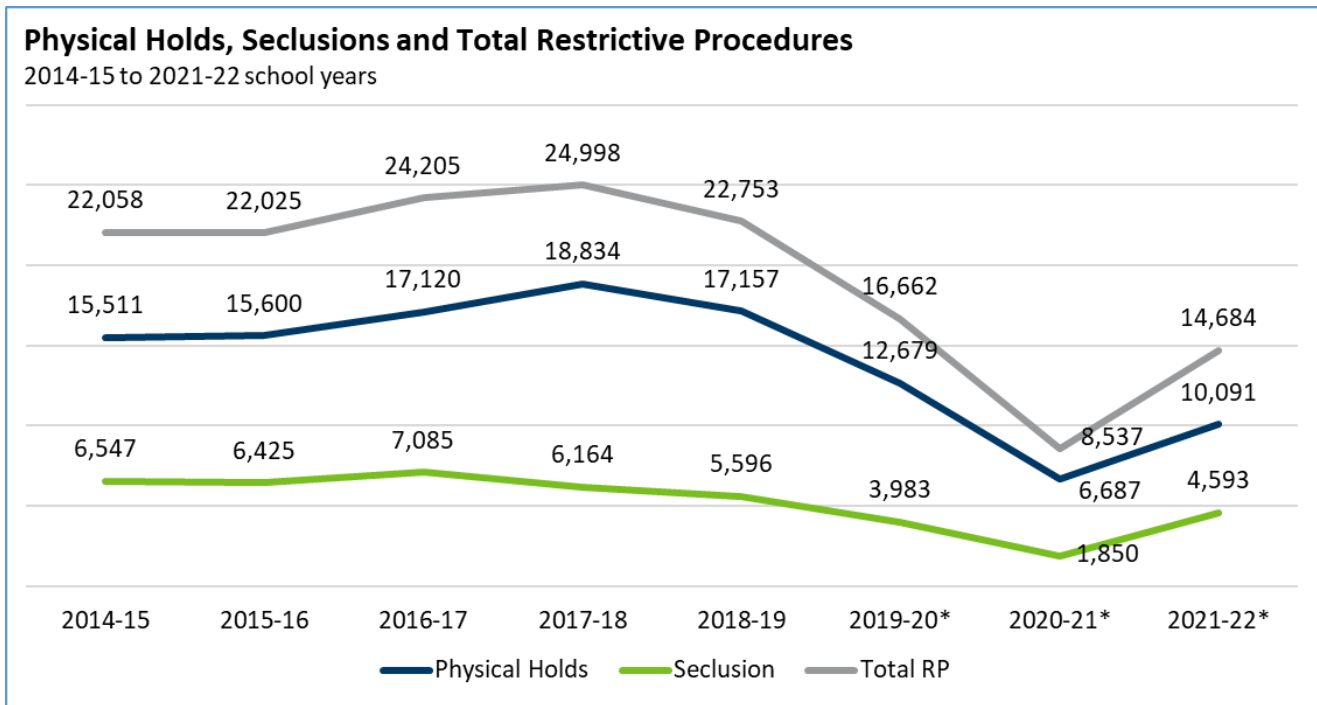
Figure A (below) shows the trend in the number of restrictive procedures, as well as seclusions and physical holds reported by Minnesota districts since the 2014-15 school year. As shown in Figure A, the number of seclusions started decreasing in the 2016-17 school year and the number of physical holds started decreasing in the 2017-18 school year. The rate of decrease in both seclusions and physical holds accelerated in the 2019-20 and 2020-21 school years, due at least in part to the COVID-19 pandemic. In 2021-22, the number of seclusions and physical holds increased as compared to the previous school year, for the first time in several years. However, the 2021-22 school year rates remain lower than the 2018-19 school year, the pre-COVID-19 baseline, as described above.

⁹ Given the 2019-20 and 2020-21 school years were heavily impacted by school closures and variations in learning models, contributing to a significant decline in the overall use of restrictive procedures as compared to the 2018-19 school year, MDE uses the 2018-19 school year as the pre-COVID-19 baseline. In tables and charts throughout this report, asterisks have been used to identify school years affected by the COVID-19 pandemic.

¹⁰ Caution should be used when comparing the 2019-20, 2020-21, and 2021-22 data to similar data from other years, due to the continued effect of the COVID-19 pandemic on school environments.

¹¹ Due to ongoing correction of data errors and an analysis with updated software, total counts of restrictive procedures reported in previous legislative reports has been revised and updated in this report.

Figure A. Annual Physical Holds, Seclusions, and Total Restrictive Procedures, 2014-15 through 2021-22 school years.



During the 2021-22 school year, districts reported a total of 4,593 seclusions and 716 students with disabilities experiencing seclusion. As compared to the 2020-21 school year, this represents an increase of 148 percent in seclusions, and an increase of 55 percent of students with disabilities experiencing seclusion. However, as compared to the 2018-19 school year, the pre-COVID-19 baseline, the 2021-22 school year data indicates a continued decrease: a reduction of 18 percent in seclusions, and a decrease of 17 percent of students with disabilities experiencing seclusion, as compared to the 2018-19 school year, the pre-COVID-19 baseline.

The number of physical holds increased during the 2021-22 school year, which is the first year of increasing numbers after several years of decreases—although the last few years have been heavily affected by the COVID-19 pandemic. When comparing the total number of physical holds (10,091) as well as the total number of students with disabilities experiencing physical holds (2,001), both numbers increased from the 2020-21 school year (51 percent and 27 percent, respectively). However, both the number of physical holds and number of students with disabilities experiencing physical holds remain below the 2018-19 school year, the pre-COVID-19 baseline, of 17,157 physical holds and 3,347 students with disabilities experiencing physical holds (a decrease of 41 and 40 percent, respectively).

Restrictive procedures data from the last several years has shown a pattern of disproportionalities in the use of restrictive procedures. Typically, students with disabilities who identify as Black or African American, two or more races, or American Indian or Alaska Native experienced a disproportionate number of restrictive procedures, with slight variation from year to year.

Disproportionality continued to be present during the 2021-22 school year in other areas as well, with little change in the trends from year to year. Restrictive procedures continue to be most prevalent in elementary grades. As in previous years, students who receive services under the Emotional or Behavioral Disorders (EBD) and Autism Spectrum Disorders (ASD) categories were more likely to experience seclusions and physical holds. In addition, students with disabilities receiving services in federal instructional setting four (Level 4), meaning the students spend at least 50 percent of their school day in a public separate day school facility for students with disabilities, comprise about three percent of the special education population but 47 percent of secluded students. Finally, even though the special education population is disproportionately male (about 66 percent), male students experienced a disproportionate share of seclusions and physical holds (about 85 percent and 83 percent, respectively).

Additional data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2021-22 school year may be found in Appendix C of this report.

Recommended Strategies and Resources

MDE and the workgroup continue to compile strategies and resources to assist school districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. These strategies and resources include the increased use of PBIS and other positive strategies to address behaviors, the distribution of the Olmstead Local Improvement Grant funding for districts to reduce the rates of restrictive procedures, and MDE training and other technical assistance sessions to enhance school districts' understanding of restrictive procedures laws and strategies to reduce the use of restrictive procedures.

Further recommendations include federal resources discussing civil rights, potential discrimination, and disproportionalities in the use of restrictive procedures on students with disabilities and students of color with disabilities. These federal resources urge districts to focus on preventing the need for restrictive procedures, using only behavioral interventions that are consistent with a student's rights to be treated with dignity and free from abuse, and ensuring that all schools are safe for all students and staff. Further, the resources warn districts that the use of restrictive procedures may result in discrimination against students with disabilities and reiterate that there is no evidence that using restrictive procedures is effective in reducing problem behaviors. Finally, these resources highlight disproportional use of restrictive procedures on students with disabilities and students of color with disabilities. Federal guidance has long emphasized that individualized education programs (IEPs) should support educational, social, emotional, behavioral, and related needs with high-quality and evidence-based support and utilize functional behavioral assessments to develop individualized behavioral intervention plans (BIPs) for students whose behaviors interfere with their ability to access and benefit from the education program.

Based on information collected by MDE, school districts continue to recommend staff training on de-escalation techniques; using strategic supports to meet student needs (e.g., functional behavioral assessments, proactive and positive behavioral supports, addressing sensory needs, adjusting programming and/or special education services, social-emotional learning, and trauma informed practices); staff collaboration and/or team meetings to troubleshoot student needs and providing a consistent process for staff to debrief together following behavioral

incidents; and strategically using staff by creating specific positions to address behaviors or maintain particular expertise on their staff.

A compilation of strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures (2021-22 school year) may be found in Appendix D of this report.

Recommended Clarification and Improvement to the Law

While the workgroup does not recommend any amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942, the workgroup was informed of proposals included in Governor Walz's 2023 policy and budget bills. MDE shared these proposals with the workgroup at its December 2022 meeting, and the workgroup discussed and provided comments.

A summary of the proposed amendments included in Governor Walz's 2023 policy and budget bills may be found in Appendix D of this report.

Workgroup Process

MDE continues working with a consultant from MMB's MAD to facilitate workgroup meetings and to increase stakeholder engagement when preparing the legislative report and recommending to the commissioner specific and measurable implementation and outcome goals for reducing restrictive procedures and eliminating seclusion. After the submission of the February 1, 2022 Legislative Report, the workgroup met on February 23, June 22, September 28, and December 14, 2022. The workgroup worked on the action items outlined in the February 2021 Two-Year Statewide Plan to achieve the identified goals. The action items emphasize that recommendations will specifically consider disproportionalities, family engagement, and mental health trauma. Workgroup representatives were consistent with the interested stakeholders outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b).

February 2021 Two-Year Statewide Plan Progress

During the 2020-21 and 2021-22 school years, the workgroup worked on the February 2021 Two-Year Statewide Plan which includes three measurable goals along with seven MDE actions and three workgroup actions to support the goals. Progress on the goals is provided below, and progress on the goals, along with the progress on MDE actions and workgroup actions, may be found in Appendix B of this report.

The goals and progress on the goals outlined in the February 2021 Two-Year Statewide Plan:

Legislative Report

Goal 1: By February 1, 2022, and annually thereafter, MDE will submit a report to the Minnesota Legislature summarizing the state's progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities in the use of restrictive procedures.

Goal 1 progress: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), MDE submits the annual legislative report on school districts' progress in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. The statewide plan, submitted along with the legislative report, recommends to MDE measurable goals for reducing the use of restrictive procedures and recommends strategies for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. Components of the statewide plan include: resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce school districts' use of seclusion and how to clarify and improve the law governing school districts' use of restrictive procedures.

This legislative report, including the appendices, serves as the February 1, 2023 annual report to the Minnesota Legislature summarizing the state's progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities in the use of restrictive procedures.

Recommend Strategies and Resources

Goal 2: By December 31, 2022, the workgroup will compile strategies to recommend to school districts for reducing the use of restrictive procedures, working toward eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

Goal 2 progress: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), MDE must consult with interested stakeholders when preparing the legislative report and MDE utilizes the workgroup as the means to consult with interested stakeholders when preparing this report.

The workgroup engaged in activities to recommend strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities related to the presence of police liaison officers/school resource officers (SRO) in school districts; to enhance and support the oversight committees' roles in reducing restrictive procedures and eliminating seclusion; and, to review strategies provided by schools districts in response to the summary information questions (narrative responses) and federal and MDE resources.

A compilation of strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures may be found in Appendix D of this report.

Reduce Seclusion

Goal 3: Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion from July 1, 2019 to June 30, 2022,¹² and annually thereafter. Specifically, there will be at least a 10 percent reduction in the number of students experiencing seclusion and at least a 10 percent reduction in the number of uses of seclusion as reported to MDE by Minnesota school districts.

Goal 3 progress: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), school districts must report data quarterly to MDE by January 15, April 15, July 15, and October 15 about individual students who have been secluded. The quarters are broken down in dates as follows: Quarter 1: July 1–September 30, 2021; Quarter 2: October 1–December 31, 2021; Quarter 3: January 1–March 31, 2022; and Quarter 4: April 1–June 30, 2022.

Restrictive procedures data from the 2021-22 school year demonstrates an increase in the use of restrictive procedures, including seclusion, as compared to 2020-21 school year, which was heavily impacted by the COVID-19 pandemic. Minnesota school districts reported 4,598 seclusions during the 2021-22 school year, an increase of 148 percent from the 2020-21 school year. Minnesota school districts also reported that 716 students with disabilities experienced seclusion, an increase of 55 percent from the previous school year.

Seclusion data regarding the 2018-19 school year was collected prior to the COVID-19 pandemic. Minnesota school districts reported 5,596 seclusions and 860 students with disabilities experiencing seclusion during the 2018-19 school year. Using pre-COVID-19 data from the 2018-19 school year as the baseline, the data from the 2021-22 school year represents an 18 percent decrease in seclusions and a 17 percent decrease in the number of students experiencing seclusion. However, as school districts continue to be affected by lasting impacts of COVID-19, it is likely to be some time before conclusions can be drawn about long-term trends in the use of seclusions.

Additional data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2021-22 school year may be found in Appendix C of this report.

February 2023 Two-Year Statewide Plan Introduction

During the 2022-23 and 2023-24 school years, the workgroup will work on the February 2023 Two-Year Statewide Plan, developed in consultation with the workgroup, which includes three measurable goals along

¹² MDE notes that monitoring this goal may be problematic during the COVID-19 pandemic. As noted in the legislative report, reduction in the use of restrictive procedures and seclusion may be due, in part, to hybrid learning and distance learning models being implemented by school districts. MDE and the workgroup will continue to monitor progress and adjust goals accordingly. Changes in data will be compared to the July 1, 2019 data (2018-19 school year), which was collected prior to the COVID-19 pandemic.

with five MDE actions and four workgroup actions to support the goals. The measurable goals outlined in the February 2023 Two-Year Statewide Plan are:

Goal 1: MDE will annually submit a report to the Minnesota Legislature summarizing the state’s progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities in the use of restrictive procedures. The report will also summarize MDE’s and the workgroup’s progress on actions in the statewide plan.

Goal 2: By December 31, 2024, the workgroup will compile and recommend to MDE, strategies and resources to assist school districts in reducing the use of restrictive procedures, working toward eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

Goal 3: Through the combined effectors of all those involved in this work, there will be at least a 10 percent reduction in seclusion and the number of students with disabilities experiencing seclusion annually using the 2018-19 school year data as a baseline.¹³ During the 2018-19 school year, school districts reported 5,596 seclusions and 860 students with disabilities experiencing seclusion.

- a. By the end of the 2022-23 school year, the number of seclusions will be reduced by at least 560 and the number of students with disabilities experiencing seclusion will be reduced by at least 86 as reported to MDE by Minnesota school districts, for a total of at most 5,038 seclusions and at most 774 students with disabilities experiencing seclusion.
- b. By the end of the 2023-24 school year, the number of seclusions will again be reduced by at least 560 and the number of students with disabilities experiencing seclusion will be reduced by at least 86 as reported to MDE by Minnesota school districts, for a total of at most 4,478 seclusions and at most 688 students with disabilities experiencing seclusion.

The February 2023 Two-Year Statewide Plan, including the goals, MDE actions, and workgroup actions, may be found in Appendix E of this report.

Conclusion

MDE respectfully submits this report consistent with Minnesota Statutes, section 125A.0942, subdivision 3(b). The report details school districts’ progress on reducing the use of restrictive procedures and eliminating seclusion along with recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. During the 2021-22 school

¹³ The previous statewide plan also used the 2018-19 school year as the baseline which reported 5,596 seclusions and 860 students with disabilities experiencing seclusion. This statewide plan adopts the same baseline instead of developing a new baseline because of the continuing impact of the COVID-19 pandemic and related disruptions. Data in recent years shows positive trends, but it is unclear if these are due to changes in practice or due to changes in learning modes and staffing challenges related to the pandemic. MDE will continue to evaluate data and consult with stakeholders to reexamine the baseline for the next two-year statewide plan.

year, the data reported by school districts, although an increase from the previous COVID-19 impacted school year, continued a downward departure from the 2018-19 school year, the pre-COVID-19 baseline. Programs and interventions such as training on the legal standards relating to the emergency use of restrictive procedures, positive behavioral strategies, trauma-informed training and practices, restorative practices, social-emotional learning, and extended grant opportunities continue to be recommended to assist school districts in reducing the use of restrictive procedures.

MDE anticipates this report will result in informed decision-making, promoting safe educational environments. MDE appreciates the opportunity to inform the Legislature about this important issue and commends the Legislature for its continued commitment to this task.

Appendix A – List of Restrictive Procedures Workgroup Participants

Stakeholder Organizations that Participate in the Workgroup

Anoka-Hennepin Public School District 011
AspireMN
Autism Society of Minnesota
Edina Public School District 273
Grand Rapids Public School District 318
Intermediate School District 287
Intermediate School District 917
Minnesota Association of County Social Service Administrators – Hennepin County
Minnesota Administrators for Special Education
Minnesota Department of Human Services
Minnesota Disability Law Center
Minnesota School Boards Association
National Alliance on Mental Illness Minnesota
Northeast Metro Intermediate School District 916
Northern Pines Mental Health Center
Olmsted County Child & Family Services
PACER Center, Inc.
Rosemount-Apple Valley-Eagan Public School District 196
Roseville Public School District 623
Shakopee Public School District 720
Southwest Metro Intermediate School District 288
Southwest West Central Service Cooperative
The Arc Minnesota
Wayzata Public School District 284

MDE Participants

Assistant Commissioner
Division of Assistance and Compliance
Division of Special Education

Appendix B – February 2021 Two-Year Statewide Plan: Progress and Legislative Recommendations

Measurable Goals and Progress

Legislative Report

Goal 1: By February 1, 2022, and annually thereafter, MDE will submit a report to the Minnesota Legislature summarizing the state’s progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities in the use of restrictive procedures.

Goal 1 progress: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), MDE submits the annual legislative report on school districts’ progress in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. The statewide plan, submitted along with the legislative report, recommends to MDE measurable goals for reducing the use of restrictive procedures and recommends strategies for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. Components of the statewide plan include: resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce school districts’ use of seclusion and how to clarify and improve the law governing school districts’ use of restrictive procedures.

Recommended Strategies and Resources

Goal 2: By December 31, 2022, the workgroup will compile strategies to recommend to school districts for reducing the use of restrictive procedures, working toward eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

Goal 2 progress: The workgroup engaged in activities to recommend strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities related to the presence of police liaison officers/SROs in school districts (Workgroup Action 1); to enhance and support the oversight committees’ roles in reducing restrictive procedures and eliminating seclusion (Workgroup Action 2); and, to review strategies provided by schools districts in response to the summary information questions (narrative responses) and federal and MDE resources (Workgroup Action 3). A compilation of strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures (2021-22 school year) may be found in Appendix D of this report.

Reduce Seclusion

Goal 3: Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion from July 1, 2019 to June 30, 2022,¹⁴ and annually thereafter. Specifically, there will be at least a 10 percent reduction in the number of students experiencing seclusion and at least a 10 percent reduction in the number of uses of seclusion as reported to MDE by Minnesota school districts.

Goal 3 progress: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), school districts must report data quarterly to MDE by January 15, April 15, July 15, and October 15 about individual students who have been secluded. The quarters are broken down in dates as follows: Quarter 1: July 1–September 30, 2020; Quarter 2: October 1–December 31, 2020; Quarter 3: January 1–March 31, 2021; and Quarter 4: April 1–June 30, 2021. MDE has individual seclusion data for the past six school years.

Restrictive procedures data from the 2021-22 school year demonstrates an increase in the use of restrictive procedures, including seclusion, as compared to 2020-21 school year which was heavily impacted by the COVID-19 pandemic. Minnesota school districts reported 4,593 seclusions during the 2021-22 school year, an increase of 148 percent from the 2020-21 school year. Minnesota school districts also reported 716 students with disabilities experienced seclusion, an increase of 55 percent from the previous school year.

Seclusion data regarding the 2018-19 school year was collected prior to the COVID-19 pandemic. Minnesota school districts reported 5,596 seclusions and 860 students with disabilities experiencing seclusion during the 2018-19 school year. Using pre-COVID-19 data as a baseline from the 2018-19 school year, the data from the 2021-22 school year represents an 18 percent decrease in seclusions and a 17 percent decrease in the number of students with disabilities experiencing seclusion. However, as school districts continue to be affected by lasting impacts of the COVID-19 pandemic, it is likely to be some time before conclusions can be drawn about long-term trends in the use of seclusions.

Additional data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2021-22 school year may be found in Appendix C of this report.

MDE's Actions in Support of the Goals

MDE Action 1: MDE will collect, analyze and report school district use of quarterly seclusion data and physical holding summary data, including data on disproportionalities, for each school year.

¹⁴ MDE notes that monitoring this goal may be problematic during the COVID-19 pandemic. As noted in the legislative report, reduction in the use of restrictive procedures and seclusion may be due, in part, to hybrid learning and distance learning models being implemented by school districts. MDE and the workgroup will continue to monitor progress and adjust goals accordingly. Changes in data will be compared to the July 1, 2019 data (the 2018-19 school year), which was collected prior to the COVID-19 pandemic.

MDE Action 1 progress: MDE collected, analyzed and reported school district use of quarterly seclusion data and physical holding summary data, including data on disproportionalities, for the 2021-22 school year. Both seclusion data and physical holding data continue to be substantially affected by the lasting impact of the COVID-19 pandemic.

A total of 55 school districts reported using seclusion during the 2021-22 school year, an increase from 45 districts in 2020-21 and 54 districts in 2019-20, though a decrease from 66 districts in the 2018-19 school year, the pre-COVID-19 baseline. During the 2021-22 school year, districts reported a total of 4,593 seclusions and 716 students with disabilities who experienced seclusion, an increase compared to the 2020-21 school year which was heavily impacted by the COVID-19 pandemic; however, a decline compared to the 2018-19 school year, the pre-COVID-19 baseline.

A total of 249 school districts reported using physical holding during the 2021-22 school year, a slight increase from 245 districts in 2020-21, though a decrease from 279 districts in 2019-20 and 285 districts in the 2018-19 school year. During the 2021-22 school year, districts reported 10,091 total physical holds and 2,001 students with disabilities experiencing physical holds, an increase compared to the 2020-21 school year which was heavily impacted by the COVID-19 pandemic; however, a decline as compared to the 2018-19 school year, the pre-COVID-19 baseline.

Restrictive procedures data continues to demonstrate disproportionalities, in similar patterns as previous years. Students with disabilities who identify as Black or African American, two or more races and American Indian or Alaska Native; EBD and ASD students; elementary age students; students who receive services in Level 4 programs; and male students typically experience a disproportionate number of restrictive procedures in Minnesota school districts.

MDE Action 2: MDE will revise the collection of summary data to include questions seeking information about what school districts tried during the school year to reduce the number of restrictive procedures, including addressing disproportionalities, and seeking information about what school districts tried during the school year that the school district would recommend to other school districts to reduce the use of restrictive procedures in their schools.

MDE Action 2 progress: MDE is in the second year of utilizing the collection and analysis of restrictive procedures data through Stepwell MN. Physical holding data was first collected via Stepwell MN in July 2021 (for data from the 2020-21 school year) and seclusion data collection began at the start of the 2021-22 school year. The Stepwell MN system is expected to streamline data collection and analysis. As part of this process, MDE began collecting information from districts about what each district is doing to reduce the number of restrictive procedures in the district and which strategies they would recommend to other districts. These questions were developed in consultation with the workgroup, and districts were asked to provide narrative responses to these qualitative questions for the first time in July 2021. Districts will be asked to provide updated information annually as part of their July 15 annual physical holding reporting.

MDE continues to analyze the narrative responses. Several themes emerged from the review of districts' responses to the question asking what districts have tried to reduce the use of restrictive procedures, including addressing disproportionalities. These themes include staff training focused on de-escalation techniques; using strategic supports to meet student needs (e.g., functional behavioral assessments, proactive and positive behavioral supports, addressing sensory needs, adjusting programming and/or special education services, social-emotional learning, and trauma informed practices); staff collaboration and/or team meetings to troubleshoot student needs and providing a consistent process for staff to debrief together following behavioral incidents; and strategically using staff by creating specific positions to address behaviors or maintain particular expertise on their staff.

Preliminary review of the responses to the question about district recommendations to reduce the use of restrictive procedures suggests significant overlap between the information districts provided in response to the earlier question. MDE hypothesizes that this may either indicate that districts recommend most strategies they have tried or indicate that districts need additional time to observe and measure the effect of each strategy. Because districts will be asked to provide updated information each year as part of their July 15 annual physical holding reporting, increasingly meaningful information about recommended strategies will likely be obtained over time.

Please see Appendix D of this report for more information about narrative responses.

MDE Action 3: MDE will convene quarterly stakeholder meetings to facilitate the implementation of the statewide plan.

MDE Action 3 progress: The workgroup met quarterly to facilitate the implementation of the February 2021 Two-Year Statewide Plan. Meetings were held February 23, June 22, September 28, and December 14, 2022.

MDE Action 4: MDE will collect, analyze and report school district use of PBIS for each school year.

MDE Action 4 progress: MDE collected, analyzed, and reported school district use of PBIS for the 2021-22 school year. PBIS is a multi-tiered framework to support schools to be more effective places by establishing a social culture and the behavior supports needed to improve social, emotional, behavioral and academic outcomes for all students (students with and without disabilities) and is flexible enough to support student, family and community needs. The use of PBIS continued to increase with 57 percent of Minnesota school districts, 40 percent of Minnesota schools, and 45 percent of Minnesota students participating.

MDE Action 5: MDE will collect, analyze and report the status and provision of the Olmstead Local Improvement Grants (OLI) awarded to three school districts for the duration of the grants.

MDE Action 5 progress: MDE collected, analyzed and reported the status of the OLI grants during the 2021-22 school year. The funding for the OLI grants was awarded to three school districts – including one metro, one in Greater Minnesota, and one intermediate school district encompassing at least 1,000 students with IEPs – and goals were set to reduce the rates of restrictive procedures. The programs

identified for implementation by the school districts include Love and Logic, Life Space Crisis intervention, and Crisis Prevention Institute Peer Coaching. The hexagon tool assisted school districts and schools to systematically evaluate new and existing interventions by needs, fit, capacity, evidence, usability, and supports. The three schools have implemented the selected programs since the 2020-21 school year with both positive results (decreasing physical holds and suspension, increasing student time in the classroom with improved academic results, increasing moral and safety for staff) and interruptions (delays in trainings, irregular school schedules) due to the COVID-19 pandemic.

MDE Action 6: MDE will offer training sessions to school districts and other interested stakeholder groups throughout the state. The training will include an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations and recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

MDE Action 6 progress: MDE continues to offer training sessions to school districts and other interested stakeholder groups throughout the state. The restrictive procedures training includes an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations and recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. MDE provided two restrictive procedures trainings during the 2020-21 school year, training nearly 50 individuals throughout the state of Minnesota. MDE also provided three school discipline training sessions to nearly 50 individuals and eight due process training sessions to nearly 200 individuals. During the 2021-22 school year MDE provided five restrictive procedures technical assistance sessions with a total of 25 administrators, two school discipline training sessions to 75 individuals, and eight due process training sessions to nearly 500 individuals.

MDE Action 7: MDE will compile a list of MDE resources and federal resources that align with effective strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures.

MDE Action 7 progress: MDE continues to compile resources that align with effective strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. The compilation includes resources, training, technical assistance, mental health services, and collaborative efforts taken to reduce the use of restrictive procedures and work toward eliminating the use of seclusion. Appendix D of this report includes an overview of research and guidance at the national level, information about proposed federal and state legislation regarding the use of restrictive procedures, and resources and references regarding efforts to reduce the use of restrictive procedures and address disproportionalities in the use of restrictive procedures. This non-exhaustive compilation of strategies and resources includes information gathered from both state and

federal guidance and reports by school districts through MDE-administered grants,¹⁵ programming,¹⁶ and MDE data collection revisions and is not intended as an endorsement of any specific training program or method.

Workgroup's Actions in Support of the Goals

Workgroup Action 1: The workgroup will develop recommendations pertaining to the presence of police liaison officers/SROs in school districts, as related to the use of restrictive procedures. In developing these recommendations, the workgroup will specifically consider disproportionalities, family engagement, and mental health and trauma. The workgroup will collect, compile, and consider relevant information from sources such as: school districts and associations in Minnesota, families and students who have experience with police liaison officers/SROs, best practices and advice from academic sources or state or federal agencies, and other research on effective strategies. Recommendations may include model policies, descriptions of effective strategies (such as restorative justice), training practices for police liaisons/SROs, frequently asked questions documents (FAQs) or other resources, legislative changes, funding needs and/or areas for additional research.

Workgroup Action 2: The workgroup will develop recommendations to enhance and support the oversight committees' roles in reducing restrictive procedures and eliminating seclusion. In developing these recommendations, the workgroup will specifically consider disproportionalities, family engagement, and mental health and trauma. The workgroup will collect, compile, and consider relevant information from sources such as: school districts and associations in Minnesota, best practices and advice from academic sources or state or federal agencies, and other research on effective strategies. Recommendations may include model forms and policies, analysis and evaluation strategies and resources, training practices for teachers and staff (special

¹⁵ In 2015, the Legislature appropriated funding totaling \$150,000 (expended from November 2015 through June 30 2016) to six entities (three intermediate school districts and three independent school districts) to build district capacity and develop work plans to address their specific needs relating to the 2016 elimination of prone restraint (Assistance to Schools Using Prone Restraints Grant). In 2016, the Legislature appropriated funding totaling \$4,500,000 (expended for state fiscal years 2017, 2018, and 2019 ending June 30, 2020) for eligible intermediate school districts and special education cooperative units who provide instruction to students in federal instructional settings of level four or higher to be used for activities related to enhancing services to students who may have challenging behaviors or mental health issues or be suffering from trauma. Specific qualifying staff development activities include but are not limited to: 1. Proactive behavior management, 2. Personal safety training, 3. De-escalation techniques, and 4. Adaptation of published curriculum and pedagogy for students with complex learning and behavioral needs (Staff Development Grants). For a final summary of Staff Development Grants, please see [Appendix E of the February 2021 Legislative Report, Staff Development Grant FY19 Final Summary](#).

¹⁶ Minnesota's PBIS is a MDE funded implementation project that provides district and school teams with comprehensive technical assistance (e.g., training, coaching, and evaluation) to build local education agency PBIS capacity with fidelity and which began offering trainings in 2005. For further information, please see [Positive Behavioral Interventions and Supports \(mn.gov\)](#) (last accessed Jan. 3, 2023). In 2015, MDE posted Positive Intervention Strategies Training Modules for statewide use that provide positive strategies for school staff to use with students with disabilities. See information in Appendix A of the February 2015 Legislative Report, 2014 Statewide Plan to Reduce the Use of Restrictive Procedures and Eliminate Prone Restraint in Minnesota.

education and general education), self-care approaches, FAQs or other resources, legislative changes, funding needs, and/or areas for additional research.

Workgroup Action 3: When information is available, the workgroup will review strategies provided by school districts in response to the summary information questions described in MDE Action 2 and MDE and federal resources described in MDE Action 7 and offer recommendations.

Workgroup Action 1-3 progress: The workgroup continued three subgroups to identify, synthesize, and share information to help the workgroup develop recommendations. The subgroups were: (1) SRO Standards and Policies, focusing on developing policy and practice considerations for school districts that use or may use SROs so that districts properly address and align with Minnesota statutes and federal laws outlining protections for students with disabilities and the use of restrictive procedures; (2) Oversight Committee Practitioners, focusing on developing a Model Restrictive Procedures Oversight Committee Agenda and Oversight Committee Companion Guide offering support for program, school, and district oversight committee meetings to increase efficiency and effectiveness in collaborative discussion and decision making on the use of restrictive procedures with the goal of reducing the use of restrictive procedures; and (3) Narrative Data Review, focusing on reviewing the summary information submitted by each school district to MDE for the 2020-21 school year and designing a case study pilot project to determine the efficacy of the case study approach for compiling the information for review and recommendation.

Each subgroup shared their process and work to further develop recommendations and generate ideas for workgroup activities for 2023, and products are found in Appendix D of this report.

Workgroup Process

MDE continues working with a consultant from MMB's MAD to facilitate the workgroup meetings for the purpose of increased stakeholder engagement. The workgroup meets quarterly to discuss progress on the action items outlined in the statewide plan. The workgroup will continue to provide representation consistent with the interested stakeholders outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b) and will continue to strategize on ensuring the workgroup represents the communities that we serve.

Potential Legislative Changes

The workgroup will develop recommendations to clarify and improve the law governing school districts' use of restrictive procedures, as appropriate.

While the workgroup has not recommended any amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942, the workgroup was informed of amendments proposed in Governor Walz's 2023 policy and budget bills. MDE shared these proposals with the workgroup at its December 2022 meeting, and the workgroup discussed and provided comments.

Appendix C – Data on School Districts’ Progress on Reducing the Use of Restrictive Procedures and Eliminating Seclusion During the 2021-22 School Year

Background on Data Collection

Beginning in the 2011-12 school year, public school districts began submitting annual summary data to MDE on the use of restrictive procedures. After legislative changes in 2016, districts were also required, on a quarterly basis, to submit detailed data regarding individual seclusion uses to MDE through a secure website. Starting in April 2019, MDE clarified that all districts were required to complete quarterly seclusion reporting, either through completing the previously mentioned form or emailing to confirm zero seclusion uses. In July 2021, MDE released a new data collection tool, Stepwell MN, to collect restrictive procedures data.

Currently, school districts, including intermediate school districts and charter schools, are required to submit annual data regarding the overall use of restrictive procedures and physical holds and quarterly data regarding seclusion use. This section of the legislative report provides a summary of all restrictive procedures use and demographic information about students with disabilities who experienced a restrictive procedure.

Collection Methods and Limitations

The data elements, tools, and strategies to measure the progress of the workgroup toward reducing the use of restrictive procedures and eliminating the use of seclusion, as statutorily mandated, have evolved over time. As all public school districts are required to complete restrictive procedures reporting, whether or not they have used seclusion or physical holding, data collection efforts must consider the reporting burden to districts and the integrity of the data reported.

The data collection system in place prior to July 2021 presented significant challenges for districts in reporting data, as well as for MDE staff in collecting and analyzing the data. Seclusion data, which was recorded on a spreadsheet and uploaded to MDE via a secure server, was particularly challenging for districts, and the spreadsheet provided to MDE often contained substantial errors. Identifying and correcting errors in the data was particularly challenging and required extensive staffing resources and time.

Between March and December 2021, MDE developed a new data collection and analysis tool, Stepwell MN. Stepwell MN is a web-based tool that allows districts to enter restrictive procedures data based on each student’s Minnesota Automated Reporting Student System (MARSS) data, which is compared, in real time, to pre-loaded MARSS numbers for students within that district. This process reduces errors in the reporting of MARSS numbers and demographic information, making it easier for districts to report accurate data and easier for MDE to collect and analyze this data. Physical holding data was first collected via Stepwell in July 2021 (for data from the 2020-21 school year), and quarterly seclusion data collection began at the start of the 2021-22 school year.

As the 2021-22 school year was the second year using the Stepwell MN system, there were fewer challenges regarding data collection than in the previous school year. Most notably, district staff showed increased familiarity with the Stepwell MN reporting system and provided positive feedback regarding the ease of reporting and reviewing their district's data. However, Stepwell MN was initially planned to incorporate several reporting functions, to be used by a broad range of MDE and district staff. As other reporting functions were developed and implemented within Stepwell MN, issues arose within the restrictive procedures reporting system that required staff resources and time to identify and correct. On occasion, these issues affected the ability of district staff to timely report restrictive procedures data and necessitated extended reporting deadlines. It is expected that the extent of these challenges will continue to decrease over time.

The new Stepwell MN data collection system has reduced reporting errors and minimized the limitations inherent to MDE's previous data collection system. However, some limitations persist. Most notable is the challenge of moving between systems and reconciling new data collection processes with historic data collected using previous processes. Although MDE now has several school years of both physical holding and seclusion data, variations between how this data was collected, analyzed and reported over time suggests that care should be taken when examining longitudinal data.

In addition, during the 2020-21 school year, MDE began collecting information from districts about: 1) What strategies did your district try this year to reduce the number of restrictive procedures in your district, including addressing disproportionalities; and 2) Of the strategies your district tried this past year, what strategies would you recommend to other districts to reduce the use of restrictive procedures in their schools? These questions were developed in consultation with the workgroup, and districts were asked to provide narrative responses to these qualitative questions for the first time in July 2021, and then again in July 2022. MDE, with input from the workgroup, has begun developing systems to review and analyze this data.

Effect of the COVID-19 Pandemic

2019-20 School Year

Due to the global COVID-19 pandemic, Minnesota schools were closed March 18 through 27, 2020, to prepare for distance learning, then buildings were closed for typical in-person instruction March 30, 2020, through the end of the 2019-20 school year. During summer 2020, districts offered summer programs and extended school year services through either a distance learning model or a hybrid model that employed both distance learning and in-person learning.¹⁷

The impact of school closures due to COVID-19 can be observed in the restrictive procedures data from the 2019-20 school year. In the 2019-20 school year, quarter three contained approximately 10 fewer school days than in previous years. As no districts or charter schools provided in-person learning during the remainder of the 2019-20 school year, no seclusions or physical holds occurred during this time period. Accordingly, there

¹⁷ [Minn. Exec. Order No. 20-02](#) (March 15, 2020); [Minn. Exec. Order No. 20-19](#) (March 25, 2020); and [Minn. Exec. Order No. 20-41](#) (April 24, 2020).

were zero reported seclusions for the fourth quarter of the 2019-20 school year. These changes affected annual summary numbers for both physical holding and seclusion, with the effect that the 2019-20 data demonstrated a significant reduction in the use of seclusions, physical holds, and total restrictive procedures as compared to previous years.

2020-21 School Year

In summer 2020, Minnesota schools were directed to prepare to develop plans for three learning models at the start of the 2020-21 school year, specifically, an in-person model, distance learning model, and a hybrid model.¹⁸ MDE and the Minnesota Department of Health developed the Safe Learning Plan guidance document¹⁹ explaining how to determine the appropriate instructional model in each district across the state. Further, Minnesota schools were tasked with providing an equitable distance learning option for all families, regardless of the instructional model the district was using.

Throughout the 2020-21 school year, Minnesota school districts used a variety of different learning models at different times, switching between learning models based on public health guidelines and local COVID-19 case counts, in accordance with the Safe Learning Plan. While some districts operated in distance learning for the majority of the school year, other districts were in-person for most or all of the year. In many cases, different grades operated in different learning models than the remainder of the district, with high school students being more likely to remain in distance learning for longer periods of time. In addition, in some districts, specific schools and/or programs operated in different learning models than the remainder of the district for portions of the school year, with some districts prioritizing in-person learning for students with disabilities.

Learning model data reported to MDE throughout the 2020-21 school year indicates that 78.3 percent of Minnesota districts reported using a distance or hybrid model for at least some of their students, for at least a portion of the time between July 1 and September 30, 2020. This percentage increased during quarter two and three, such that 95 percent of districts reported using a distance or hybrid model for at least some of their students for some portion of the time frame between October 1 to December 31, 2020 and January 1 through March 31, 2021. By quarter four, more districts were operating fully in person – only 46 percent of districts used a hybrid or distance learning model during this time period. However, because all districts were required to provide an equitable distance learning option for all families, some families elected to have their students remain in distance learning for the full 2020-21 school year.

Because of the variation described above, it is challenging to understand the impact of COVID-19 on restrictive procedures use during the 2020-21 school year. Data from 2020-21 shows a marked decrease in the use of both seclusion and physical holds among Minnesota students with disabilities. This can be attributed, in part, to the fact that many districts had fewer in-person learning days during the 2020-21 school year than in previous years. Some districts reported that social distancing requirements and smaller class sizes reduced the likelihood of physical altercations within their buildings, which in turn led to a decrease in the use of restrictive procedures.

¹⁸ [Minn. Exec. Order No. 20-82](#) (July 30, 2020) (last accessed Jan. 3, 2023).

¹⁹ [Minnesota's Safe Learning Plan for the 2020-21 School Year](#) (July 30, 2020) (last accessed Jan. 3, 2023).

However, anecdotal information from some districts indicate that the frequent movement between learning models was disruptive to students and may have contributed to increased use of restrictive procedures. It is likely that, beyond learning models, a complex set of factors affected restrictive procedures use during the 2020-21 school year, including the specific COVID-19-related mitigation factors in place in each building, the particular families that chose to keep their students in distance learning, the mental health and trauma-related needs of students and staff, the ability of districts to maintain training and coaching for staff during the COVID-19 pandemic, and other factors.

2021-22 School Year

During the 2021-22 school year, Minnesota schools and communities continued to be affected by the COVID-19 pandemic. The Minnesota Department of Health and the Centers for Disease control continued to provide recommendations to ensure the health and safety of all students, and school districts made local decisions based on this guidance and other factors. Although MDE did not systemically collect information on COVID-19-related learning model decisions or school closures during the 2021-22 school year, anecdotal evidence suggests that at least some Minnesota schools continued to be affected by COVID-19, including interruptions due to quarantines, staff shortages, and the continuing effect of learning loss, mental health, and trauma experienced by students in recent years.

Over the last several years, data has demonstrated a downward trend in the use of restrictive procedures, indicating that Minnesota school districts have been making progress in reducing the use of seclusion and physical holding. Even though these rates were already trending downwards prior to the COVID-19 pandemic, school closures during the spring of the 2019-20 school year and the use of hybrid and distance learning models during the 2020-21 school year contributed to an accelerated decrease in rates. Although the effect of COVID-19 during the 2021-22 school year is harder to interpret, it is possible that this data remains affected by COVID-19.

In general, caution should be used when comparing 2019-20, 2020-21, and 2021-22 data to similar data from other years, due to the effect of COVID-19.²⁰ Because of the varying and potentially unknown effect of COVID-19, 2021-22 restrictive procedures data is compared both to data from the previous year and to data from 2018-19. As the most recent school year not affected by the COVID-19 pandemic, the 2018-19 school year is considered the pre-COVID-19 baseline.

Total Restrictive Procedures

Prior to COVID-19, the use of restrictive procedures, as outlined below in Table 1 (below), was decreasing since a peak in the 2017-18 school year. This trend was accelerated during the 2019-20 and 2020-21 school years due to effects of the COVID-19 pandemic. In the 2021-22 school year, for the first time since the start of the COVID-19

²⁰ In tables and figures in this report, an asterisk is used to indicate data that was affected by Covid-19-related school closures during the 2019-20, 2020-21, and 2021-22 school years, as a reminder that caution should be used when making a comparison to previous years. It may be one or more additional school years until the effect of COVID-19 on this data is fully understandable.

pandemic, data shows an increase in the use of restrictive procedures. However, restrictive procedures during the 2021-22 school year continues to be significantly below the 2018-19 school year, the pre-COVID-19 baseline. This may be due to the continued effect of the COVID-19 pandemic or the successful efforts of districts to reduce their use of restrictive procedures, or both. It may be one or more additional school years until the effect of COVID-19 on this data is fully understandable.

Statewide, during the 2021-22 school year, districts reported a total of 14,684 restrictive procedures, including 4,593 seclusions and 10,091 physical holds, as described in Table 1 (below).

Table 1. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2014-15 through 2021-22 school years.²¹

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2014-15	15,511	6,547	22,058
2015-16	15,600	6,425	22,025
2016-17	17,120	7,085	24,205
2017-18	18,834	6,164	24,998
2018-19	17,157	5,596	22,755
2019-20*	12,679	3,983	16,662
2020-21*	6,687	1,850	8,537
2021-22*	10,091	4,593	14,684

During the 2021-22 school year, the number of restrictive procedures increased from the 2020-21 school year by 72 percent, as described in Table 2 (below). As further described by Table 2, below, districts reported 4,593 seclusions during the 2021-22 school year, an increase of 148 percent during from the 2020-21 school year, and 10,091 physical holds during the 2021-22 school year, an increase of 51 percent from the 2020-21 school year.

Table 2. Percentage Change in the Number of Restrictive Procedures, 2020-21 to 2021-22 school years.

Year	Physical Holds	Percent Change	Seclusion	Percent Change	Total Restrictive Procedures	Percent Change
2020-21*	6,687	Blank	1,850		8,537	
2021-22*	10,091	+ 51%	4,593	+ 148%	14,684	+ 72%

However, during the 2021-22 school year, total restrictive procedures decreased from the 2018-19 school year, the pre-COVID-19 baseline, by 41 percent, as described in Table 3 (below). As further described by Table 3,

²¹ Due to ongoing correction of data errors and an analysis with updated software, total counts of restrictive procedures reported in previous legislative reports has been revised and updated in this report.

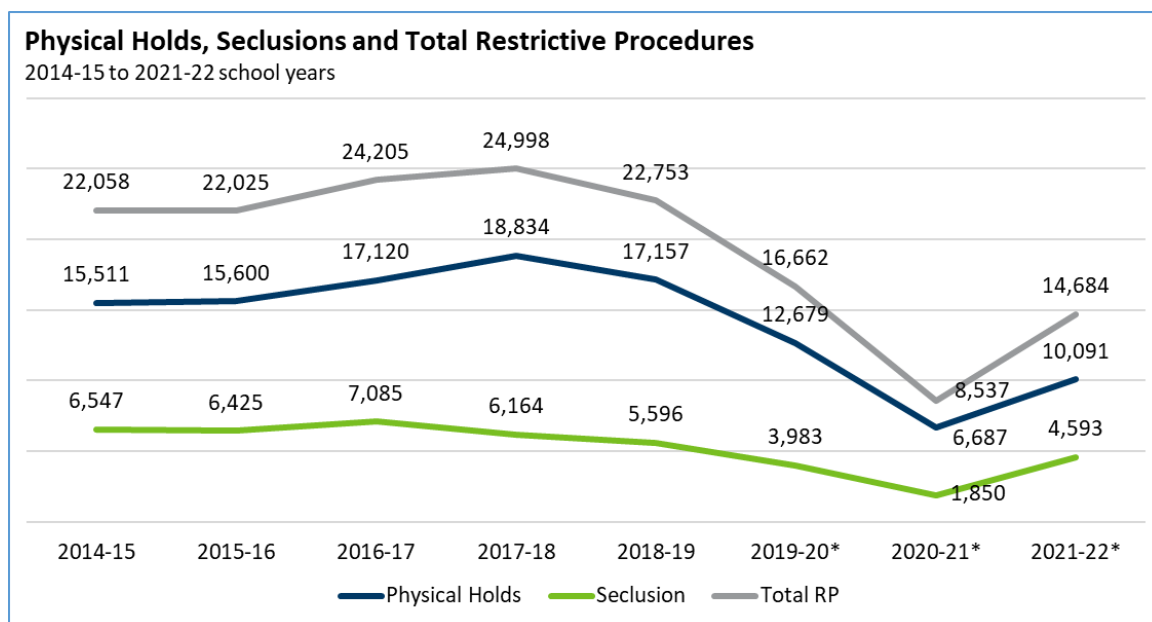
below, districts reported 4,593 seclusions during the 2021-22 school year, a 25 percent decrease from the 2018-19 school year, the pre-COVID baseline, and 10,091 physical holds during the 2021-22 school year, a decrease of 56 percent from the 2018-19 school year, the pre-COVID-19 baseline.

Table 3. Percentage Change in the Number of Restrictive Procedures, 2018-19, the pre-COVID-19 baseline, to 2021-22 school years.

Year	Physical Holds	Percent Change	Seclusion	Percent Change	Total Restrictive Procedures	Percent Change
2018-19	17,157		5,596	Blank	22,753	Blank
2021-22*	10,091	- 56%	4,593	- 25%	14,684	- 41%

Figure A (below) shows the trend in the number of restrictive procedures, as well as seclusions and physical holds, reported by districts since the 2014-15 school year. As shown in Figure A, the number of seclusions started decreasing in the 2016-17 school year, with an accelerated decline in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic, and the number of physical holds began to decrease in the 2018-19 school year, with an accelerated rate of decrease starting in the 2019-20 school year, due largely to the COVID-19 pandemic. Although 2021-22 school year data indicates an increase in restrictive procedures over the previous year, rates remain below the 2018-19 school year, the pre-COVID-19 baseline.

Figure A. Annual Physical Holds, Seclusions, and Total Restrictive Procedures, 2014-15 through 2021-22 school years.



Similarly, more students with disabilities experienced restrictive procedures during the 2021-22 school year than the 2020-21 school year as shown in Table 4 (below). Districts reported that 2,341 students with disabilities experienced one or more restrictive procedure during the 2021-22 school year, a 38 percent increase from

an increase of 55 percent of students with disabilities experiencing seclusion from the previous school year. However, 2021-22 data remains well below the 2018-19 school year, the pre-COVID-19 baseline, with an 18 percent reduction in seclusions and a 17 percent decrease in students with disabilities experiencing seclusion. Data regarding the change in the number of students with disabilities experiencing seclusion is presented below in Table 5.

Table 5. Annual Number of Students with Disabilities Experiencing Seclusion, 2016-17 through 2021-22 school years.

Year	Number of Students with Disabilities Experiencing Seclusion
2016-17	1,044
2017-18	855
2018-19	860
2019-20*	710
2020-21*	463
2021-22*	716

Figure B (below) highlights the overall trends in the number of seclusions since the 2018-19 school year. In typical years, variation is seen from quarter-to-quarter, as each quarter contains a different number of school days. Fewer seclusions are generally seen in quarter one each year, as this time period (July 1 through September 30) typically includes fewer school days, and higher rates of seclusion in quarters two, three and four (typically with a peak in quarter two).

Figure B, below, also demonstrates the slight decrease in seclusions in quarter three of the 2019-20 school year, which may have been due to both a general downward trend in the use of seclusion as well as COVID-19 school closures. Due to statewide school closures during the spring of the 2019-20 school year, there were no seclusions reported during quarter four of the 2019-20 school year. The 2020-21 school year showed a slow increase in the use of seclusions across each quarter, with the highest number of seclusions occurring in the fourth quarter, although seclusions continued to be significantly below pre-COVID-19-era totals.

As further demonstrated by Figure B, below, as compared to 2019-20 and 2020-21, which were heavily affected by COVID-19, quarterly data for the 2021-22 school year more closely represents the pattern in 2018-19 and previous years: a relatively low number of seclusions in quarter one, increased numbers in quarter two and three, which include more school days, and a decline in quarter four. Across all quarters, the number of seclusions reported in the 2021-22 school year is higher than the corresponding quarter in 2020-21, yet lower than the corresponding quarter of the 2018-19 school year, the pre-COVID baseline. For example, in Quarter 1 of the 2021-22 school year, Districts reported 1,444 seclusions, as compared to 172 in 2020-21 and 1,728 in 2018-19.

an increase of 55 percent of students with disabilities experiencing seclusion from the previous school year. However, 2021-22 data remains well below the 2018-19 school year, the pre-COVID-19 baseline, with an 18 percent reduction in seclusions and a 17 percent decrease in students with disabilities experiencing seclusion. Data regarding the change in the number of students with disabilities experiencing seclusion is presented below in Table 5.

Table 5. Annual Number of Students with Disabilities Experiencing Seclusion, 2016-17 through 2021-22 school years.

Year	Number of Students with Disabilities Experiencing Seclusion
2016-17	1,044
2017-18	855
2018-19	860
2019-20*	710
2020-21*	463
2021-22*	716

Figure B (below) highlights the overall trends in the number of seclusions since the 2018-19 school year. In typical years, variation is seen from quarter-to-quarter, as each quarter contains a different number of school days. Fewer seclusions are generally seen in quarter one each year, as this time period (July 1 through September 30) typically includes fewer school days, and higher rates of seclusion in quarters two, three and four (typically with a peak in quarter two).

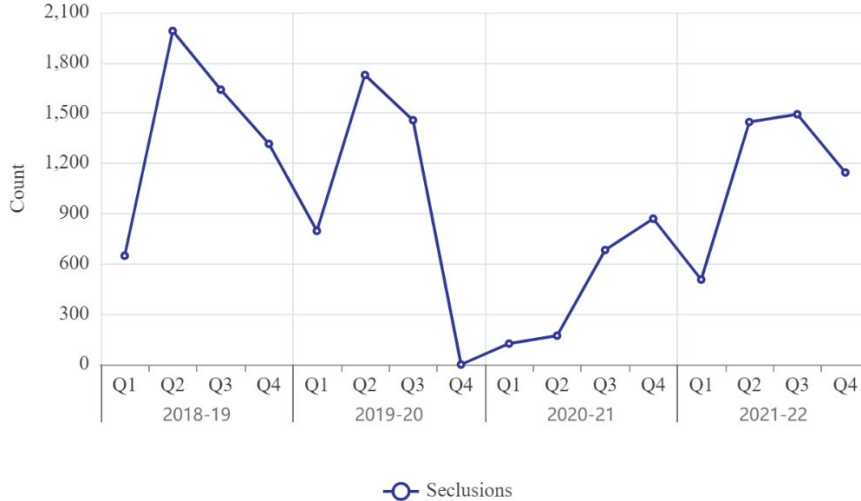
Figure B, below, also demonstrates the slight decrease in seclusions in quarter three of the 2019-20 school year, which may have been due to both a general downward trend in the use of seclusion as well as COVID-19 school closures. Due to statewide school closures during the spring of the 2019-20 school year, there were no seclusions reported during quarter four of the 2019-20 school year. The 2020-21 school year showed a slow increase in the use of seclusions across each quarter, with the highest number of seclusions occurring in the fourth quarter, although seclusions continued to be significantly below pre-COVID-19-era totals.

As further demonstrated by Figure B, below, as compared to 2019-20 and 2020-21, which were heavily affected by COVID-19, quarterly data for the 2021-22 school year more closely represents the pattern in 2018-19 and previous years: a relatively low number of seclusions in quarter one, increased numbers in quarter two and three, which include more school days, and a decline in quarter four. Across all quarters, the number of seclusions reported in the 2021-22 school year is higher than the corresponding quarter in 2020-21, yet lower than the corresponding quarter of the 2018-19 school year, the pre-COVID baseline. For example, in Quarter 1 of the 2021-22 school year, Districts reported 1,444 seclusions, as compared to 172 in 2020-21 and 1,728 in 2018-19.

Figure B. Seclusions by School Year and Quarter, 2018-19 through 2021-22 school years.

Seclusions by School Year and Quarter

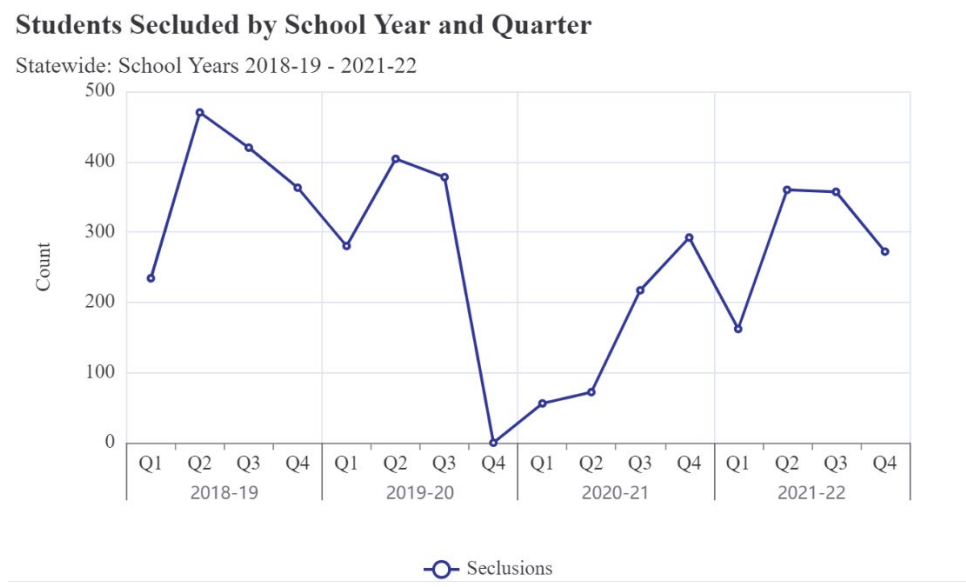
Statewide: School Years 2018-19 - 2021-22



The number of students with disabilities secluded each quarter during the 2021-22 school year more closely resembles quarterly data from the 2018-19 school year, the pre-COVID-19 baseline, and previous years, rather than the 2019-20 and 2020-21 school years, which were heavily affected by COVID-19. Similar to the pattern shown in total seclusions, quarterly data for the number of students with disabilities secluded during the 2021-22 school year demonstrates a relatively low number of students with disabilities secluded in quarter one, increased numbers in quarter two and three, and a decline in quarter four. Across all quarters, the number of students with disabilities experiencing seclusions reported in the 2021-22 school year is higher than the corresponding quarter in 2020-21, yet lower than the corresponding quarter in the 2018-19 school year, the pre-COVID-19 baseline. For example, in Quarter 1 of the 2021-22 school year, Districts reported 362 students with disabilities experiencing seclusion as compared to 72 in 2020-21 and 470 in 2018-19. Given the overall downward trend in the number of students with disabilities experiencing seclusion, it is possible that a decrease in the number of students with disabilities experiencing seclusion would have continued to occur during 2019-20 and 2020-21 school years in the absence of the COVID-19 pandemic, though to a lesser extent. It may not be possible at this time to determine whether the continued decline since 2018-19 is due to the continuing effect of COVID-19 or other factors.

Figure C (below) highlights the overall trends in the number of students with disabilities experiencing seclusion since the 2018-19 school year, the pre-COVID-19 baseline. Similar to the pattern shown in total seclusions, this figure illustrates the dramatic decrease in the number of students with disabilities secluded in quarter four of the 2019-20 school year. Although a steady increase occurred during the 2020-21 school year, with the most seclusions occurring in the fourth quarter, the number of students with disabilities secluded during the 2020-21 school year remained well below pre-COVID-19-era totals.

Figure C. Students with Disabilities Secluded by School Year and Quarter, 2018-19 through 2021-22 school years.



Student Demographics

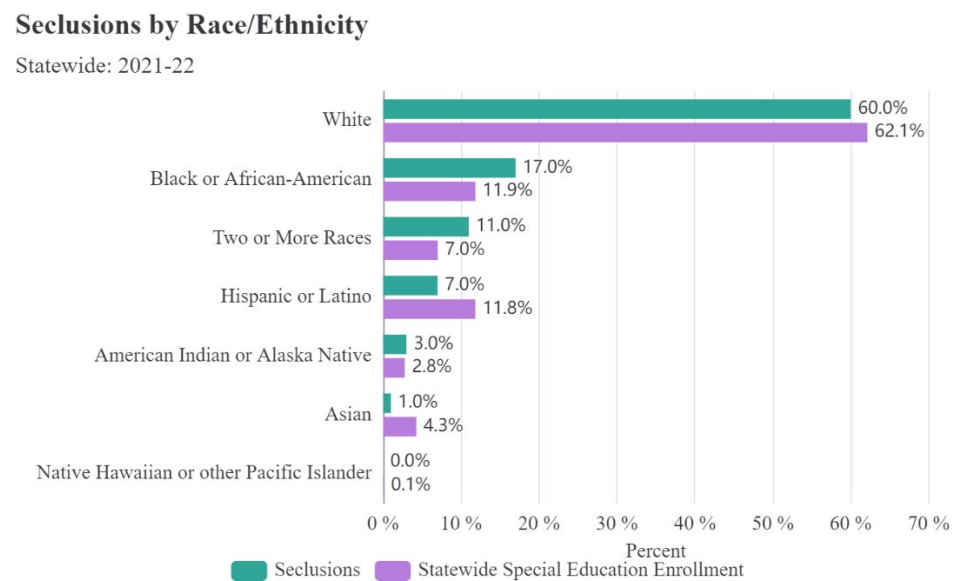
Race/Ethnicity

Since at least the 2016-17 school year, students with disabilities identified as Black or African American or two or more races, as well as American Indian or Alaska Native students, have been overrepresented in the total number of students with disabilities secluded, a pattern that is also consistent with students with disabilities experiencing physical holding. In contrast, students with disabilities identified as Hispanic or Latino and Asian students are underrepresented with regard to seclusions. White students with disabilities experience seclusion at a generally proportional rate in most years. In the 2021-22 school year, 60 percent of students with disabilities experiencing seclusion were white, and white students with disabilities comprised 62.1 percent of the special education population.

In the 2021-22 school year, 17 percent of the secluded students with disabilities were Black or African American, although they comprise 11.9 percent of the special education population. Students with disabilities identified as two or more races accounted for 11 percent of secluded students, although they comprise just seven percent of the special education population. American Indian or Alaska Native Students, at 2.8 percent of the special education population, were three percent of the secluded students with disabilities. Since the 2020-21 school year, this disproportionality has increased, with the percentage of secluded students with disabilities in these race/ethnicity categories increasing (13.7, 8.1, 2.8 percent, respectively) while their percentage of the population has remained relatively static (11.8, 6.9, 2.3 percent, respectively).

Figure D (below) compares the percentage of students with disabilities who experienced seclusion in each race/ethnicity category to the percentage of students enrolled in special education services in each category for the 2021-22 school year.

Figure D. Students with Disabilities Secluded by Race/Ethnicity, as compared to Special Education Enrollment, 2021-22 school year.



Age/Grade

In the 2022 legislative report, data was provided with regard to both the age and grade of students with disabilities experiencing seclusion. However, data consistently shows similar trends with regard to both age and grade from year to year. For this reason, and due to challenges related to obtaining accurate grade data through Stepwell MN, seclusion data reported in this and future legislative reports will include data regarding the age, but not the grade, of students with disabilities experiencing seclusion.²²

During the 2021-22 school year, the majority of students with disabilities experiencing seclusion were in the 6-10-year age range: 67 percent. Students with disabilities in this age range are 33.6 percent of the total special education population. Twenty-two percent of students with disabilities experiencing seclusion were in the 11-15-year age range. This pattern is consistent with both age and grade data from previous years. As in previous years, a relatively small percentage of students with disabilities under 5 or over the age of 16 experienced seclusion.

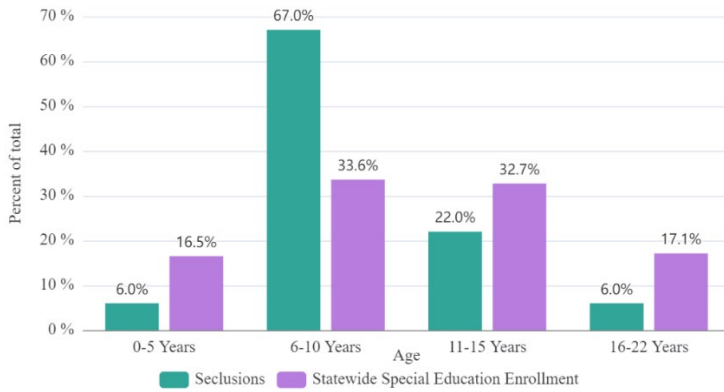
Figure E (below) compares the ages of students with disabilities who experienced seclusion to the percentage of students in the total special education population for the 2021-22 school year.

²² MDE cannot collect accurate quarterly data regarding the grade of students experiencing seclusion through Stepwell MN, particularly for the first quarter of each school year. Minnesota statute requires that MDE collect quarter one seclusion data on October 15 annually, which is before complete fall student data is available from districts.

Figure E. Students with Disabilities Secluded by Age, as compared to Special Education Enrollment, 2021-22 school year.

Seclusions by Age

Statewide: 2021-22



Setting

Districts reported using seclusion most often for students with disabilities receiving services in federal instructional setting four (Level 4), meaning the student spends at least 50 percent of their school day in a public separate day school facility for students with disabilities. This setting includes Level 4 programs operated by independent school districts, intermediate school districts, and special education cooperatives.

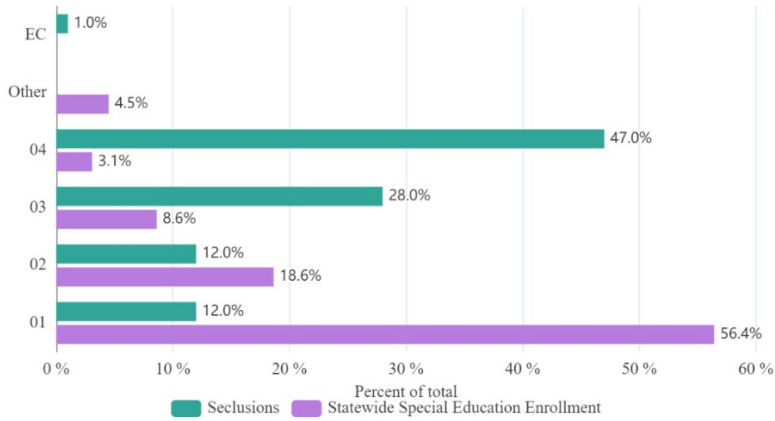
During the 2021-22 school year, 3.1 percent of the special education population received services in Level 4 programs. However, students with disabilities receiving services in Level 4 programs were 47 percent of the students with disabilities experiencing seclusion, as shown below in Figure F. This has changed slightly from previous years, when 57 percent (2020-21) and 60 percent (2019-20) of the students with disabilities experiencing seclusion were students receiving services in Level 4 programs.

On the other end of the spectrum, the majority of students with disabilities spend less than 20 percent of their time in special education settings and are considered Level 1 students. Level 1 students with disabilities make up 56.4 percent of the special education population and are much less likely to experience seclusion. During the 2021-22 school year, 12 percent of secluded students with disabilities were receiving services in Level 1 settings. This is an increase from the 2020-21 school year, when six percent of secluded students with disabilities were students in Level 1 settings.

Figure F. Students with Disabilities Secluded by Setting, as Compared to Special Education Enrollment, 2021-22 school year.

Seclusions by Setting

Statewide: 2021-22



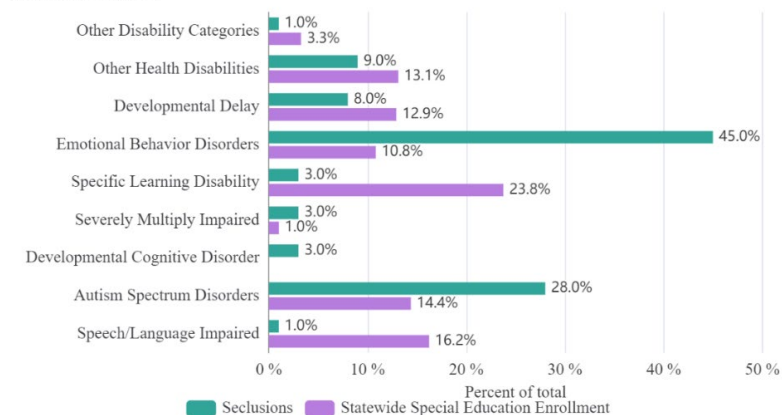
Disability Category

Figure G (below) provides information regarding the disability category of students with disabilities who experienced seclusion during the 2021-22 school year. Consistent with the previous school year, as well as physical holding data, the majority of students with disabilities experiencing seclusion receive services under the EBD and ASD categories. Although EBD students comprise 10.8 percent of the special education population, they were 45 percent of the students with disabilities that experienced seclusion during the 2021-22 school year. ASD students, who comprise 14.4 percent of the special education population, were 28 percent of students with disabilities that experienced seclusion during the 2021-22 school year.

Figure G. Students with Disabilities Secluded by Disability Category, as Compared to Special Education Enrollment, 2021-22 school year.

Seclusions by Disability

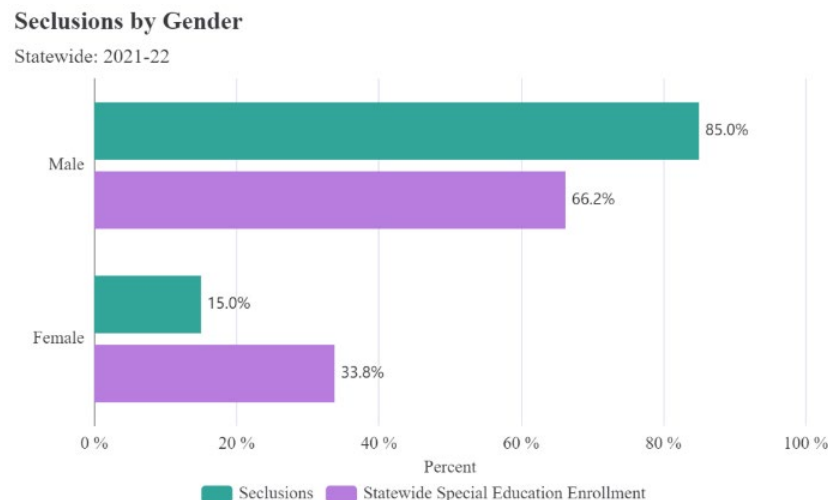
Statewide: 2021-22



Gender

Male students have comprised a greater proportion of students receiving special education services, and a greater proportion of students with disabilities experiencing seclusion, since at least the 2011-12 school year. As in previous years, male students continue to be overrepresented in the special education population, at 66.2 percent, with female students comprising just 33.8 percent of the total special education population. Even considering this overrepresentation in the special education population, male students with disabilities are disproportionately secluded. As shown in Figure H (below), 85 percent of the students with disabilities that experienced seclusion in the 2021-22 school year were male. This is similar to the percentages reported in previous years: students with disabilities experiencing seclusion in 2020-21 were 88 percent male and 90 percent male in 2019-20.

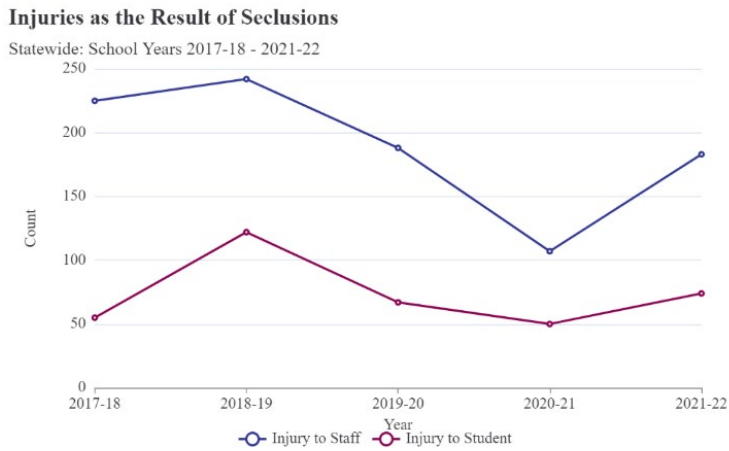
Figure H. Students with Disabilities Secluded by Gender, as Compared to Special Education Population, 2021-22 school year.



Staff and Student Injuries Reported by Districts Resulting from Seclusions

Figure I (below) shows staff and student injuries from the 2017-18 through 2021-22 school years, which indicates a similar pattern as other restrictive procedures data: a general downward trend in both staff injuries and student injuries resulting from seclusions since the 2018-19 school year, the pre-COVID-19 baseline. Despite this, there was an increase in both student and staff injuries during the 2021-22 school year, though still below the 2018-19 school year, the pre-COVID-19 baseline. For the 2021-22 school year, districts reported 183 staff injuries and 74 student injuries as a result of seclusion.

Figure I. Student and Staff Injuries Resulting from Seclusions, 2017-18 through 2021-22 school years.



Physical Holding

This section provides data about reporting districts and overall physical holding numbers and trends as reported by districts annually.

Reporting Districts

A total of 249 districts reported using physical holding during the 2021-22 school year, a slight increase from 245 districts in 2020-21, though a decrease from earlier years: 279 districts reported using physical holding in 2019-20, 285 districts in 2018-19, and 302 in 2017-18.

Overall Physical Holds

Annual data indicates an overall increase in the number of physical holds during the 2021-22 school year, the first year of increasing numbers after several years of decreases – although the last few years have been heavily affected by the COVID-19 pandemic. During the 2021-22 school year, districts reported a total of 10,091 physical holds and 2,001 students with disabilities experiencing physical holds, an increase of 51 percent in physical holds and an increase in 27 percent in the number of students with disabilities experiencing physical holds. However, 2021-22 data remains well below the 2018-19 school year, the pre-COVID-19 baseline of 17,157 physical holds and 3,347 students with disabilities experiencing physical holds (a decrease of 41 and 40 percent, respectively). In addition, during the 2021-22 school year, the average number of physical holds per physically held student was 5.0, an increase from 4.2 in 2020-21 and 4.5 in 2019-20. Again, this is a slight decrease from pre-COVID-19-era years: the average number of physical holds per physically held student was 5.1 in 2018-19 and 5.4 in 2017-18. Accordingly, even as physically holding data from the past few years has been significantly impacted by the COVID-19 pandemic, it is possible that continued decreases in the use of physical holding would have been observed in the absence of the global pandemic. It may take one or more years to fully understand patterns in the data from recent years.

Districts reported using physical holds with 2,001 students during the 2021-22 school year, which is an increase of 27 percent from the previous year. Compared to the 2018-19 school year, the pre-COVID-19 baseline, this is a decrease of 40 percent. The lower numbers of physical holds during the 2019-20 and 2020-21 school years is likely due, at least in part, to the COVID-19 pandemic. However, the comparative increase during the 2021-22 school year, while remaining significantly under pre-COVID baselines, indicates that a continued decrease in the use of physical holding may have been observed even in the absence of the global pandemic. The percentage of students with disabilities experiencing physical holds increased slightly in the 2021-22 school year to 1.3 percent, as compared to 1.1 percent in the 2020-21 school year. However, this continues to be a decrease in the percentage of students with disabilities experiencing physical holds as compared to earlier years: 1.9 percent during the 2019-20 school year and 2.3 percent in the 2018-19 school year, the pre COVID-19 baseline.

Data regarding the change in the number of students with disabilities experiencing physical holding from the 2017-18 through 2021-22 school years is presented below in Table 6.

Table 6. Annual Number of Students with Disabilities Experiencing Physical Holds, 2017-18 through 2021-22 school years.

Year	Number of Students with Disabilities Experiencing Physical Holds
2017-18	3,465
2018-19	3,347
2019-20*	2,828
2020-21*	1,576
2021-22*	2,001

Student Demographics

Race/Ethnicity

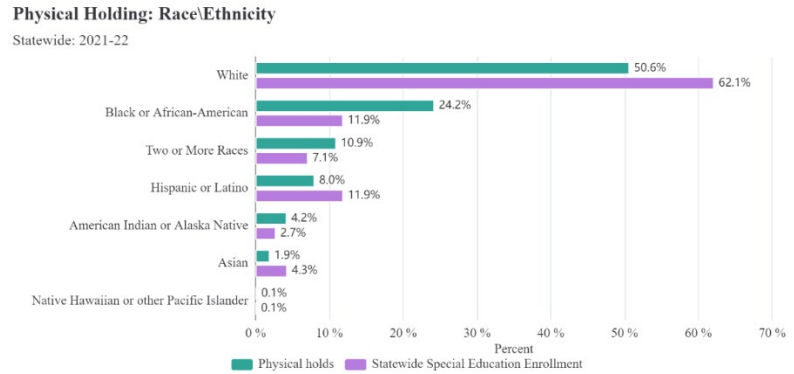
Students with disabilities identified as Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races continue to be overrepresented in the use of physical holds. Conversely, categories of white, Hispanic or Latino, and Asian students with disabilities continue to be considerably underrepresented.

In the 2021-22 school year, 24.2 percent of the physically held students with disabilities were Black or African American, although they comprise just 11.9 percent of the special education population. Students with disabilities identified as two or more races accounted for 10.9 percent of physically held students with disabilities, although they comprise 7.1 percent of the special education population. American Indian or Alaska Native Students, at 2.7 percent of the population, were 3.4 percent of the physically held students with disabilities. Since the 2020-21 school year, this disproportionality has increased; the percentage of physically held students with disabilities in these race/ethnicity categories has increased (19.6, 10.2, and 3.4 percent,

respectively) while their percentage of the population has remained relatively static (11.9, 6.9, 2.8 percent, respectively).

Figure J (below) compares the race/ethnicity of students with disabilities who experienced physical holds during the 2021-22 school year to the race/ethnicity of students receiving special education services.

Figure J. Students with Disabilities Physically Held by Race/Ethnicity, as Compared to Special Education Enrollment, 2021-22 school year.

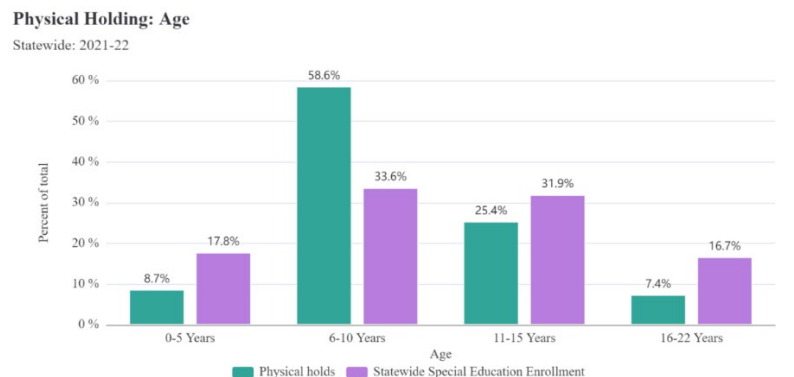


Age

During the 2021-22 school year, the majority of students with disabilities experiencing physical holds were in the 6-10 age range: 58.6 percent of the physically held students with disabilities were in the 6-10-year age range, although students in this age range comprised just 33.6 percent of the special education population. This pattern is consistent with the age range data from previous years. As in previous years, a relatively small percentage of physical holds were used on students with disabilities under 5 or older than the age of 16, just 8.7 percent and 7.4 percent, respectively.

Figure K (below) compares the age of students with disabilities that experienced physical holds in the 2021-22 school year to the age of students in the total special education population.

Figure K. Students with Disabilities Physically Held by Age, as Compared to Special Education Enrollment, 2021-22 school year.



Setting

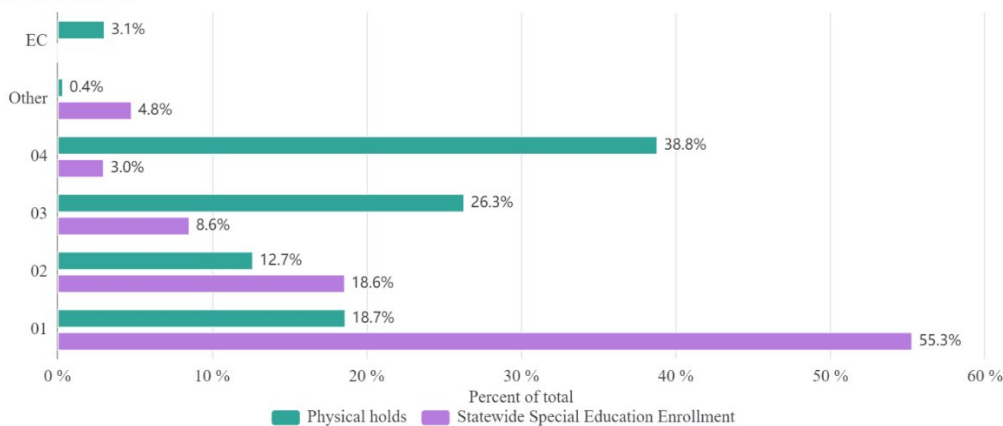
In 2014-15, MDE began collecting demographic data related to the federal instructional setting of physically held students with disabilities. Since then, the pattern of physical holding use across students in different instructional settings has been generally consistent. Relative to the proportion of all students in Level 4 programs, a disproportionate number of students with disabilities experiencing physical holds are in level 4 programs, a trend that is consistent with data from the past three school years and with seclusion data.

During the 2021-22 school year, 3.0 percent of the special education population received services in Level 4 programs. However, students with disabilities receiving services in Level 4 programs were 38.8 percent of students with disabilities experiencing physical holds. As shown in Figure L (below) most of the physically held students with disabilities in 2021-22 received services in Level 4 programs (38.8 percent) or Level 3 programs (26.3 percent), although these students comprise a relatively small percentage of the total special education population (3.0 percent and 8.6 percent, respectively). In contrast, only 31.4 percent of students who were physically held received services in federal Levels 1 or 2, although these students comprised over 70 percent of students with disabilities in the 2019-20 school year.

Figure L. Students with Disabilities Physically Held by Setting, as Compared to Special Education Enrollment, 2021-22 school year.

Physical Holding: Setting

Statewide: 2021-22



Disability Category

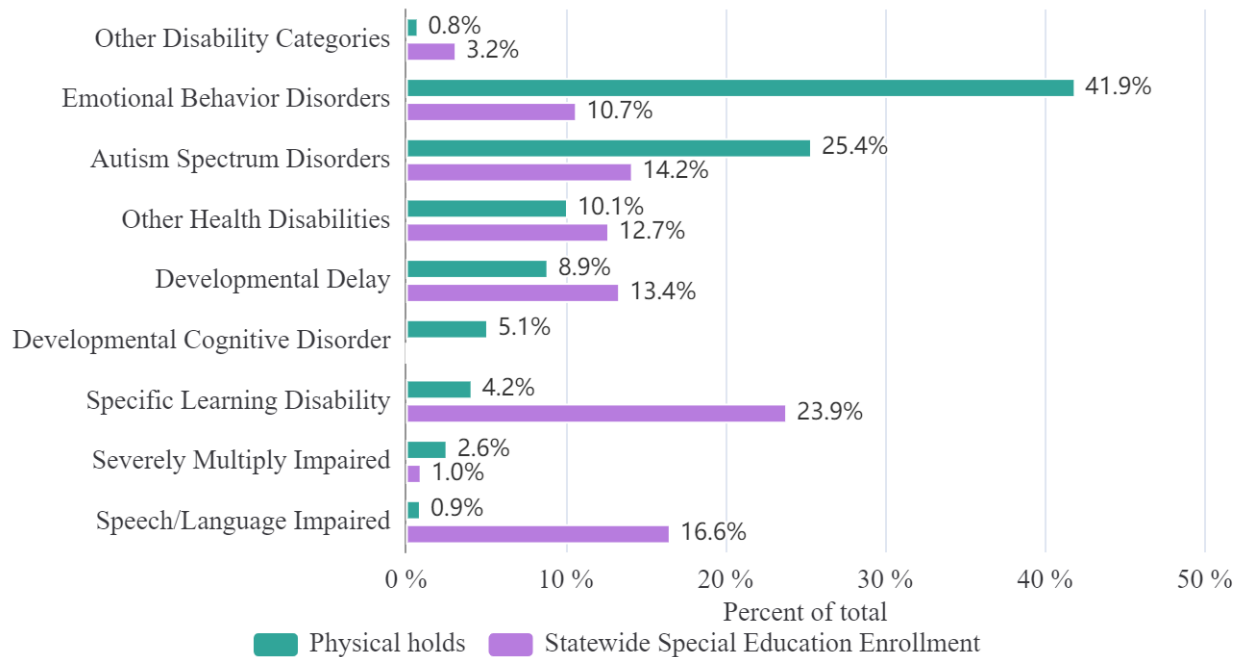
As in previous years, students who received services under the disability category of EBD or ASD experienced the majority of physical holds during the 2020-21 school year. Together, students from those two categories comprised 67.3 percent of the students who experienced physical holds. Students in both categories experienced physical holds at a rate disproportionate to their representation in the special education population. EBD students, who were 41.9 percent of physically held students, comprised just 10.7 percent of the special education population. The percentage of physically held students who receive services under the disability category of EBD has remained relatively consistent since the 2016-17 school year, between 40 and 50 percent.

Figure M (below) provides information regarding the disability of categories of students who experienced physical holding during the 2021-22 school year.

Figure M. Students Physically held by Disability Category, as Compared to Special Education Enrollment, 2021-22 school year.

Physical Holding: Disability

Statewide: 2021-22

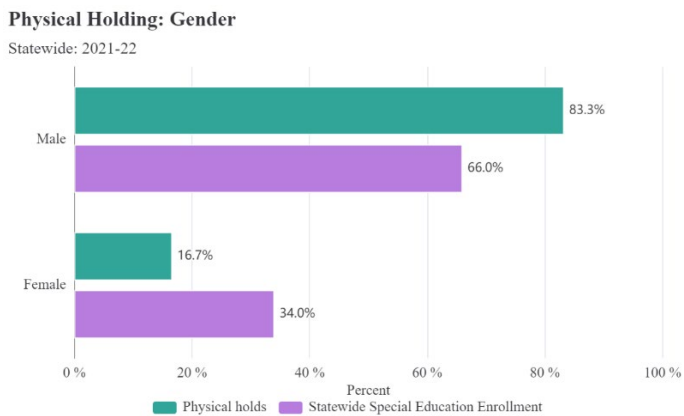


Gender

Consistent with previous years, male students comprised a greater percentage of students receiving special education services as well as a greater percentage of students with disabilities experiencing physical holding. This pattern is also consistent with seclusion data. During the 2021-22 school year, 66 percent of students receiving special education services were male and 34 percent of students were female, a ratio of approximately two male students to each female student. During the same time period, 83.3 percent of the students experiencing physical holds were male, and 16.7 percent were female. This is a ratio of 5.3 male students to each female student, meaning male students with disabilities are more than five times more likely to experience a physical hold.

Figure N (below) provides information regarding the gender of students with disabilities who experienced physical holds during the 2021-22 school year.

Figure N. Students with Disabilities Physically Held by Gender, as Compared to Special Education Enrollment, 2021-22 school year.

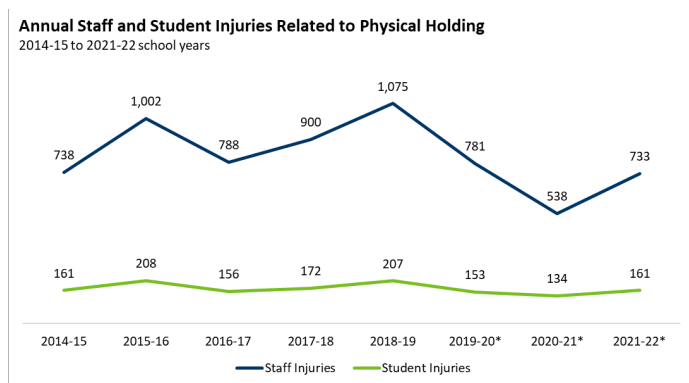


Staff and Student Injuries Reported by Districts Resulting from Physical Holding

During the 2021-22 school year, districts reported 733 staff injuries directly related to physical holding, an increase of 36 percent since the 2020-21 school year and an approximate rate of one staff injury for every 14 physical holds. During the same time period, districts reported 161 student injuries directly related to physical holding, an increase of 20 percent since the 2020-21 school year, and a rate of one student injury for every 63 physical holds. Figure O (below) shows fluctuating rates of staff injuries since the 2014-15 school year, with less change in the number of student injuries since the 2014-15 school year. As with other measurements, although the number of injuries increased this year as compared the 2019-20 and 2020-21 school year, injuries remain well below the numbers reported during the 2018-19 school year, the pre-COVID-19 baseline.

A factor that may confound the number of injuries reported is the subjectivity in defining an injury and determining whether it was directly related to physical hold use. Given the lack of a consistent definition of injury, districts locally determine a threshold for the level of injury and how close in time it must occur to the physical hold when deciding whether to include an injury in their yearly counts.

Figure O. Staff and Student Injuries Resulting from Physical Holding, 2014-15 through 2021-22 school years.



Appendix D – Strategies and Resources for School Districts to Reduce the use of Restrictive Procedures, Eliminate Seclusion and Address Disproportionalities in the Use of Restrictive Procedures (2021-22 school year)

This appendix includes an overview of research and guidance at the national level, information about proposed federal and state legislation regarding the use of restrictive procedures, and resources to support school districts' efforts to reduce the use of restrictive procedures and address disproportionality in the use of restrictive procedures. This non-exhaustive compilation of strategies and resources includes information gathered from federal and state guidance and from reports by Minnesota school districts collected through MDE-administered grants and programming as well as the practices, strategies, and initiatives districts report using and recommending to reduce the use of restrictive procedures through MDE's annual restrictive procedures reporting. This document will continue to expand and develop as education partners continue to work together to ensure the safety of students and staff while reducing the use of restrictive procedures in Minnesota schools.

Federal Resources on Civil Rights Law and Disproportionality in the use of Restraint and Seclusion

In 2012, the U.S. Department of Education issued the *Restraint and Seclusion: Resource Document* outlining 15 principles to consider when examining the use of restraint and seclusion in schools, with an emphasis on preventing the need for restraint and seclusion, using only behavioral interventions that are consistent with a child's rights to be treated with dignity and free from abuse, and ensuring that all schools are safe for all children and adults.²³

In 2016, the U.S. Department of Education, Office for Civil Rights (OCR), issued guidance warning school districts that the use of restraint and seclusion may result in discrimination against students with disabilities and reiterating that there is no evidence that using restraint or seclusion is effective in reducing problem behaviors, noting that instead, research supports a positive approach that incorporates positive behavioral interventions, evidence-based positive classroom strategies, and trauma-informed care.²⁴

In January 2019, the U.S. Department of Education announced an initiative to examine the use of restraint and seclusion in the school setting, with a focus on providing technical assistance to support schools in understanding how Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II, and the Individuals with Disabilities Education Act (IDEA) inform the development and implementation of policies regarding restraint and

²³ U.S. Department of Education, [Restraint and Seclusion: Resource Document](#) (May 12, 2012) (last accessed Jan. 3, 2023).

²⁴ OCR, [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#) (Dec. 28, 2016) (last accessed Jan. 3, 2023).

seclusion.²⁵ As part of this initiative, the Department released a webinar to explain how federal laws apply to the use of restraint and seclusion.²⁶

In July 2019, the U.S. Commission on Civil Rights issued *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*, a report focusing on exclusionary discipline policies and addressing nationwide data showing the disproportionate use of restraint and seclusion on students with disabilities, which may have an unlawful discriminatory effect on students of color with disabilities.²⁷

In April 2020, the U.S. Government Accountability Office (GAO) released a report finding that the U.S. Department of Education’s quality control processes for data it collects on incidents of restraint and seclusion are “largely ineffective” and recommending several changes to better detect problematic data in the Civil Rights Data Collection (CRDC), including that the Department expand its CRDC business rules to cover all school districts, identify and address factors underlying misreporting, and refine and clarify its definitions of restraint and seclusion.²⁸

In July 2020, the Children’s Equity Project and the Bipartisan Policy Center issued a policy agenda titled *Start with Equity: From the Early Years to the Early Grades* that included data and research on “harsh discipline,” including seclusion and inappropriately-used restraint, and its disproportionate effect on Black children and children with disabilities.²⁹ The agenda recommended policy changes for all levels – Congress, federal agencies, states and school districts – including recommending that districts ban harsh discipline, ensure that young children never have negative interactions with SROs, and invest in systems supporting positive discipline and anti-bias approaches.

In October 2020, the U.S. Department of Education released its most recent CRDC data on restraint and seclusion,³⁰ which continued to show that students with disabilities were disproportionately subjected to

²⁵ See U.S. Department of Education Press Release: [U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws](#) (Jan. 17, 2019) (last accessed Jan. 3, 2023).

²⁶ See U.S. Department of Education Press Release: [Education Department Releases Webinar on Use of Restraint and Seclusion](#) (Jan. 9, 2020) (last accessed Jan. 3, 2023).

²⁷ U.S. Commission on Civil Rights, [Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#) (July 23, 2019) (last accessed Jan. 3, 2023).

²⁸ U.S. Government Accountability Office, [Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data](#) (April 21, 2020) (last accessed Jan. 3, 2023).

²⁹ Children’s Equity Project and Bipartisan Policy Center, [Start with Equity: From the Early Years to the Early Grades](#) (July 13, 2020) (last accessed Jan. 3, 2023).

³⁰ OCR, [Civil Rights Data Collection \(CRDC\) for the 2017-18 School Year](#) (October 15, 2020) (last accessed Jan. 3, 2023).

physical restraint and seclusion in the school setting,³¹ and that this disproportionality was compounded when analyzed by race, especially for Black students with disabilities.³²

In October 2021, the U.S. Department of Education released a supplement to its ED COVID-19 Handbook on Strategies for Safely Reopening Elementary and Secondary Schools³³ entitled *Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs*.³⁴ The guidance emphasized that IEPs should “support children and students in each area of unique need—including educational, social, emotional, behavioral, and related areas—with high-quality and evidenced-based support” and “employ functional behavioral assessment to develop individualized BIPs for students whose behaviors interfere with their ability to access and benefit from the education program” instead of relying on “inappropriate disciplinary practices, such as corporal punishment, seclusion, and restraint that disproportionately impact children of color and children with disabilities” and programs with “little or no research to support their effectiveness.”

During 2021, the U.S. Department of Education’s Office of Civil Rights, and the U.S. Department of Justice’s Office of Civil Rights, also continued investigating school districts’ use of restraint and seclusion, reaching settlement agreements with school districts in Maine³⁵ and Maryland.³⁶ The U.S. Department of Education indicated that its investigation into a Maine school district was “part of a series of 24 compliance reviews initiated nationwide related to restraint and seclusion, begun in January 2019.”³⁷

On July 19, 2022, the U.S. Department of Education’s Office of Special Education and Rehabilitative Services and the Office of Special Education Programs issued guidance on addressing disparities in the use of discipline for children with disabilities and the implementation of IDEA’s discipline provisions.³⁸ In addition, two

³¹ During the 2017-18 school year, students with disabilities receiving services under IDEA represented 13 percent of students enrolled nationally in public schools; however, they represented 80 percent of the students who were subjected to physical restraint, and 77 percent of the students who were subjected to seclusion.

³² Black students represented 18 percent of students with disabilities served by IDEA but represented 26 percent of the students subjected to physical restraint and 22 percent of the students subjected to seclusion

³³ U.S. Department of Education, [ED COVID-19 HANDBOOK Strategies for Safely Reopening Elementary and Secondary Schools](#) (Vol. 1) (Updated Aug. 2021) (last accessed Jan. 3, 2023).

³⁴ U.S. Department of Education, [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs](#) (Oct. 19, 2021) (last accessed Jan. 3, 2023).

³⁵ U.S. Department of Education Press Release: [U.S. Department of Education's Office for Civil Rights Reaches Agreement to Resolve Restraint and Seclusion Compliance Review of Saco, Maine, Public Schools](#) (November 5, 2021) (last accessed Jan. 3, 2023).

³⁶ U.S. Department of Justice Press Release: [United States Reaches Settlement with Frederick County Public School District to Protect Students with Disabilities](#) (Dec. 1, 2021) (last accessed Jan. 3, 2023).

³⁷ U.S. Department of Education Press Release: [U.S. Department of Education's Office for Civil Rights Reaches Agreement to Resolve Restraint and Seclusion Compliance Review of Saco, Maine, Public Schools](#) (November 5, 2021) (last accessed Jan. 3, 2023).

³⁸ U.S. Department of Education, [Dear Colleague Letter on Implementation of IDEA Discipline Provisions](#) (July 19, 2022) (last accessed Jan. 3, 2023).

accompanying guidance documents were issued to support state educational agencies' and local educational agencies' efforts to fulfill their obligations to appropriately meet the needs of children with disabilities.³⁹

On July 19, 2022, the U.S. Department of Education also released guidance describing schools' responsibilities under Section 504 to ensure nondiscrimination against students based on disability when imposing student discipline.⁴⁰ Specifically, the guidance explains how compliance with Section 504's requirement to provide a free appropriate public education (FAPE) to students with disabilities can assist schools in effectively supporting and responding to behavior that is based on a student's disability and that could lead to student discipline. By using Section 504's procedures to identify and meet the behavioral, social, emotional, and academic needs of students with disabilities as required for FAPE, schools can help prevent or reduce behaviors that might otherwise result in discipline. As the guidance explains, when schools do choose to administer discipline for students with disabilities, they must do so in a nondiscriminatory manner.

Potential Legislation Impacting the Use of Restraint and Seclusion in Schools

The *Keeping All Students Safe Act* has been annually introduced into the U.S. Congress since 2007.

There is no record of the Act being introduced into the 118th Congress, which commenced on January 3, 2023. The last version – introduced into the 117th Congress, sought to: establish standards in schools regarding seclusion and restraints; to support states by providing better training to ensure student and staff safety and establishing monitoring and enforcement systems; and to increase transparency, oversight, and enforcement to prevent future abuse and death.

Governor Walz's 2023 policy and budget bills.

The 2023 policy bill proposes statutory revisions expanding standards for the use of restrictive procedures, prohibiting prone restraint and certain physical holds in schools for all students, and addressing the reporting requirements for the use of reasonable force for all students that would:

- Add additional responsibilities to the oversight committee to include reviewing disproportionalities in the use of restrictive procedures, the use of SRO and/or police handling of student behaviors, and ensuring the standards for using restrictive procedures were followed;

³⁹ U.S. Department of Education, [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#) (July 19, 2022) (last accessed Jan. 3, 2023) and U.S. Department of Education, [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#) (July 19, 2022) (last accessed Jan 3, 2023).

⁴⁰ U.S. Department of Education, [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973](#) and accompanying [Fact Sheet](#) (July 19, 2022) (last accessed Jan. 3, 2023).

- Add a brief description of the post-use debriefing process to the list of information that a staff person has to document following the use of a restrictive procedure;
- Make the restrictive procedures provisions applicable to infants and toddlers receiving early intervention services outlined in an individualized family service plan;
- Prohibit the use of seclusion on children from birth through prekindergarten;
- Clarify and add reporting requirements pertaining to reasonable force (applicable to children with and without disabilities);
- Prohibit the use of prone restraint in schools (applicable to children with and without disabilities); and
- Prohibit any physical holding that restricts or impairs a child’s ability to breathe; restricts or impairs a child’s ability to communicate distress; places pressure or weight on a child’s head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a child’s torso in schools (applicable to pupils with and without disabilities).

State Resources on Restrictive Procedures Legal Standards

Restrictive Procedures Use in Schools: MDE provides training and model forms to assist Minnesota school districts in ensuring that restrictive procedures used in emergency situations are implemented safely and in accordance with the standards for using restrictive procedures found in Minnesota Statutes, sections [125A.0941](#) and [125A.0942](#).

- **MDE training sessions.** MDE offers interactive training sessions to school districts and other interested groups throughout the state. These sessions can be provided as online sessions or in person at no cost to participants. For more information or to request a training, please contact [MDE’s Division of Assistance and Compliance](#).
 - MDE’s restrictive procedures training provides an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations, along with strategies that support reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionality in the use of restrictive procedures.
 - MDE offers a variety of training sessions on special education due process and the legal standards outlining the use of discipline in schools that support the reduction in use of restrictive procedures and can be customized to meet the needs of participants.
- **MDE model forms.** MDE posts [model forms](#) related to the use of restrictive procedures. The model forms outline the minimum compliance standards in a format that school districts can modify to meet their needs.

Strategies Reported by School Districts in Narrative Responses

Beginning the 2020-21 school year, as part of reporting annual physical holding data, school districts were asked to respond to two questions summarized as follows: 1) What strategies did your district try this year to reduce the number of restrictive procedures in your district, including addressing disproportionalities? and 2) Of the strategies your district tried this past year, what strategies would you recommend to other districts to reduce the use of restrictive procedures in their schools?

The emerging strategies reported by school districts used to reduce the use of restrictive procedures include:⁴¹

- Staff training
 - Crisis Prevention Institute (CPI) and other similar training programs
 - Trainings focusing on de-escalation techniques
 - Trainings focusing on specific school and student behavior concerns
 - Benefit of onsite trainers, continued coaching, or other on-going training opportunities for staff
- Providing student supports
 - Functional behavioral assessments
 - Proactive and positive behavioral support plans
 - Behavioral intervention plans
 - Addressing sensory needs
 - Adding special education services
 - Adjusting schedules or programming
 - Developing relationships with staff
 - Incorporating social-emotional learning
 - Utilizing trauma-informed practices
 - Supporting mental health
- Staff collaboration and/or team meetings
 - Allowing for collaboration and/or troubleshooting a particular student's needs
 - Developing a consistent process for staff to debrief together following behavioral incidents
 - Involving parents, oversight committees, and IEP team members

⁴¹ Although this information is not currently paired with quantitative data from school districts, MDE does expect to be able to add this information to its analysis moving forward. MDE is currently able to report broad information regarding what districts reported has worked in their district, but in the future may be able to report whether districts that used a specific strategy actually experienced an increase or decrease in their reported restrictive procedures use. Likewise, because this information is new, it cannot be compared to previous years to identify patterns or determine pre-COVID-19 baselines. Further, because the information is summarized, overview information about district strategies and initiatives, it may not provide the more detailed information necessary to successfully replicate these strategies in other districts. For example, a district may have reported that providing time for staff collaboration was an important strategy the district employed that year, but the details of which staff attended meetings, the timing and agenda of the meetings, and the training staff received surrounding these meetings is not provided.

- Strategic staffing
 - Using specific staff positions to address behaviors (i.e., behavior specialists, crisis teams)
 - Maintaining particular expertise on staff (i.e., contracting with a board-certified behavior analyst, social worker, or school counselor, behavior teams or crisis teams trained to respond to student behaviors)

It is likely it will take some time to identify patterns in this data, given the novelty of the narrative information and the continued effect of the COVID-19 pandemic on the use of restrictive procedures. MDE does expect that the information collected through the narrative response questions will continue to improve in quality and detail, resulting in MDE’s and the workgroup’s ability to share increasingly meaningful information that can be used to reduce the use of restrictive procedures in Minnesota school districts. More information about the strategies are detailed below.

Strategies and Resources to Reduce the Use of Restrictive Procedures

This list of resources provides information collected by MDE and the workgroup that could be useful to districts in reducing the use of restrictive procedures. These strategies include resources provided by state and federal guidance. It also includes strategies and resources reported by school districts, as collected through MDE-administered grants and programming. Further, this section includes strategies reported by districts in narrative response data that was collected as part of physical holding reporting in summer 2021 and summer 2022. It is not intended as an endorsement of any specific training program or method. This document will continue to expand and develop as education partners continue to work together to ensure the safety of students and staff while reducing the use of restrictive procedures in Minnesota schools.

Utilize Trauma-Informed Practices

Trauma-informed training and practices emphasize physical, psychological, and emotional safety for students, families, and staff, and helps trauma survivors rebuild a sense of control and empowerment. Becoming “trauma-informed” means recognizing that people often have many different types of trauma in their lives. People who have been traumatized need support and understanding from those around them. Trauma-informed resources and practices used by school districts include Conscious Discipline, Trauma-Informed Care, Boys Town training, the Nurtured Heart Approach, Life Space Crisis Intervention (LSCI), information on Adverse Childhood Experiences (ACEs), and culturally-sensitive trainings.

- Districts continue to report that training staff to approach crises with empathy has had a meaningful impact on students and staff, including decreases in the use of restrictive procedures and increases in staff retention.
- MDE also offers [Responding to Tragedy and Trauma](#), a collection of resources for schools, families, and students on responding to crises and traumatic events.

Offer Consistent, Widespread Training and Support from Onsite Staff

In narrative responses collected by MDE, school districts frequently mentioned staff training as a strategy they used to reduce the use of restrictive procedures during the 2020-21 and 2021-22 school years. About three-quarters of districts mentioned training staff, with many specifically mentioning CPI and/or other trainings focused on de-escalation.

Districts also reported that maintaining specific expertise on their staff is critical to ensuring they have well-trained staff and consistent implementation of programs, particularly through targeted training and other ongoing learning opportunities for staff. Districts have reported that using Board Certified Behavior Analysts (BCBAs) or other on-staff trainers to assess skills, provide best practices, and target key areas of skill development for students and staff generally led to students spending more time receiving instruction as well as decreases in challenging student behavior and staff injuries. These districts reported that training all staff, including paraprofessionals, to implement tools consistently and creating time for teams to plan and problem-solve has been critical to successful implementation of programs.

Emphasize Social Emotional Learning for Students

Social emotional learning (SEL) is “the process through which young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.”⁴² According to the Collaborative for Academic, Social, and Emotional Learning (CASEL), “SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation” and “can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities.” Developing such competencies in students fosters positive social skills, reduces conduct problems, diminishes emotional stress, and improves academic performance.⁴³

- Districts report that focusing on programs that explicitly teach students prosocial behaviors and emotional regulation has strengthened positive staff and student relationships, contributed to reductions in the use of restrictive procedures, and increased student capacity for academics. Further, several districts reported that compensating staff for intentionally integrating SEL into core academic curriculum has furthered staff’s depth of understanding and ability to confidently implement the skills learned in staff development trainings.

⁴² CASEL. [Fundamentals of SEL – CASEL](#) (Dec. 2021) (last accessed Jan. 3, 2023).

⁴³ Greenberg, Weissberg, O’Brien, Zins, Fredericks, Resnik, Elias. “Enhancing school-based prevention and youth development through coordinated social, emotional, and academic learning” (2003) *American Psychologist*: 58, 466-474; Durlak. “The impact of enhancing students’ social and emotional learning: A meta-analysis of school based universal interventions” (2011). *Child Development*, 872 (1), 1-29.

- [Connecting Social and Emotional Learning \(SEL\) to Professional Growth](#)
Developed in partnership with the Midwest Comprehensive Center at American Institutes for Research (AIR), this webinar reviews SEL, why it is important and practices that promote SEL. During the webinar, Nicholas Yoder, researcher and technical assistance consultant at AIR, describes the important connection between SEL and school climate, and helps the audience develop an understanding of the coordinated school climate and SEL effort to implement in schools and districts.
- [Social and Emotional Learning Implementation Guidance](#) is meant to help schools integrate SEL into school-wide teaching and learning practices so that students will learn, practice, and model essential personal life skills that contribute to academic, vocational, and personal success. Integrating SEL into school helps students learn to be caring and civil, make healthy decisions, problem-solve effectively, value excellence, be respectful and responsible, be good citizens, and be empathic and ethical individuals.
- [Integrating Social Emotional Learning into Academics](#)
This webinar focuses on integrating SEL into academic content. SEL is an evidence-based school climate improvement practice. During this webinar, school staff, superintendents and district and school leaders will receive information on how they can best lead and support integration of SEL into the school day.

Evaluate the Use of School Resource Officers in Schools

SROs are sworn, licensed career peace officers with arrest powers, employed by municipal police departments and sheriffs' offices. A district may contract with one or more law enforcement agencies to provide SROs to work in its schools or programs. The role of the SRO is determined locally.

- [Law Enforcement in Minnesota Schools: A Statewide Survey of School Resource Officers](#)— In 2014 the Minnesota Department of Public Safety Office of Justice Programs conducted a study with the goal of gathering information on the use of SROs in Minnesota schools. This study utilized a statewide survey of law enforcement agencies followed by a comprehensive survey of individual SROs to collect information on the prevalence and characteristics of Minnesota SROs, including the number, location, and demographic characteristics of the officers, the types of schools in which SROs serve, the qualifications necessary to be selected for SRO positions, prior law enforcement experience and specific SRO training, and the typical duties performed by SROs.
- The presence of law enforcement in schools has been controversial. Proponents assert that SROs keep students and educators safe, which in turn creates an environment conducive to learning. Those opposed to law enforcement presence in schools contend there is little evidence to demonstrate that SRO programs reduce illegal or disruptive behavior.
- Anecdotal evidence from some schools that have shifted away from SROs suggest that doing so can contribute to a decrease in arrests and citations of students and other incidents involving police. For example, one district reports that rather than using SROs, it has moved toward the use of district employees with specialized training in school building safety, preventative security practices, verbal de-escalation techniques, non-violent crisis response, mental health disorders, and restorative justice practices.

Improve Referral Processes, Debriefing Meetings and Individualized Data Reviews

In narrative responses, about a third of districts explicitly mentioned time for staff collaboration and/or team meetings as an effective tool to reduce the use of restrictive procedures. Many districts reported the importance of regular team meetings, to allow for collaboration and/or troubleshooting a particular student's needs, as well as developing a consistent process for staff to debrief together following behavioral incidents.

- Districts report that the development and implementation of new procedures to address student behaviors, including procedures for office referrals and more formal debriefing meetings following incidents, have contributed to a reduction in the use of restrictive procedures. Some districts implemented a more formal process to refer a student to a behavior interventionist or other specialist, while other districts successfully implemented a team meeting process to address individual student behavior and allow opportunities for staff to process their emotions concerning a recent behavior event. Further, districts report that better data collection tools and processes have increased their ability to support students and have reduced their use of restrictive procedures.
- The [Oversight Committee Model Agenda and Companion Guide](#) are offered as support for program, school, and district oversight committee meetings to increase efficiency and effectiveness in collaborative discussion and decision-making on the use of restrictive procedures with the goal of reducing the use of restrictive procedures. These documents are meant to be revised and adjusted to meet the needs of the district. They are a work in progress and we encourage users to offer feedback and suggest improvements. Please submit feedback to [MDE's Division of Assistance and Compliance](#) or by calling 651-582-8689.
- [Minnesota Multi-tiered System of Supports Framework](#)
This document provides a description of the essential systemic components of MnMTSS and how these interact, including universal screening, data-based decision-making, evidence-based, tiered instruction and interventions, progress monitoring, leadership behaviors, beliefs and dispositions of educators and staff, community involvement, and culture/climate context.
 - [MnMTSS Overview Part I \(PPT\)](#)
This webinar slide deck will provide an overview of the MnMTSS as a systemic foundation for addressing inequity and improving outcomes for all students in Minnesota and for reaching the Collaborative Minnesota Partnerships to Advance Student Success (COMPASS) goal of accelerating student learning by meeting academic, social-emotional, and school climate needs. Content will include the Minnesota context for development of this framework, the rationale for implementing MnMTSS, and some of the typical implementation challenges.
 - [MnMTSS Overview Part II \(PPT\)](#)
This session will introduce the subcomponents of the MnMTSS framework that serve as the essential foundations necessary for implementing the COMPASS academic, social-emotional and school climate work. Participants will also be provided with Level I of the District and School Self-Assessment tools that will be used to measure current level of district or school implementation in the essential foundations.

Focus on Relationship Building

Strong relationships with teachers and school staff can enhance students' level of motivation and promote learning. Students who have access to strong relationships are more academically engaged, have stronger social skills, and experience more positive behavior.

- [Restorative practices](#) are drawn from the traditions of Indigenous people and communities of color around the world. They are grounded in a belief that people are profoundly relational, interconnected and inherently good. Restorative practices include ways of creating community that honor the importance of relationships amongst all members in the community, as well as practices to repair relationships when harm has been caused. Restorative practices address the needs of all people impacted by the harm. By using restorative practices in the school, people get to know one another and build relationships with each other, which are key elements to learning, bullying prevention, and creating a positive school climate for students and adults. Key principles guide the practices.
- [The BARR \(Building Assets, Reducing Risks\) Center Model](#)
In this webinar, presenters discuss Building Assets, Reducing Risks (BARR). BARR is a strengths-based model that provides schools with a comprehensive approach to meeting the academic, social, and emotional needs of all students. BARR uses eight interlocking strategies that facilitate real, meaningful relationships between adults and students. The BARR model allows teachers to focus on building relationships with students to access their strengths and areas for growth.

Implement Positive Behavioral Interventions and Supports

Positive behavioral intervention and supports are interventions and strategies to improve the school environment and teach children the skills to behave appropriately.⁴⁴ The State of Minnesota has had a longstanding policy encouraging the use of positive approaches to behavioral interventions. Specifically, [Minnesota Rules, part 3525.0850](#) provides: "The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs, or procedures must be designed to enable a pupil to benefit from an appropriate, individualized educational program as well as develop skills to enable them to function as independently as possible in their communities."

- In narrative responses, about half of the districts reported using strategic supports to meet student needs and reduce the use of restrictive procedures. Many referenced supports that are required by state and federal special education law, like functional behavioral assessments (FBAs), positive behavior support plans (PBSPs), BIPs, or similar proactive, positive behavioral supports for students. Other student supports that districts reported included planning for sensory needs and developing relationships with staff.
- [Online training from MDE](#) includes three online training modules for statewide use that provide positive

⁴⁴ Minn. Stat. 125A.0941(d) (2021).

strategies for school district staff to use with students with disabilities, including students with ASD, complex emotional or behavioral disorders, and complex learning needs. These stand-alone modules and supplementary documents are designed for school districts to use in independent staff training.

- [PBIS implementation](#) is a state-initiated project that provides districts and individual schools throughout Minnesota with the necessary training, coaching, technical support and evaluation to promote improvement in student behavior across the entire school, especially for students with challenging social behaviors. PBIS school teams establish clearly defined outcomes that relate to students' academic and social behavior, systems that support staff efforts, practices that support student success and data to guide decision-making. Information is also available about the [federal implementation of PBIS](#).
 - [Restraint and Seclusion \(R/S\) Alternatives in All States and Territories: A Review of Legislation and Policies, August 2021.](#)
 - [Systematic Literature Review of Tier 1 PBIS Implementation in Alternative Education Setting.](#)
 - Center on PBIS "[5-Point Intervention Approach for Enhancing Equity in School Discipline](#)" outlining a 5-point multicomponent approach to reduce discipline disproportionality in schools: 1) collect, use, and report disaggregated discipline data; 2) implement a behavior framework that is preventive, multi-tiered, and culturally responsive; 3) use engaging instruction to reduce the opportunity (achievement) gap; 4) develop policies with accountability for disciplinary equity; and 5) teach strategies for neutralizing implicit bias in discipline decisions.
 - [Additional materials on the topic of PBIS and equity](#) outlining how equity-focused strategies in action plans achieve more equitable outcomes for all student groups using a multi-component approach.
 - "[Establishing Preliminary Evidence for Culturally Responsive PBIS: The Personal Matrix Activity](#)" recording.
 - [Additional information about PBIS and aligned initiatives](#) recording.
 - [Additional information on PBIS to support students with disabilities.](#)
- **Behavioral intervention plans (BIPs)** are typically developed following a FBA. An FBA can identify the combination of antecedents (factors that immediately precede behavior) and consequences (factors that immediately follow behavior) that are associated with the occurrence of inappropriate behavior. Information collected through direct observations, interviews, and record reviews help to identify the function of the problem behavior and guide the development of a BIP. A complete BIP should describe strategies for: 1) addressing the characteristics of the setting and events, 2) removing antecedents that trigger the problem behavior, 3) adding antecedents that maintain appropriate behavior, 4) removing consequences that maintain or escalate the problem behavior, 5) adding consequences that maintain appropriate behavior, and 6) teaching alternative appropriate behaviors, including self-regulation techniques, to replace the problem behaviors.
 - [Behavior Specific Praise: Implementing, Coaching, and Measuring the Impact of this Simple yet Specific Strategy](#): Dr. Benjamin Riden, Ph.D., BCBA-D, James Madison University, and Dr. Andy

Markelz, Ph.D., Ball State University; implementing and measuring behavior specific praise for specificity, contingency, and variety.

Use Effective De-escalation Techniques

Adult responses to student behavior can serve to either escalate or de-escalate a student's behavior. Adults may not always be aware of how their own behavior may inadvertently escalate the behavior of a student they are trying to support, even as they do their best to ensure student safety and uphold classroom and school expectations. When adults use effective de-escalation techniques as a student's behavior is becoming more intense, they have a unique opportunity to prevent intense behavioral responses or other student behavior that can lead negative consequences, including the use of restrictive procedures on students.

- [Strategies for De-escalating Student Behavior in the Classroom](#) provides practical, research-based strategies educators can use to de-escalate challenging student behavior in the classroom. Despite the development of supportive, safe, and predictable school environments, students may, at times, become agitated, and their behavior may escalate to unsafe levels. With some advance planning, educators can reduce reliance on reactive strategies, such as punitive or exclusionary practices (e.g., restraint, seclusion, suspension, expulsion) in favor of safer, more instructive, and inclusive approaches.
- [Prevention and De-escalation of Intense Behavior Responses: What Adults Can Do](#) from the Wisconsin Department of Public Instruction provides strategies and resources for understanding effective ways to de-escalate student behavior and support prosocial replacement behavior that is critical skill for adults to understand and consistently use.

Support Mental Health

- [Children's Mental Health Division of the Minnesota Department of Human Services \(DHS\)](#) administers policy and practice to ensure effective and accessible mental health services and supports for children and families in Minnesota. The division works together with many public and private partners across the state so that children and youth with mental health needs can develop and function as fully as possible in all areas of their lives. DHS is committed to making sure the right services are available at the right time for children with mental health needs and their families.
 - [School-Linked Mental Health Services](#)
 - [Children's Mental Health Crisis Response Services \(CRS\)](#)
 - Crisis Text Line offers free help for those who are having a mental health crisis or are contemplating suicide. Services are available 24/7 across Minnesota. **Text "MN" to 741741.**
 - **Call **CRISIS (**274747)** from a cell phone to talk to a team of professionals who can help you.
- [Mental Health Education in Schools](#)
From the National Alliance on Mental Illness (NAMI), this document includes age-appropriate model

learning activities, best practices in mental health education, and resources for planning and implementing of age appropriate mental health curriculum and instruction (per Minn. Stat. 120b.21 [2022]).

- [Responding to Tragedy and Trauma](#) is an MDE webpage that identifies many resources to help educators respond to racism, violence, and trauma in ways that support students.

Other Resources

- [COMPASS](#) (Collaborative Minnesota Partnerships to Advance Student Success) is a statewide education system created through a collaboration between MDE, Minnesota Service Cooperatives and Regional Centers for Excellence. COMPASS Pathways are now available for six topics. COMPASS Pathways offer a variety of resources, evidence-based practices and facilitated guidance in formats that work best for schools. Types of pathways will vary by the topic, but may include on-demand learning, cohort learning groups or a hybrid of on-demand resources and cohort learning groups. Learn more about the topics below:
- [Student Maltreatment Program at MDE](#) assesses and investigates reports of alleged physical abuse, neglect, or sexual abuse of students that occurs in Minnesota public schools and charter schools. This includes allegations of maltreatment involving students 18-21 years of age, including students receiving special education services, up to and until graduation and the issuance of a secondary diploma.
- [Minnesota Ombudsman for Mental Health and Developmental Disabilities](#) (OMHDD) promotes the highest attainable standards of treatment, competence, efficiency, and justice for persons receiving services for mental illness, developmental disabilities, chemical dependency, or emotional disturbance. The OMHDD is an independent governmental official who receives complaints against government (and government regulated) agencies and/or its officials, who investigates, and if the complaints are justified, takes action to remedy the complaints. Visit its website for more information, or to file a complaint by contacting your regional ombudsman.
- [The Hexagon Tool](#) can be used by communities and organizations to better understand how a new or existing program or practice fits into an implementing site's existing work and context.

Appendix E – February 2023 Two-Year Statewide Plan

Statutory Context

For MDE, in consultation with interested stakeholders, to report school districts' progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures under Minn. Stat. 125A.0942, subd. 3(b).

For MDE, in consultation with interested stakeholders, to recommend strategies for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. Components include the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion and recommendations to clarify and improve the law governing districts' use of restrictive procedures under Minn. Stat. 125A.0942, subd. 3(b).

Measurable Goals

Goal 1: MDE will annually submit a report to the Minnesota Legislature summarizing the state's progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities in the use of restrictive procedures. The report will also summarize MDE's and the workgroup's progress on actions in the statewide plan.

Goal 2: By December 31, 2024, the workgroup will compile and recommend to MDE, strategies and resources to assist school districts in reducing the use of restrictive procedures, working toward eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

Goal 3: Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion annually using the 2018-19 school year data as a baseline.⁴⁵ During the 2018-19 school year, school districts reported 5,596 seclusions and 860 students with disabilities experiencing seclusion.

- a. By the end of the 2022-23 school year, the number of seclusions will be reduced by at least 560 and the number of students with disabilities experiencing seclusion will be reduced by at least 86 as reported to MDE by Minnesota school districts, for a total of at most 5,038 seclusions and at most 774 students with disabilities experiencing seclusion.
- b. By the end of the 2023-24 school year, the number of seclusions will again be reduced by at least 560 and the number of students with disabilities experiencing seclusion will be reduced by at

⁴⁵ The previous statewide plan also used the 2018-19 school year as the baseline which reported 5,596 seclusions and 860 students with disabilities experiencing seclusion. This statewide plan adopts the same baseline instead of developing a new baseline because of the impact of the COVID-19 pandemic and related disruptions. Data in recent years shows positive trends, but it is unclear if these are due to changes in practice or due to changes in learning modes and staffing challenges related to the pandemic. MDE will continue to evaluate data and consult with stakeholders to reexamine the baseline for the next two-year statewide plan.

least 86 as reported to MDE by Minnesota school districts, for a total of at most 4,478 seclusions and at most 688 students with disabilities experiencing seclusion.

Scope of the February 2023 Two-Year Statewide Plan

The February 2023 Two-Year Statewide Plan outlines actions that MDE and the workgroup, with the facilitation and support from MDE, will take to reduce the use of restrictive procedures and eliminate seclusion.

Timeline

The February 2023 Two-Year Statewide Plan will be implemented starting February 1, 2023. Updates to the February 2023 Two-Year Statewide Plan, including progress and revisions as needed, will be provided in the annual Legislative Report submitted by MDE.

MDE's Actions in Support of the Goals

MDE Action 1: MDE will collect, analyze and report school districts' use of quarterly seclusion data and physical holding summary data, including data on disproportionalities, for each school year. MDE will also report annually on trends identified through qualitative analysis of school districts' reported strategies for reducing the use of restrictive procedures.

MDE Action 2: MDE will convene quarterly workgroup meetings to consult with interested stakeholders, facilitate stakeholder recommendations to MDE, develop and implement the two-year statewide plan, and prepare the legislative report.

MDE Action 3: MDE will report at least annually on activities that are potentially connected to school districts' efforts to reduce the use of restrictive procedures and eliminate seclusion, such as: school district use of [PBIS](#) each school year, including the number of new and reconnecting schools participating in cohort training; the status and provisions of the Olmstead Local Improvement Grants awarded to school districts for the duration of the grants; and school district use of suspension and expulsions (from disciplinary incident reporting).

MDE Action 4: MDE will offer training sessions to school districts and other interested stakeholder groups throughout the state. The training will include an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations and recommended strategies for reducing the use of restrictive procedures and eliminating seclusion. The Assistance and Compliance Division will collaborate with the Equity, Diversity, and Inclusion (EDI) Center to incorporate elements in the training to assist school districts in identifying and addressing disproportionalities in the use of restrictive procedures, and to advise school districts on engaging families and students.

MDE Action 5: MDE will compile a list of MDE resources and federal resources that align with effective strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures.

Workgroup Actions in Support of the Goals

Workgroup Action 1: The workgroup will identify, develop, and recommend to MDE strategies and resources to assist school districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. The workgroup will focus on areas such as:

- Developing a resource for school districts on engaging families and students (particularly in school districts' efforts to reduce restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures);
- Collaborating with MDE on a restrictive-procedures-focused resource for school districts using or considering police liaison officers/school resource officers;
- Providing feedback on a list of training programs developed by MDE after consultation with the Minnesota Department of Human Services that may meet requirements for the skill and knowledge areas outlined in Minn. Stat. 125A.0942, subd. 5 for staff who use restrictive procedures; and
- Providing feedback and recommendations on a list of experts developed by MDE to help IEP teams reduce the use of restrictive procedures.

The workgroup may also identify emergent issues and develop and recommend strategies and resources to assist school districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures.

Workgroup Action 2: The workgroup will review MDE's 2023 and 2024 legislative reports required under Minn. Stat. 125A.0942, to identify, develop, and recommend to MDE ways to use and share the information presented. In particular, the workgroup will review the sections and appendices on *Data on School Districts' Progress on Reducing the Use of Restrictive Procedures and Eliminating Seclusion* and *Strategies and Resources for School Districts to Reduce the Use of Restrictive Procedures, Eliminate Seclusion, and Address Disproportionalities in the Use of Restrictive Procedures*.

Workgroup Action 3: The workgroup will review strategies provided by school districts in response to annual summary information questions and identify, develop, and recommend to MDE ways to use that information to support school districts in their efforts to reduce restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures.

Workgroup Action 4: The workgroup will review other state advisory groups focusing on education, students' behavioral health, students with disabilities, and other related topics to identify possibilities for workgroup collaboration on recommendations to MDE regarding changes to guidance, practice, or legislation related to reducing the use of restrictive procedures.